



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 21 June 2005.

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DÁIL ÉIREANN

*Dé Máirt, 21 Meitheamh 2005.
Tuesday, 21 June 2005.*

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

*Paidir.
Prayer.*

Ceisteanna — Questions.

European Issues.

1. **Mr. Kenny** asked the Taoiseach if the arrangements for his forthcoming visit to Luxembourg and Germany have been finalised; and if he will make a statement on the matter. [17793/05]

2. **Mr. Kenny** asked the Taoiseach if the agenda for the forthcoming meeting of the European Council in Brussels has been finalised; and if he will make a statement on the matter. [17794/05]

3. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will bring forward proposals for a referendum on the EU constitution within the next year. [18088/05]

4. **Mr. Sargent** asked the Taoiseach the referendums being considered for 2005; and if he will make a statement on the matter. [18372/05]

5. **Mr. J. Higgins** asked the Taoiseach his priorities for the upcoming European Council meeting to be held in Brussels in June 2005. [18935/05]

6. **Mr. J. Higgins** asked the Taoiseach if he has received an agenda for the upcoming European Council meeting to be held in Brussels in June 2005. [18936/05]

7. **Mr. Allen** asked the Taoiseach if the resources available to the National Forum on Europe will be enhanced to take account of its remit in bringing information regarding the EU constitution to persons here; and if he will make a statement on the matter. [18586/05]

8. **Mr. Kenny** asked the Taoiseach his plans for constitutional referenda during the remainder of 2005; and if he will make a statement on the matter. [19036/05]

9. **Mr. Kenny** asked the Taoiseach the agenda for the forthcoming meeting of the European Council; and if he will make a statement on the matter. [19037/05]

10. **Caoimhghín Ó Caoláin** asked the Taoiseach the agenda for the forthcoming meeting of the European Council in Brussels; and if he will make a statement on the matter. [19097/05]

11. **Caoimhghín Ó Caoláin** asked the Taoiseach the visits abroad he plans to undertake during the remainder of 2005; and if he will make a statement on the matter. [19098/05]

12. **Mr. Rabbitte** asked the Taoiseach the outcome of his meeting with the Prime Minister Juncker of Luxembourg on 2 June 2005 in regard to EU issues; and if he will make a statement on the matter. [19099/05]

13. **Mr. Rabbitte** asked the Taoiseach the outcome of his meeting with Chancellor Schröder of Germany on 2 June 2005 in regard to EU issues; and if he will make a statement on the matter. [19100/05]

14. **Mr. Rabbitte** asked the Taoiseach if he plans to meet or have discussions with other EU leaders in advance of the European summit to discuss the implications of the referenda results in France and Holland; and if he will make a statement on the matter. [19102/05]

15. **Mr. Rabbitte** asked the Taoiseach if he has received a final agenda for European summit meeting on 16 and 17 June 2005; and if he will make a statement on the matter. [19103/05]

16. **Mr. Sargent** asked the Taoiseach the agenda for the June 2005 European Council meeting; and if he will make a statement on the matter. [19362/05]

17. **Mr. Sargent** asked the Taoiseach if he will report on his recent visits to Luxembourg and Germany; and if he will make a statement on the matter. [19363/05]

18. **Mr. Sargent** asked the Taoiseach if he will report on any communications he has had with the French President, Mr. Jacques Chirac, or the Dutch Prime Minister, Mr. Jan Peter Balkenende, following the recent referendum results in their respective countries; and if he will make a statement on the matter. [19365/05]

19. **Mr. J. Higgins** asked the Taoiseach if he will report on the referenda that will be held in 2005. [19881/05]

20. **Mr. J. Higgins** asked the Taoiseach the matters discussed and any conclusions reached at the recent European Council summit. [19879/05]

21. **Mr. J. Higgins** asked the Taoiseach if he will report on bilateral meetings held on the margins of the recent European Council summit. [19880/05]

22. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the outcome of the European summit on 16 and 17 June 2005; if it is intended to proceed with the planned referendum on the EU constitution in view of the outcome of the summit; and if he will make a statement on the matter. [20737/05]

23. **Mr. Rabbitte** asked the Taoiseach the referenda it is proposed to hold before the end of 2005; and if he will make a statement on the matter. [20738/05]

24. **Mr. Kenny** asked the Taoiseach if he will report on his attendance at the June 2005 meeting of the European Council; and if he will make a statement on the matter. [20753/05]

25. **Mr. Kenny** asked the Taoiseach if he will report on the bilateral meetings he held on the margins of the recent meeting of the European Council in Brussels; and if he will make a statement on the matter. [20754/05]

26. **Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on his participation in the European summit in Brussels; and if he will make a statement on the matter. [20934/05]

27. **Mr. F. McGrath** asked the Taoiseach the position regarding the EU constitution. [21834/05]

28. **Mr. Sargent** asked the Taoiseach if he will report on the outcome of the European summit of June 2005; and if he will make a statement on the matter. [21056/05]

29. **Mr. J. Higgins** asked the Taoiseach if he will report on the matters discussed and conclusions reached at the European Council summit meeting on the EU budget. [21255/05]

The Taoiseach: I propose to take Questions Nos. 1 to 29, inclusive, together.

I travelled to Luxembourg on 2 June at the invitation of Prime Minister Juncker, who was meeting each of the EU Heads of State or Government in advance of the June European Council meeting, to discuss the EU constitution and the financial perspectives for the period 2007 to 2013. I informed Prime Minister Juncker that we will continue our preparations for a national referendum on the EU constitution and that we looked forward to a full discussion at the European Council meeting where the implications of the outcomes of the French and Dutch referenda were to be assessed.

On the financial perspectives, we discussed the revised “negotiating box” which had been circulated by the Presidency just prior to the meeting. I outlined Ireland’s position in these negotiations, and emphasised the importance of respecting the October 2002 agreement on the funding of the Common Agricultural Policy. Later in the day, I travelled on to Berlin to deliver a lecture at Humboldt University and also met Chancellor Schröder. We discussed the European constitution in the light of the negative outcome of the French and Dutch referendums. We also exchanged views on the financial perspectives and informed each another of our negotiating positions. I met the Prime Minister Mr. Blair on 15 June in advance of the European Council. The discussions at that meeting included current EU issues.

As Deputies are aware, we will have a full debate on the outcome of the European Council today. I attended the Council in Brussels on 16 and 17 June. The Minister for Foreign Affairs, Deputy Dermot Ahern, and the Minister of State at the Department of Foreign Affairs with responsibility for European affairs, Deputy Treacy accompanied me to the European Council. While a broad range of issues on the European agenda was dealt with at the European Council, the key business was that of the European constitution and the financial perspectives. I have arranged for the conclusions of the Council and its declaration on the constitution to be laid before the House.

I very much regret the outcome of the French and Dutch referendums. We must fully respect the democratic right of the French and Dutch peoples, just as we must respect the decisions of the ten member states that have already ratified the European constitution. I spoke to President Chirac on 3 June and conveyed those sentiments to him.

It was agreed at the European Council that the ratification process should continue. However, the Council took note of the negative outcome in the French and Dutch referendums and agreed that a period for reflection, clarification and discussion was called for, both in those countries that have ratified the Treaty and in those that have still to do so. It is accepted that the timetable for ratification may be altered in some member states and there is a general understanding that the original target date of 1 November 2006 for entry into force is now almost certainly not tenable.

The European Council understands that those member states that must hold a referendum before ratification may need a longer and more intense period of reflection, clarification and discussion in the light of the French and Dutch results. Member states that intend holding a referendum should do so when they deem it opportune. It is still the Government’s view that the constitution is strongly in Ireland’s interest and that of the European Union as a whole. The European Council will assess the situation in the first half of 2006 under the Austrian EU Presidency.

The Government remains committed to ratifying the European constitution. Obviously, following the discussion at the European Council, we will not at this stage set a date for the referendum or progressing the Referendum Bill. We will continue to prepare for a referendum. We will use the period of reflection to intensify our engagement with the European constitution and Europe in general.

The failure to reach agreement on the financial perspectives was a further setback for the European Union at a time when it is still coming to terms with the results of the French and Dutch votes on the European constitution. The package put forward by the Presidency would have been good for Ireland and for the Union. Our part-

icular national concerns were to safeguard the October 2002 agreement on the funding of the Common Agricultural Policy, to ensure adequate cohesion arrangements for our regions in transition, to reach agreement on a further PEACE programme and to ensure as fair a deal as possible with regard to our contribution to the EU budget.

The issue of the British budgetary rebate was one of the main stumbling blocks to reaching a final agreement on the financial perspectives. Following failure to reach agreement, the issue will now be taken forward under the incoming British Presidency and possibly the Austrian Presidency. The European Council will return to this matter. It is important that an agreement on the financial perspectives be achieved sooner rather than later. With regard to the resources available to the National Forum on Europe, I understand the forum is satisfied.

I advised the House on 18 May on my plans for foreign visits to the end of the year. Since making that statement, one additional visit to Hungary in November has been agreed. This visit is part of the ongoing schedule of bilateral meetings with European heads of Government to discuss EU issues.

Mr. Kenny: I was disappointed at the outcome of the summit meeting in Brussels. Last year, at the summit of leaders of the EPP, I proposed that all countries requiring to hold a referendum should do so on the same day so that one country's decision would not prejudice another's. Unfortunately, that is what has happened. Arising from that, does the Taoiseach intend to put the Bill dealing with ratification of the EU constitution through the House before the summer recess? Can he confirm that, arising from this debacle, it is not intended to hold a referendum in Ireland, at least this year? The Taoiseach is aware of my party's position regarding the European constitution. There are obviously practical difficulties that must be considered arising from the clear prejudice that exists. People ask why they should vote if the constitution cannot be passed after the French people's decision.

My second question concerns the fall-out from the budgetary discussion at the summit meeting. Does the Taoiseach agree the attack on the Common Agricultural Policy by the British Prime Minister was simply outrageous and that, as the CAP has been radically reformed on a number of occasions in recent years, the Irish people who voted for an expansion of the European Union did so on the basis of every other farmer having the opportunity to bring themselves up rather than being forced to endure a cutback which will cost Irish farmers dearly? Will the Taoiseach now use what some of the media refer to as his much-vaunted special relationship with the British Prime Minister to contact him directly about this matter? Britain, and particularly the British Prime Minister on the eve of his assumption of the European Presidency, should not have

opened up something that was negotiated and overhauled already.

Does the Taoiseach believe this attack on the CAP by the British Prime Minister puts the European Union in a very much weakened position as a group heading into the next round of the World Trade Organisation talks? Does this not considerably weaken the impact of Europe? Does the Taoiseach agree that it means countries such as China and to a lesser extent India, and some personnel in the United States, will be more than anxious to see a fractured Europe, unable to agree on a budget, unable to agree on a constitution and very much heading in a backward and negative direction?

This requires cool heads and strong and clear leadership. Unfortunately, there was no evidence of this from the most recent meeting in Brussels. A return to ego trips and national cases will not help build the European process that Jean Monnet spoke of so eloquently many years ago.

The Taoiseach: We will continue to keep the matter of the constitution under review. Deputy Kenny is correct that the referendum will not take place this year. I have made clear that we will publish a White Paper in September. I have made no decision about the Bill but I will consult the Opposition parties before moving on that. It will certainly not be before the summer.

The position is that the European Council will look at the constitution again during the Austrian Presidency. That period of discussion and reflection will probably take place closer to next summer. However, if the Austrian Chancellor believes it could be after Christmas, it may prove be the case. A number of countries will proceed with a vote while others will continue with a parliamentary ratification process, which will build up the number of states who have dealt with the matter.

We will see where we are at the beginning of the Austrian Presidency. Some 18, 19 or 20 countries will have dealt with it at that stage. A number of countries will continue with a ratification process. Luxembourg has decided to go ahead with a vote and Poland is likely to do the same from what Prime Minister Marek Belka has said to me. It is important for us not to lose momentum. We should continue on with the European project, explaining the issues and putting forward a White Paper for debate in the autumn. I welcome Deputy Kenny's support for this initiative.

On the financial perspective, I do not disagree with anything Deputy Kenny said. It is a fair analysis of the situation. Members are aware that I was anxious to meet the Prime Minister Mr. Blair because I knew the position he was taking from the COREPER meeting and from the newspapers I saw last weekend. It is diametrically opposed to our position. I will not fudge on that. I agree with Mr. Blair on many issues and we get on very well but I disagree with him totally on this. He does not accept the position that the

[The Taoiseach.]

rebate should be changed and argues that any negotiations on the rebate should be effectively funded out of totally changing the CAP.

He is not seeking a modification of the CAP — I could understand that argument but not accept it — but a fundamental redraft of the entire budgetary position of the Union. I told him on Wednesday that I did not believe we could do that by Friday night. It was not his stated position a month ago and I do not believe it will be the position in six months' time. The entire basis cannot be fundamentally altered. Deputy Kenny correctly noted the changes that arose from the 1992 proposals of the then Irish EU Commissioner for Agriculture, Mr. MacSharry. In Berlin in 1999, significant changes were made to the CAP. In 2002 breaking the link between subsidies and production and moving to a total basis made a fundamental change. I agree with the latter change and, since 1997, I have been on the record in this House as saying that I did not believe the CAP could continue as it was but that a realistic position would have to be taken. I made this point at every meeting I held with the IFA and ICMSA. I have support on this from Deputy Kenny's party.

It is unfair to express the view, as was done in recent days, that the CAP is old-fashioned, negative for Europe or an organisation for backwoodsmen or that reforms have not taken place. I said at this weekend's meeting that this is a dishonest way to present the issue. Regardless of the rows that take place on reform of the CAP, an agreement is an agreement. The third round agreement reduced the CAP budget to approximately 40% whereas it was over 70% in the late 1980s and early 1990s. In 1988, I was involved in the first round of negotiations with Mr. MacSharry as Minister for Finance and the then Minister for Agriculture, Mr. Michael O'Kennedy. As Minister for Labour, I addressed the social fund. The CAP then represented approximately 73%. It is now 40% and is likely to decrease further.

The British position is that the entire matter ought to be totally re-phased and the 2002 agreement and its ensuing restructuring should be disregarded only after which could discussions on the rebate begin. I believe this to be a dishonest presentation because, if the negotiating position of countries such as the UK was that there are no resources for other issues, why did they lead a campaign to limit the scope of the EU budget to 1%? I spelled this out at the March Council meeting of the Irish Presidency. Why stick to a 1% argument before the Commission's proposals are seen?

There is no logic in this but a debate was not held. The answer at the recent Council meeting was that logic would not be used nor a debate be held and, as agreement would not be reached, we should all go home. I do not accept this position, which represented a bad day's work for Europe. Deputy Kenny is correct, however, in that one

has to move on in order to look for a more logical position. It is neither the first nor the last occurrence of such an event, which probably indicates that long meetings are not the best idea, even for European leaders.

Caoimhghín Ó Caoláin: Does the Taoiseach accept the verdicts of the French and Dutch people in rejecting the draft EU constitution? I am happy to state for the record that I welcomed these verdicts. Does he accept that, if an EU constitution is introduced, it will differ from the current draft constitution because the latter cannot secure the unanimous support of every EU member state? Will he join me in rejecting the view that the EU member states that have not yet voted have been intimidated by the verdicts in France and the Netherlands? An Irish MEP and Member of this House recently expressed this view.

I ask the Taoiseach to clearly explain the motivation for delaying the ratification period beyond November 2006. I would like a clear answer on this. Was it because the verdicts of the people of France and the Netherlands were respected, which implies that the constitution as it stands is, to all intents and purposes, dead in the water? Is it, as many suspect, an exercise to buy further time by placing the draft constitution for Europe in cold storage so it can be resurrected at some future time viewed as more auspicious in terms of the intent of the Taoiseach and others to have it approved? Perhaps the Taoiseach can advise us exactly what is the position as we would like to know. Does the Taoiseach still intend to proceed with a referendum on the draft constitution for Europe already rejected by both the French and Dutch electorates and, if so, when?

The Taoiseach: I answered almost all those questions in my opening reply but I will briefly state again that I fully respect the democratic right of the French and Dutch people just as much as I respect the decisions taken by the ten member states that ratified the constitution for Europe. I respect both positions.

The European Council has made a decision to have a period of reflection, clarification and discussion in all member states during the next 12 months. Analysis is under way in the Netherlands and France to examine the issues. Parliamentary debate is taking place in some countries working towards ratification while other member states have temporarily stalled the process to hold more intensive debate. A referendum will still take place in Poland and Luxembourg. Each country is examining the issues that create problems and difficulties for the Union and seeking ways to explain them and make progress on them.

I assure Deputy Ó Caoláin that it was clearly decided recently there is no possibility of anyone within the European Union renegotiating the draft constitution for Europe. No one will cherry-pick it or remove parts of it and it will remain in

its entirety the same document that has already been before parliaments and peoples in many countries. The only reason for the delay is to give more time to member states for the period of reflection, clarification and discussion than was available. What the French or Dutch peoples, Governments, parliaments and administrations will do is a matter for them and not for me.

Mr. Sargent: It is interesting to hear the Taoiseach discuss how he respects the decisions of others. Does he agree that the best way of respecting those decisions is to recognise that we also agreed to be bound by the rules established? Does he still recognise that the constitution for Europe requires unanimity? On that basis, can he indicate why he believes it is not effectively dead?

Is he aware — and I would be surprised if he were not — that the spokesperson for the French President indicated France will not hold a second referendum? The Dutch Prime Minister stated the Netherlands will not vote again. Does the Taoiseach agree this indicates the constitution for Europe is dead and, if not, what does he know that he may not have already told us? Would it be more honest and upfront to adopt the Swedish position? They will not proceed with a referendum or ratification unless matters change, which is not stalling but stopping.

Does the Taoiseach now regard the White Paper on the Nice treaty as being slightly inaccurate as it stated that treaty was intimately linked with plans for enlargement and was intended to complete the process? Is it now unclear as to what was meant there, although I took it at face value? If that is the case, has more evolved than was the case at that time?

The Taoiseach stated that ten countries have ratified the treaty but will he recognise that only Spain had a popular referendum? On that basis, would it not be right to re-examine the proposal made by my colleague, Deputy Gormley, at the convention that a referendum should be held in all member states on the same day to reflect the decision of the European Union and all its people as opposed to what is now a failed piecemeal way of going about the process? I accept that was the agreed rule but it may be the wrong rule from the Taoiseach's point of view in that unanimity is needed and it can only be based on everybody voting to accept the convention. If we are to go back to the agreed rule, does the Taoiseach believe Deputy Gormley's proposal has merit?

The Taoiseach: To answer the first question, everybody around the table at the European Council agreed that the constitution remained the valid response to the concerns of citizens and the best available compromise. The situation is difficult because two countries voted "No" by popular opinion — the ballots were very high — but ten other countries, including Spain, voted for the constitution by popular opinion. Another four or five countries are moving ahead with the ratification process and very quickly the number in fav-

our will be 15. Others have delayed their process, as we are doing here. We will not deal with the Bill before the House. The rule that everybody must agree by unanimity will not change. The only change is the date by which the final decision must be made and then discussed by the European Council. It will not be 1 November 2006, it will be some date after that, perhaps not long after that but it will be a matter for the Presidencies next year to make that determination. There is no point in making it now.

I know what the French President and Administration have said and I know what the Dutch have said. As the Deputy is aware, they have equally said that they want everyone to continue with the ratification process, but I cannot interpret what they might do in the future. That is a matter for them.

Mr. J. Higgins: Will the Taoiseach indicate whether the state leaders accepted that the French and Dutch working class were making a very strong statement on the current direction of the European Union in rejecting particularly the rampant neo-liberal economic policy orchestrated by the European Commission, the privatisation of public services and attacks on pension rights and hard-won working conditions by European workers? Does he agree that the rejection by the French and Dutch people was on those fundamental issues and, as such, their attitudes will not be reversed to embrace what has been referred to as the Anglo-Saxon neo-liberal model of profiteering and privatisation?

Mr. F. McGrath: Hear, hear.

Mr. J. Higgins: Because of that, does the Taoiseach accept it is clear that the proposed constitution is dead in the water? Is that not clear from the failure of the French and Dutch Governments to explain how they intend to proceed in current circumstances, unlike the Taoiseach who, after the rejection of the first Nice referendum, flitted quickly across to Europe to say we will put it to the people again? Does the Taoiseach agree that the rejection and the current position of crisis in the European Union shows that the political and business elite of the EU are divorced from the real problems and concerns of working people? Even the Taoiseach, as President of the EU last year, looked like a man suffering from semi-Napoleonic delusions as he flitted from castle to castle and chateau to palace to get the constitution agreed among the elite.

Mr. F. McGrath: He is a castle socialist.

Mr. J. Higgins: I imagine the Taoiseach was very relieved last Saturday night to retreat to a watering spot in Drumcondra, far from the Elysée and other such places.

An Ceann Comhairle: The Deputy should confine himself to the question as other Members are offering.

Mr. J. Higgins: The Taoiseach stated in the House, when looking forward to the summit, that external affairs would be on the agenda. I asked him through correspondence to raise the freezing of further significant monetary aid to the Pakistani Government in view of the arrest of hundreds of trade unionists — members of the telecommunications union — who were fighting privatisation in that country. Did the Taoiseach have an opportunity to raise this matter?

The Taoiseach: I have answered most of the points raised. The Deputy knows he is even out of line with the Socialist Party in France, which had a long debate about the constitution and voted for it. It was the only party that had such an extensive——

Mr. J. Higgins: It is not a socialist party any longer.

The Taoiseach: They are not the Deputy's kind of socialists, who do not exist anywhere. The Socialist Party in France voted strongly for the constitution following a protracted debate. Unfortunately, the "Nos" came from the bourgeois and elites in France, who were most opposed to the constitution.

Mr. F. McGrath: That is not true. The Left was active.

Mr. Sargent: Just because they can read does not make them bourgeois.

The Taoiseach: I am glad Deputy Higgins is associated with such people, which is par for the course. The constitution continues; there will not be any change to it or renegotiation of it.

The kind of issues to which the Deputy referred in regard to social dialogue were precisely the issues that the convention debated and got into the constitution for the first time. The European Trade Union Confederation, ETUC, did a good job. We worked closely with it, making sure the issues of social dialogue, protection for workers and respect for public services were promoted. The work of the Irish Government in this regard was widely acknowledged by ETUC at European level. I am shocked to find the Deputy is so totally out of touch with what was negotiated one year ago.

Mr. J. Higgins: I studied it until late last night.

The Taoiseach: I will arrange to send a copy of the constitution and the White Paper to the Deputy so that during his summer break in Kerry, he will have an opportunity to read it closely. He will then be better informed when the White Paper comes out in September.

Mr. F. McGrath: The Taoiseach could bring him for a pint.

The Taoiseach: On the one serious point made by Deputy Higgins, the Pakistani authorities are reported to have on 13 June detained approximately 300 staff of a Pakistani owned telecommunications company following strike threats. I understand the strike was sparked by the announcement that the Pakistani Government, which owns 88% of the company, planned to sell 26% of the company, a move which trade unions fear will result in large scale job losses in Pakistan. Tensions were reportedly high among the approximately 65,000 people who currently work with the company. After ten days of the strike at the beginning of June, the Pakistani Government and the trade union action committee signed an agreement and believed the matter was completed. However, recent reports indicate that the Pakistani Government has gone ahead and sold the 26% share of the telecommunications company to a telecommunications company in the United Arab Emirates.

I took up the matter. Acting on our request, the Heads of Mission in Islamabad have agreed to raise the issue with the Pakistani authorities during the biannual human rights *démarche* that will take place in the coming days.

Mr. J. Higgins: That is one positive thing the Taoiseach did.

The Taoiseach: I thank the Deputy.

Mr. Rabbitte: The Taoiseach said he knew about the British position from the COREPER meeting prior to the Council. When did he learn of the position of the British Prime Minister on the reform of CAP as a *quid pro quo* in terms of the British rebate? Will the Taoiseach explain the sense of the British Prime Minister being prepared to put so much at risk for a rebate of the order of £1.7 billion sterling, which is not very significant in the context of the British budget? Will the Taoiseach state how he sees the way forward? Is there likely to be progress under the British Presidency, given the double whammy of the failure to agree a budget and the Dutch and French decisions on the constitution? What are the implications for Romania and Bulgaria? Is it intended to proceed with the discussions, due to be initiated in autumn, with the Turkish Government? Is it not being flippant to dismiss out of hand the points of Deputy Joe Higgins on why the electorate in France and the Netherlands did what it did? I refer to, for example, French views on some of these issues regarding the direction of the economy and the opening of discussions with Turkey. Is there any point in not admitting there is an issue there? Does the Taoiseach agree that, in terms of attending meetings around the country, it is alright for us on this side of the House to state there will be no referendum on the constitution prior to a general election in Ireland?

The Taoiseach: There is an analysis in the Netherlands and France of what they perceive to be the main issues. They would rather present the results of that analysis. Obviously Turkey is one of the issues but there is a range of issues. The view of French people whom I trust in the debate is that a coalition of the far-right and far-left came together and in no category did it win. People right across the board voted against the constitution. Having spoken to both sides the number one issue put forward by them was unemployment. Unfortunately that was not in the constitution, as happens in referenda. Reasons numbers two, three, four and five in the analysis were not part of the constitution. In fact none of the six or seven issues identified in the analysis were dealt with in the constitution.

The Deputy makes a fair point on enlargement. Last night I met the President of Serbia and Montenegro and he is deeply concerned where the commitments lie for them. I was able to reassure him that, despite the difficulties in this European Council, the conclusions of the Thessaloníki European Council meeting of June 2003 were restated, namely, that these discussions would take place and that the stabilisation agreements would continue. Hopefully these issues will be finished in the autumn. There is good progress being made in those areas and they are not being abandoned. In spite of the difficulties of last week, work on all of these areas will continue.

The position on Turkey is now outlined, following events last December. Everyone knows this is going to be a protracted period but I do not see the discussions being deferred or delayed from the present programme. That will continue but it will take considerable time. I said it will be six or seven years before we see the end of those discussions. As the Deputy knows there is much pressure from the Ukraine concerning its position. All of these issues are there and they are of concern to people in many ways.

The position on the constitution is that it is not alright for people to say there will be no referendum. Sometime in the Austrian Presidency a call will be made on where to move next. At that point 19 or 20 countries might have ratified the constitution. A number of countries are very strong and do not want to stop at all. They will use the period for reflection but they want to move on. Ultimately people want to know what the Netherlands and France will do but that is not going to happen at this stage, if it happens at all. We will have to wait to see what happens. When British Government Ministers come under pressure, they say they will not agree to the rebate until they get a fundamental review of EU funding. That is nothing new — it has been their standard answer — and the more pressure that is put on them, the more they maintain that position. Prime Minister Blair repeated that to me last week also. They maintain that the British rebate applies to all expenditure, other than non-agricultural spending in member states. They say that the annual British rebate will average approxi-

mately €5.5 billion. While this would have increased the UK's net contribution, the UK would by no means be the largest net contributor in *per capita* terms. The British make that point all the time.

The difficulty is that there is an agreement, signed in 2002, and, despite what the British Foreign Secretary Jack Straw continually says, there was no way out of that. He gave two different quotes about two references, with which nobody else agrees. He has his argument to fight for but none of the others agreed with it. In addition, Mr. Straw does not accept that the 2002 deal effectively meant that by 2013 the EU's CAP for 25 member states would be less than the EU budget for 15 member states. In itself, therefore, it is a major reform.

Deputy Quinn knows that, as I have said on the record of the House many times, I never expressed the view that the CAP, at 70%, could remain as it was and that we could all go on ignoring it. I had many a row with the IFA and ICMSA on this issue but the reforms were made, thus moving to an entirely different system. Because so much more was saved within the CAP budget of €295 billion, which I realise is a big figure even in today's terms, the Commission would have been able fully to accommodate Romania and Bulgaria. Changed production methods meant that less financial resources would be required and, therefore, there was plenty of capacity for a reduction.

I have no difficulty with the British position, which was that they felt money should be spent on other areas. I agree with the British on research and development, training and other areas, but they should not have been so tough about keeping the budget at 1%. Before the British saw the Commission's proposals, they were out fighting the campaign for the 1% club. The British Chancellor, Gordon Brown, said he would not go beyond 1%, but it is somewhat disingenuous to say, a year later, that they will not agree to an extension to 1.06%. The British wanted the whole issue restructured before they would agree to anything.

On where it goes from now, last weekend's European Council is over and it is not much good for anyone to go on about it. I certainly will not do so after today's report on it. A number of important projects must be taken up, including the financial perspective. While it does not have to be agreed right now, it is important that it is agreed over the next six to nine months. The financial perspective requires, particularly for the new member states, a position of setting in the subheads.

When the European Union was enlarged from 15 members to 25, nobody believed that when we came to deal with the next financial perspectives, the ten applicant countries would not be fighting for €1 in resources, but asking other member states to stop arguing and move forward. That was the saddest aspect of the summit. Nobody in their wildest dreams ever thought that would hap-

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pen, including myself. In fairness to the new member states, they need decisions to be taken as quickly as possible on the EU financial perspectives so that they can make their own budgetary preparations, including new programmes, subheads and arrangements. The deadline for that is probably in about nine months' time, but it is putting pressure on the new member states. Whatever our differences, the last thing we should do is make life difficult for the new member states as they have already introduced significant reform and have enough further reform to implement. They need funding so they can move on. Otherwise it would be very unfair. Whatever else we do, we should assist them and show solidarity.

Mr. F. McGrath: Does the Taoiseach accept that elected Members in this House have major concerns about the EU constitution? The Taoiseach remarked earlier that everybody around the table at the Council meeting was in agreement. That might represent the people at the higher political level, but many citizens throughout the European Union have major concerns about the constitution.

Does the Taoiseach accept that the outcome of the French referendum represents the view across Europe and the view of other people in this House such as myself? Many people have these concerns. It was not just a question of the far left but of a broad coalition in France against the EU constitution, including the broad left and community and trade union groups. They read the constitution, which was a best seller during the debate in France.

Is the Taoiseach determined to push through this constitution, regardless of the consequences? The impression people are getting is that certain governments are determined to push it through against the wishes of many of their citizens. These are legitimate and democratic concerns.

The Taoiseach: Parliaments in different parts of Europe are voting 100% or in excess of 95% in favour of the constitution. The politicians in those parliaments have been elected by the people and know their feelings and their moods. If issues such as those mentioned earlier, for example, not extending Europe further, keeping Turkey out or not giving it the opportunity to join, keeping the western Balkans out, or saying "no" to the Ukraine, represent the Deputy's views — in line with the views expressed — I will respect that. He can, ultimately, explain to the people in those countries that this is the way it is.

I do not share that view. I think countries that have been out of Europe that want to return to it should have the opportunity to be part of it. They are entitled to that. Many of the issues, such as social dialogue and competencies of industries and state companies, are ones that were fought for by the trade unionists of Europe who are happy with them as part of the constitution. By

and large, trade unionists throughout Europe supported them. While the Deputy may be against those issues, I do not accept that is a majority view. It is not my view. Ultimately, the Irish people will have the chance to give a view depending on circumstances. I hope we will not find that is their view either.

Priority Questions.

Health Services.

51. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the number of services (details supplied) for the elderly, that were promised in the national health strategy 2001, which have been delivered since 2001; and if she will make a statement on the matter. [21184/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The national health strategy, *Quality and Fairness: A Health System for You*, was launched in 2001 by the former Minister for Health and Children, Deputy Martin. The strategy is centred on a whole system approach to tackling health in Ireland and goes beyond the traditional concept of health services. It is about developing a system in which best health and social wellbeing are valued and supported. The strategy sets out a blueprint to guide policy makers and service providers in the planning and delivery of health services over a seven to ten-year period. It sets national goals for better health for everyone, fair access, responsive and appropriate care delivery and high performance.

There have been many reforms to our health services since the publication of the strategy, most notably the enactment of the Health Act 2004 which transferred responsibility for the management and delivery of health and personal social services to the Health Service Executive. The strategy outlined a number of action points regarding services for older people which the executive continues to implement. The Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have details of the specific services for older people being delivered now to be collated and to reply directly to the Deputy.

I would like to highlight a number of developments since the publication of the strategy. Additional revenue funding of approximately €121 million was allocated for services for older people between 2002 and 2004. Some €15.228 million in additional funding has been allocated for services for older people this year. That money is being spent on a variety of services, such as nursing home subventions, home care grants, elder abuse and the home help service. Following the publication of the O'Shea report on the nursing home subvention scheme, a working group of all stakeholders was established by the Depart-

ment to review the scheme's operation and administration. The review was launched in 2003, at the same time as the report of the Department of Social and Family Affairs on the financing of long-term care.

An interdepartmental group comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs and chaired by the Department of the Taoiseach was established in January 2005 to identify the policy options for a financially sustainable system of long-term care. The group is due to report to the Tánaiste and the Minister for Social and Family Affairs this summer. Home care grant schemes have been piloted in a number of areas as an alternative to long-term residential care, to assist older people living at home in the community. Older people being discharged from the acute hospital system and those living in the community are being targeted under the schemes. Funding of €2 million has been allocated to the Health Service Executive for the scheme this year.

The ten-point action plan aimed at improving the delivery of accident and emergency services, which was announced by the Tánaiste, is being implemented at present. Additional revenue funding of €70 million has been made available to the Health Service Executive in 2005 for the initiatives, which include measures to facilitate the discharge of patients from acute hospital beds to a more appropriate setting.

Additional information not given on the floor of the House.

There are three specific proposals relating to services for older people in the plan. An additional 500 older people will receive intermediate care for up to six weeks in the private sector. Some 100 high-dependency patients will be transferred from acute hospitals to private nursing home care. The home care package scheme will be expanded to support 500 additional older people who have been discharged from the acute hospital sector to their own homes.

Dr. Twomey: I will remind the Minister of State of the kind of details I was seeking when I tabled this question. I wanted to know how many of the promised 600 additional day hospital beds were provided. It was planned to provide such beds in facilities offering specialist services to those affected by falls, osteoporosis, fractures, Parkinson's disease, strokes, heart failure and incontinence. Have the promised 1,370 additional assessment and rehabilitation beds been put in place? How many of the planned 7,000 day care places for the elderly have been provided? What has happened to the Government's intention, as outlined in the strategy, to establish 800 places each year in additional extended care and community nursing units? It is not unreasonable, almost four years after the publication of the strategy, to want to know how many of the places

in question have been put in place in the health care system.

What is happening in respect of long-term beds? I tabled a question six months ago looking for information about the number of long-stay beds in public nursing homes under the control of each of the six HSE subdivisions. I learned that the number of such beds is decreasing in each of the subdivisions which bothered to reply. I did not receive a response from some of the subdivisions to my parliamentary question.

Do I understand correctly from the Minister of State's reply that the Government did not initiate a review of its policy for the care of the elderly until recently, even though such a review was promised in the health strategy? Is it the case that no policy will be in place until the review has been completed? Can the Minister of State explain why just 5% of people in this jurisdiction who suffer strokes have access to rehabilitation beds, according to the Irish Heart Foundation, when 70% of people in Northern Ireland enjoy such access in such circumstances? I would like the Minister of State to tell me why many of the statistics relating to care beds are terrible. We have heard many announcements of what is planned.

An Ceann Comhairle: We are running out of time for this question.

Dr. Twomey: I would like to get answers to the questions I have asked. We all hear about spin, but—

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

Dr. Twomey: I am looking for an answer to the clear question I originally submitted. The former Minister for Health and Children, Deputy Martin, and the Minister of State, Deputy Callely, spent two years discussing the planned provision of 850 community beds. Now it has gone into a puff of wind.

Mr. S. Power: As I have said, the 2001 health strategy outlined a number of measures which could be taken to improve services for older people. The Government has implemented a number of the strategies. The HSE will continue to implement the strategies and to make the improvements which have been commenced. I have given details of the finances which have been made available to support the measures in question. The Department has contacted the parliamentary affairs division of the HSE to get the specific figures sought by Deputy Twomey.

Dr. Twomey: When the Minister of State writes to the HSE, he should ask it to reply promptly to the questions asked by Deputies. I refer to questions which have been submitted.

Cystic Fibrosis Incidence.

52. **Ms McManus** asked the Tánaiste and Minister for Health and Children the steps she proposes to take to deal with the fact that Ireland has the highest incidence of cystic fibrosis in the world and, as highlighted by the Pollock report, dangerously inadequate staffing levels for the treatment of cystic fibrosis, which fall below internationally accepted norms, as well as the gross underfunding of isolation facilities, which leave patients at risk of cross-infection; and if she will make a statement on the matter. [21025/05]

Tánaiste and Minister for Health and Children (Ms Harney): I have seen the report that the Cystic Fibrosis Association of Ireland commissioned from Dr. Ronnie Pollock. The report confirms that Ireland has the highest incidence of cystic fibrosis in the world. It reviews existing hospital services for people with cystic fibrosis in the context of accepted international standards and concludes that the services available for such people are not of the required standard. The report includes an assessment of need for current and future cystic fibrosis patients. It makes recommendations about the numbers and categories of staff which are appropriate for a modern and multidisciplinary cystic fibrosis service.

The Health Service Executive established a working group following the publication of the report, at the request of the Cystic Fibrosis Association of Ireland. The working group is reviewing the configuration and delivery of services to persons with cystic fibrosis, in hospitals and in the community. The working group will make recommendations about the reconfiguration, improvement and development of such services. The multidisciplinary working group, which includes representation from the Cystic Fibrosis Association of Ireland, held its first meeting in early April. I understand that it hopes to complete its work in the next few months.

The Pollock report is one of a number of reports about cystic fibrosis services being considered by the working group. The working group's endeavours will result in an agreed proposal for the development and reconfiguration of services for cystic fibrosis patients in Ireland. I will be glad to meet representatives of the Cystic Fibrosis Association of Ireland and the Health Service Executive to discuss the development and reconfiguration of services for persons with cystic fibrosis.

Ms McManus: I welcome the Tánaiste's agreement to meet representatives of the Cystic Fibrosis Association of Ireland. They have sought such a meeting for some time, but have been unable to extract a commitment to that effect from the Tánaiste. I look forward to the meeting.

Having read the Pollock report, does the Tánaiste accept that conditions are so severe and acute that it is not enough to establish a working group to put in place the short-term measures

which are needed? She is simply not facing up to her responsibilities in this regard. Dr. Pollock has warned that the conditions in St. Vincent's Hospital, which is this country's major cystic fibrosis centre, are so acute that there is a serious risk of cross-infection from virulent organisms. If such an outbreak arises, it might result in litigation similar to that associated with the hepatitis C infection scandal. Such a warning deserves a response from the Tánaiste. She should not hive off her responsibilities in this regard to a working group that might produce a report or a national plan at some point in the future that could be months or years away. We face a serious risk in the meantime. Acute problems such as insufficient staffing, gross overcrowding and a lack of isolation, protection and safeguards are being encountered in St. Vincent's Hospital, where most cases of cystic fibrosis are dealt with. What is the Tánaiste doing to relieve such risks and pressures?

Ms Harney: I have met the CEO of the Cystic Fibrosis Association of Ireland as part of my dealings with another group. I would be more than happy to meet other representatives of the association. The Department of Health and Children receives approximately 600 letters, including many invitations, every four days. I assure Deputy McManus that I would be happy to meet representatives of the Cystic Fibrosis Association of Ireland and any other group. The working group to which I referred in my response was established at the request of the association. Some 300,000 has been made available to St. Vincent's Hospital for minor works. The hospital authorities are making new facilities available. I have allocated over €42 million under this year's capital programme for the purchase of the equipment needed at the new hospital building to which St. Vincent's Hospital will move as soon as possible.

I share the Deputy's view on this matter. The working group will need to consider the reconfiguration of services, which are far too disparate at present. Six different areas are covered at the moment. I will not give details of the plans to bring together the facilities currently offered at Beaumont Hospital and Temple Street Children's University Hospital. There is a need for a specific group to sit down to work out how to bring the manpower and facilities together. The €300,000 that has been allocated to St. Vincent's Hospital will facilitate the appointment of a locum consultant. The working group is anxious for that appointment to be made. While some resources have been made available, I agree that we have to do more. I hope we will see significant improvements at St. Vincent's Hospital, which is the national centre in this field, when the new hospital building is in operation and after some further decisions have been made later this year.

Ms McManus: When the Minister meets the association, will she be in a position to say to the

family members of those who suffer from cystic fibrosis that the gross risk of infection is being dealt with, that the provision of care at St. Vincent's Hospital will meet the best standards and within what timeframe? It is very easy to talk about working groups being set up to deal with national plans but commitments need to be made on consultant cover at the hospital. I understand that when the consultant goes on holiday, there is no one to cover the position, which is extraordinary. What timeframe is the Minister talking about in terms of dealing with the acute problems at St. Vincent's Hospital? When can people be secure in the knowledge that their family members will be in safe conditions and will be cared for with sufficient staffing to meet their needs, regardless of the time of year? What timeframe is the Minister talking about?

Ms Harney: This year. The money was provided to recruit additional staff, including a locum consultant, a physiotherapist and other nurse specialists, and also to provide additional bathroom facilities to avoid the infection issues to which the Deputy referred. Together with what is currently happening, additional space is being made available at St. Vincent's Hospital for cystic fibrosis patients. This is happening as we speak.

Hospital Services.

53. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the funding for capital projects for acute hospitals she has approved since she took office; the funding for capital projects that is proposed for the remainder of 2005, including projects in Monaghan General Hospital and Cavan General Hospital; and if she will make a statement on the matter. [21185/05]

Ms Harney: The Deputy will appreciate that, on taking up office at the end of September 2004, the bulk of the capital programme for that year had already been committed. This included prior approvals under the multi-annual health capital programme to progress major developments in the acute hospital sector. In addition, significant investment had already been approved earlier in 2004 in respect of minor capital works in acute hospitals throughout the country.

Notwithstanding the above, there remained some flexibility in regard to further capital approvals during the latter months of last year. In that time, a number of approvals issued in individual cases that ranged, for example, from €5 million approved for a new integrated imaging management system for St. James's Hospital, Dublin, to €660,000 for Waterford ambulance station. The health sector drew down all capital funding available in 2004 and funding for capital projects in the acute sector for that year exceeded €320 million.

The Health Act 2004 provided for the Health Service Executive 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 capital programme. Capital funding for the health service is now largely provided through the Health Service Executive in line with the capital investment framework. This amounts to €564 million in 2005, of which in excess of €250 million will be directed towards the acute hospital sector.

I am pleased to inform the House that I have written to the HSE to convey my agreement to allow for the progression of its capital programme in 2005. The capital provision for my Department in the current year amounts to €20 million. This relates directly to funding for a small number of agencies such as BreastCheck, the Health Research Board, the Health Information and Quality Authority and the Adoption Board.

In regard to the two hospitals referred to by Deputy Ó Caoláin, I can confirm that the capital investment programme makes provision for particular works to be advanced during this year. These projects are currently at planning stage and include the upgrade of existing ward accommodation in Monaghan General Hospital and the fit-out of existing space to provide for an additional 25 bed ward and a fourth operating theatre in Cavan General Hospital.

Caoimhghín Ó Caoláin: At this stage, one almost knows off by heart the section in the reply referring to the HSE. It is the standard reply we get to all parliamentary questions submitted on health-related issues.

Does the Minister recall that in September last year, just before her predecessor, Deputy Martin, left office, following a meeting with representatives of the North Eastern Health Board, he agreed to progress as a matter of urgency a range of measures for Cavan General Hospital and Monaghan General Hospital? Does she recall also that some, but not all, of the commitments of the Minister, Deputy Martin, were repeated in her reply to a Dáil question from this Deputy on 12 October? I understand some of the commitments have been fulfilled, which is welcome. However, I want to ask the Minister about the outstanding commitments. First, there were to be ten additional day beds at Monaghan General Hospital, which have not materialised. This is a cause of great concern to staff and patients. Why have these extra beds not been delivered? When will they be delivered?

In a statement following the September meeting, the former Minister, Deputy Martin, promised to provide a CAT scan facility at Monaghan General Hospital. The Minister omitted to mention this in her reply in October. I would like her to address the fact this did not follow through between the departure of the former Minister, Deputy Martin, and her taking up office. What has become of that commitment? When making further inquiries recently in regard to this matter, a staff member stated that the lack of a CAT scan facility is crucifying the hospital. This is the reality with which the staff is dealing. Is the Mini-

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ster aware that an average of six patients per day, and sometimes more, many of them on ventilators, are brought by ambulance or transported by whatever means to Cavan for CAT scans? Nurses must accompany these patients, which means the complement of nurses available at Monaghan General Hospital is severely reduced on a daily basis where there is already a shortage of nursing staff. Will the Minister commit to provide a CAT scan facility, as promised last September?

Finally, the 19 additional beds at Cavan also committed to, and followed through in the Minister's statement in October, have not been provided. When will that commitment be delivered on?

Ms Harney: The Deputy will be aware that some of the works at Monaghan General Hospital have been completed, therefore, there is a gap between the approval of funding for capital infrastructure and the use of whatever improvements take place. I must come back to the Deputy on the CAT scan question. There is no CAT scan facility in Dundalk which has a higher number of patients who travel to Drogheda. I do not know whether it is feasible for every hospital in the country to have a CAT scan facility. There are significant revenue implications in terms of staff, including radiographers and others, for a CAT scan facility. I am not in a position to comment on whether a volume of six per day is realistic. Even though it may be difficult and traumatic for the individuals involved, CAT scans are expensive. It is intended that Cavan and Monaghan general hospitals will operate as a single hospital on two sites. Because of the population in the catchment area and other factors, it is not feasible that they can operate totally independently of each other as fully functioning hospitals. There have been many discussions with the Deputy on this matter.

The commitments made last September and October are being honoured. The capital funding necessary to make these commitments a reality has been put in place. Presumably it is a question of staffing to ensure the 25 beds in Monaghan General Hospital are equipped.

Caoimhghín Ó Caoláin: On the larger emergency room to operate on a 24 hour, seven day, basis, I understand completion is expected within the next two weeks. I hope this proves to be the case and that it will be operable as soon as possible. For the Minister to make comparisons between the journey from Dundalk to Drogheda with that from Monaghan to Cavan—

An Leas-Cheann Comhairle: The Deputy must be brief as we have exceeded the time limit.

Caoimhghín Ó Caoláin: I am being brief. One is talking about two different realities for patients on ventilators travelling for CAT scans. The

Minister should make no mistake about it, there is absolutely no comparison whatsoever. It is imperative for the patients concerned to have a CAT scan facility. It is worrying that she is advising us that she has no such knowledge of the CAT scan facility proposal. I ask her to re-inform herself of the commitment of the former Minister for Health and Children, Deputy Martin, and ensure it is re-affirmed by her and delivered at the earliest opportunity.

I tabled a parliamentary question on women-centred services at Monaghan General Hospital on 10 May, which was referred to the HSE at some time, but I only received a reply yesterday, six weeks after the question was tabled. Why was there such a delay? Will the Minister answer the part of the question not addressed in the reply I received yesterday, that is, the plans for further development in women-centred services at Monaghan General Hospital, which must include the recommencement of maternity services?

Ms Harney: The HSE is putting in place a parliamentary affairs division. The functions of the health boards only transferred to the HSE on 15 June. By the autumn, a fully resourced and well functioning division will be in place, which will provide speedy responses to parliamentarians. This was sought and discussed during the passage of the relevant legislation.

Four hospitals are located in Drogheda, Dundalk, Monaghan and Cavan, which is an area with a relatively small population, and two of them do not have CAT scanners. I accept there are issues when people have to travel but the jury is out on whether it is feasible to provide a CAT scan facility, not just the equipment, which costs between €1 million and €2 million, but the staff to ensure it functions properly and the number of patients to use it. I am not in a position to make a commitment nor am I in a position to say that maternity services will be restored at Monaghan General Hospital.

Caoimhghín Ó Caoláin: Will the Minister outline the plans for development of women-centred services at the hospital?

An Leas-Cheann Comhairle: I call Question No. 55 because Deputy Neville is not present for Question No. 54.

Question No. 54 answered after Question No. 55.

Nursing Homes.

55. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children if she will respond to criticisms from nursing home operators that her Department has delayed more than four months in responding to a request for service level agreements for contract beds and that no staff level rules exist for nursing homes even following such high profile cases as Rostrevor and Leas Cross;

and if she will make a statement on the matter. [20980/05]

Mr. S. Power: The issue of a service level agreement for the supply of contract beds was raised by representatives of the Irish Nursing Homes Organisation, INHO, at a meeting with me in February 2005. The Department pursued this issue with the HSE and was informed that the INHO had been in discussion with the former Eastern Regional Health Authority for some time on the development of service level agreements in the eastern region. The HSE has confirmed a response has issued to the INHO enclosing a draft service level agreement and addressing the issues raised in this connection by the organisation. The INHO has acknowledged receipt of this response and has undertaken to revert to the HSE on the matter.

The staff levels for nursing homes are set out in the Nursing Homes Regulations 1993. However, having regard to the level of public concern about the registration and inspection of the nursing home sector, it is imperative immediate action is taken to ensure current systems and processes are as robust as they can be within the context of the current regulations. Responsibility for the inspection and registration of the nursing home sector was assigned to the HSE national care group manager, older people's services, from 15 June 2005. Steps are being taken to evaluate current processes and to agree and oversee the implementation of a national standardised inspection process. A progress report on this review will be available by 5 September 2005. Recommendations arising from this process in respect of the amendment of legislation or regulation will be addressed in consultation with the Department of Health and Children.

The social services inspectorate was established in April 1999, initially on an administrative basis. Regulations to establish the inspectorate on a statutory basis and legislation to extend its remit will be introduced in both Houses later this year. The inspectorate will be charged with the inspection of the public and private nursing home sectors and with the setting of standards against which these homes will be inspected. Establishing the inspectorate on a statutory basis will strengthen its role and will provide it with the necessary independence in the performance of its functions. It will also serve to increase public confidence in State and voluntary social services. Work is in progress in the Department to allow the necessary legislative requirements to be put in place as soon as possible.

Mr. Gormley: The health authorities have confirmed they wish to close Leas Cross nursing home. Is it not the case the Minister of State, the Department, the former health boards and the HSE knew about the appalling conditions in which elderly people lived in nursing homes but did nothing? Does the Minister of State agree that to allow the most vulnerable people in our society to endure such torture was shameful?

Does he further agree his inaction was absolutely shameful?

Will he confirm 33 nursing homes received adverse inspection reports? Will he name them? Will he take the same action against them as was taken against Leas Cross nursing home? Does he agree a geriatrician must be deployed in these homes and reports and action are needed so that the same scenario does not occur with people suffering? When will the new legislation and regulations be introduced? The Taoiseach made promises and gave undertakings. When will action be taken?

Mr. S. Power: It is totally incorrect to say we did nothing. Communication has been ongoing with the Leas Cross nursing home for some time and while progress was made, it was not happening quickly enough. We took action and sent in a new management team to rectify matters in the home. Unfortunately, it was not possible to provide the necessary changes that would have ensured the patients received appropriate care in the proper environment. In view of that, we decided to take further action and the HSE released a statement yesterday confirming the action we took.

The system in place for inspecting nursing homes was not functioning properly and did not achieve the desired result. On foot of that, we decided to take further action and will bring forward legislation later this year to put an inspectorate in place, which will cover private and public nursing homes.

Mr. Gormley: Will the Minister of State reply to the question about the 33 nursing homes? Will he name them? What does he intend to do about them, given that the Leas Cross scenario applies in many different nursing homes throughout the State? I do not want to depend on "Prime Time" to tell me in a few weeks that there are other cases, I want the Minister of State to take action.

Mr. S. Power: We have taken action and Leas Cross is not the only nursing home in which such action has been taken. The inspectorate has difficulties regarding nursing homes and a number of issues might need to be addressed. Some could be minor while others are severe and critical. I cannot outline the names of all the nursing homes with which the Department has had difficulties in the past.

Mr. Gormley: Why not?

Mr. S. Power: I do not have the information with me but I can provide the Deputy with that information.

Mr. Gormley: Will the Minister of State give me the names?

Mr. S. Power: I certainly will, that is not a problem. It is not our intention to defend nursing homes which do not provide an acceptable level

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of care, particularly where the Department has assisted people to move into long-term care. We demand a certain level of care because it is the least they deserve. We will make the necessary changes to ensure older people receive appropriate care in nursing homes.

An Leas-Cheann Comhairle: As we are still on Priority Questions and Deputy Neville has arrived, Question No. 54 may be taken.

Mental Health Services.

54. **Mr. Neville** asked the Tánaiste and Minister for Health and Children her plans and programmes for the provision of services for persons suffering from eating disorders; if her attention has been drawn to the fact that eating disorders are serious psychiatric illnesses, with a 20% mortality rate; and if she will make a statement on the matter. [21183/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Responsibility for the management and treatment of a person with an eating disorder rests with the individual patient's clinician. However, persons presenting with eating disorders are generally treated through the local psychiatric services. Outpatient psychiatric services are provided from a network of hospitals, health centres, day hospitals and day centres. Where inpatient treatment is deemed necessary, it is provided in the local psychiatric unit or hospital, beds being allocated on the basis of patient need at any particular time. A tertiary referral service for eating disorders is available to public patients in St. Vincent's Hospital, Elm Park, Dublin, where three inpatient beds are designated for this purpose.

An expert group on mental health policy is currently preparing a national policy framework for the further modernisation of the mental health services. The expert group has a number of sub-groups looking at specialist issues in mental health services, including eating disorders. The expert group is expected to report later this year.

There are three main eating disorders — anorexia nervosa, bulimia nervosa and binge eating. In addition, there is another category of eating disorders not otherwise specified which has a high rate of psychiatric and general medical co-morbidity that often conceals, clinically and statistically, the underlying eating disorder or condition. There is little evidence that anorexia nervosa is increasing but there is a perception that cases are presenting at younger ages, sometimes as early as seven or eight years. It is estimated that there are 80 deaths per annum from eating disorders, that is, approximately 20% of the total number of eating disorders referred to the health services. It is also estimated that 60% of eating disorder patients recover while the remaining 20% partially recover.

There are three designated specialist beds for the treatment of eating disorders in the public

psychiatric service. These are at St. Vincent's Hospital, Elm Park. There are also two eight bed units in the private sector, one in St. Patrick's Hospital and the other in St. John of God Hospital, Stillorgan. Due to the denial aspect of an eating disorder, it has been difficult to orient patients towards early treatment. It is not unusual to encounter first presentations in the accident and emergency department due to some other medical condition. The issue of early detection, therefore, is important.

There is strong evidence that general practitioners here are ill equipped to deal with eating disorders because of a lack of education in the area. Due to the complexity of eating disorders, inputs are required from many different professional skills delivered by medical, psychological, social work, nursing and dietetic personnel. These can only be provided through full multi-disciplinary teamwork.

Mr. Neville: I thank the Minister for his comprehensive reply. He dealt with many issues I had intended to raise. When will the report on the mental health services be produced?

Mr. T. O'Malley: This year.

Mr. Neville: Given that 400 people are admitted to hospital each year with eating disorders, does the Minister accept that there should be a specialised service in each regional health service area to deal with this rather than just the three beds in Dublin? The Minister said there are 80 deaths each year or 20% of the eating disorder patients admitted to hospital. That is a significant number of deaths.

Perhaps the Minister will deal with another matter that has concerned me for some time, which is the eating disorder of obesity and the connection or influence it might have on those who have an eating disorder as outlined by Bodywhys. I congratulate Bodywhys on its work. The messages from the obesity campaign, which are important and correct and which I do not seek to criticise, might have an effect on those who have a starvation disorder such as anorexia nervosa or bulimia. The message being conveyed to the people with those conditions is that eating too much is bad. Should the campaign not focus on having healthy eating habits and attitudes rather than on reducing the amount of food one eats? I am concerned there will be an increase in the number of eating disorders as we know them as a result of the message being conveyed about obesity, which is an important matter in itself. There should be balance in how this is dealt with.

Mr. T. O'Malley: With regard to the obesity campaign, my colleague, Deputy Seán Power, is doing a great deal of work in the area of health promotion and promoting positive and proper eating habits. Much of that work is done through the schools and that is only right. It is the best place to get the message across to children. If

they get the message at that stage, they will have it for the rest of their lives.

It is a complex matter, as Deputy Neville is well aware, to convey the message of healthy eating while taking account of how that affects people with anorexia nervosa and other eating disorders. The people we are discussing obviously have psychological and psychiatric problems. I will discuss the matter with my colleague, Deputy Seán Power, to ensure that everything we do will encourage positive eating and not have the side effect of adding to the problems of the people mentioned. I understand the point made in this regard by the Deputy.

The Deputy also mentioned the possibility of having eating disorder beds in each of the four HSE areas. That is a good suggestion. It is not acceptable for young people in remote areas, or their parents or guardians, that they should have to travel long distances to get treatment. I will consider that suggestion. However, a sub-group of the expert group is considering this matter and I wish to be guided by that sub-group, as the Deputy would wish to be.

Other Questions.

Hospital Acquired Infections.

56. **Mr. G. Murphy** asked the Tánaiste and Minister for Health and Children if the guidelines of 1995 dealing with the control of MRSA in acute hospitals have been implemented in each hospital; and if she will make a statement on the matter. [20930/05]

62. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children the person who is responsible for the cleanliness, hygiene and infection control in each acute hospital; the name and position of these persons; and if she will make a statement on the matter. [20907/05]

108. **Mr. G. Murphy** asked the Tánaiste and Minister for Health and Children the reason MRSA and other contagious diseases are not coming under control in hospitals; and if she will make a statement on the matter. [20908/05]

109. **Ms McManus** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the recent figures produced by the Irish Patients Association showing that Ireland has the highest rate of MRSA infection in Europe; her views on these figures; if she intends to introduce legislation or regulations providing for the mandatory reporting of MRSA; and if she will make a statement on the matter. [20813/05]

125. **Mr. McCormack** asked the Tánaiste and Minister for Health and Children if she requested the HSE to ask each acute hospital to submit a report on issues regarding hygiene and infection control before the HSE began its audit of these

issues; and if she will make a statement on the matter. [20896/05]

140. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children her views on the latest report that shows that Ireland has the worst rates of MRSA in Europe; the progress made to date in dealing with the MRSA problem; the cost to date; and if she will make a statement on the matter. [20942/05]

148. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Health and Children the efforts she is making to curb the spread of MRSA; and if she will make a statement on the matter. [20881/05]

241. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she has issued guidelines to hospitals on hygiene policy to combat the MRSA bug; if same has been monitored in hospitals; if there is any feedback on same; and if she will make a statement on the matter. [20960/05]

313. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of cases of MRSA reported to date; the action taken arising from such reports; and if she will make a statement on the matter. [21286/05]

314. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the reason it has not been possible to address the issue of MRSA in view of the fact that the cause or causes are well known and simple to remedy; and if she will make a statement on the matter. [21287/05]

Ms Harney: I propose to take Questions Nos. 56, 62, 108, 109, 125, 140, 148, 241, 313 and 314 together.

Prevention and control of hospital acquired infections is a priority for me and for the Health Service Executive. The director of the national hospitals office has engaged external consultants to carry out an independent hygiene audit of every hospital this summer. The results of the audit will be made public and will ensure that the issue of hygiene is taken more seriously by hospitals than has been the case in the past.

Every hospital will know that the public will have access to the results of the hygiene audit and this will encourage hospitals to perform better to tackle MRSA and help to ensure that the matter is taken seriously. I am not happy with the standard of hygiene in hospitals and it is one of the first things I asked the new national hospitals office to deal with. I am determined that our hospitals are run to the highest possible standards. There is no excuse for low standards when huge money is being spent on cleaning programmes involving both in-house cleaning and outside contracts.

We need an all out national effort to deal with MRSA. Anything that requires to be done will be done, by way of reporting, getting correct data published and changing practices in hospitals. We will also make money available for public awareness campaigns targeted at people visiting

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hospitals so they are fully informed about best hygiene practices.

I am aware of the recent report published by the Irish Patients Association on hospital acquired infections, HAIs. Since 1 January 2004, MRSA is included in the revised schedule of infectious diseases under the infectious diseases regulations. Under these regulations the Health Protection Surveillance Centre, HPSC, must be notified of persons suffering from any of the diseases set out in the schedule to the regulations. The HPSC also collects data on MRSA bloodstream infection as part of the European antimicrobial resistance surveillance system.

The number of MRSA cases reported in Ireland for 2004 was 553. The provisional figure for the first quarter of 2005 is 145. According to the HPSC, the rates of MRSA observed in Ireland is high and compares with the United Kingdom, France and southern European countries. The lowest rates are seen in the Netherlands and Scandinavia, although those rates are rising.

A SARI infection control sub-committee has recently updated the national guidelines for the control and prevention of MRSA in hospitals and in the community. The key recommendations cover such areas as environmental cleanliness, bed occupancy levels, isolation facilities, hand hygiene, appropriate antibiotic use and protocols for the screening and detection of MRSA. These guidelines are with the Health Service Executive for finalisation and should be published in the coming weeks.

Dr. Twomey: Will the Tánaiste find out who is responsible in each hospital for hygiene and cleanliness? What sanctions has the Tánaiste prepared for a hospital that fails in this regard? I am surprised the Tánaiste is carrying out an audit through a UK-based company rather than an Irish-based one.

Does the Tánaiste have the authority to find out what is happening in the 37 acute hospitals under her control? Does she accept that MRSA is fast becoming another litigation
4 o'clock nightmare in respect of the health care services because simple protocols have not been followed since 1995 and this will lead to at least 200 cases coming to court in the foreseeable future? Has the Tánaiste received correspondence from the Health Service Executive or an equivalent organisation on MRSA and its presence in hospitals, especially in the past 12 years, and what has gone wrong or what is being done to try to stop it?

Will the Tánaiste explain why a meat factory or a hotel, which has a significant public health responsibility, is raided by environmental health officers, whereas a hospital is not? Does she see merit in my proposal to set up a flying squad of experts, such as clinical nurses and quality control experts who would raid hospitals, which should be the safest places in the country? A flying

squad could carry out an independent audit of hospitals without warning throughout the year.

The Tánaiste referred to septicaemia of MRSA in hospitals but that statistic is not broken down by hospital. It is done at laboratory level. Septicaemia of MRSA is a good indicator of how out of control MRSA is in a hospital. Publishing those figures for each hospital would provide a ready answer as to where the problem lies.

These are simple questions that have nothing to do with the audit or extra money but with who is responsible and what we can do that will work for the future. Studying markers such as septicaemia will better indicate what is going, or has gone, wrong.

Ms Harney: The English company won the contract. We are obliged under public sector recruitment procedures to go to tender. The company has significant experience in this area. The audit will be done during July and August for every hospital and will give us strong base information.

The Health Service Executive recently held the first conference of all the persons responsible for cleaning hospitals. The responsibility lies with people at different levels in each hospital. International best practice suggests that when a senior clinician has responsibility for hygiene in the hospital the standards are higher. It may be that a microbiologist should have overall responsibility for hospital hygiene.

I said recently that when I held my previous portfolio I visited meat factories and other places of work where hygiene standards were much higher than they are in health care. We would not allow food to be produced in the kind of hygiene environment in which patients are treated. That is not acceptable and that is why I have made this matter a priority. I have had many discussions with the national hospitals office on this issue.

One of the main tasks of the new information and quality authority will be to set standards. We must have standards and enforce them. There is merit in the Deputy's suggestion about a hit squad but unless the squad were to do the cleaning it would not achieve much. There is significant variation in what people believe to be the appropriate standards. That is why the conference took place and why the audit is important. As a result, each hospital will be told what is and is not acceptable.

I want to see greater transparency in reporting and I accept the Deputy's point that this is not done hospital by hospital. I am discussing this with the medical team in the Department and the Health Service Executive. One of the issues that arises is that there is greater laboratory surveillance now than there was in the past. That is not an excuse because it does not give the full answer but it may explain the higher incidence as we now have data which we did not have previously. That, however, does not excuse the fact that there were 105 cases of MRSA in the first quarter of this year.

Ms McManus: Does the Tánaiste accept that this problem affects not only hospitals but also other institutions such as nursing homes? There is a terrible irony in the fact that teams are sent into workplaces to check whether somebody is puffing a cigarette while MRSA is rampant through the hospital sector. Collecting data and carrying out surveillance does not ensure action on this terrible infection.

Would the Tánaiste consider extending the powers of the Health and Safety Authority as a simple way to ensure enforcement? MRSA could be made a notifiable disease and the Health and Safety Authority could, if necessary, work with public health doctors to investigate hospitals and nursing homes which are workplaces but where the risk to patients is greater than to staff. Surely the Tánaiste could do this straight away? Providing such a capability to enforce best practice and levy penalties on those who did not comply would transform the situation. Instead of finding out who is in charge in a hospital the Tánaiste could make it clear that there is a requirement on hospitals to meet hygiene standards and if they do not they will incur serious penalties.

Is the Tánaiste preparing a legal defence against those litigants who are taking legal action with the encouragement of a Government Deputy? What is the Government's position? Will it fight every case?

Ms Harney: I presume that if litigation arises it will involve the institutions concerned, namely, hospitals, which have their own insurance policies. The Health and Safety Authority has a specific remit in regard to the health and safety of workers. It does not have the expertise for this job which is a clinical matter. This is not a matter of basic cleanliness, in which we are all expert. One must go behind the scenes to ensure that everything in the hospital is run to the highest standards. The consultancy that won the contract has significant expertise in this area and will provide a good measure of the situation.

Following the audit, discussions will take place in each hospital to ensure a senior person, hopefully at microbiologist level, will take responsibility for this area. That is already the case in some hospitals.

Standards will be part of the remit of the health information and quality authority to ensure that patients receive treatment of the highest possible standard, including the hygiene standard. That Bill will come before the House later this year. It is recruiting its chief executive officer and other experts in that area.

Mr. Durkan: While some aspects of an investigation into this issue may be complicated, does the Tánaiste recognise that generally the cause or causes are simple? Since taking up office has the Tánaiste, or anybody in the Department of Health and Children, sent a directive or circular to each hospital and nursing home in the country outlining the basic cause or causes of this infec-

tion and requesting that immediate steps be taken to deal with it?

I presume the Tánaiste is also aware, notwithstanding the expertise of the consultants — of whom we have seen many in recent years — that in the United Kingdom, whence this company comes, there is also a serious problem in regard to this infection. The company may derive its expertise from its experience in the United Kingdom.

Would it be beneficial for the Tánaiste to give readily available information in the House? Dr. Twomey said we could get a reply to most questions a month or two later because they are referred to the Health Service Executive. That is totally unsatisfactory. Previously, when the old health boards still existed, a directive was given instantly and a reply expected within 24 hours.

Ms Harney: I said that the HSE is in the process of putting in place a parliamentary affairs division that will be fully resourced. The intention is that, by the autumn of this year, Members of the Oireachtas and others will have very speedy access to responses such as the one that the Deputy seeks from me.

The earlier part of the Deputy's question concerned what I have done since taking up office regarding hygiene. At my first meeting with Mr. Pat McLoughlin after his appointment as head of the national hospitals office, I raised the matter as a priority issue. I made money available in the Estimates for hygiene related initiatives. Mr. McLoughlin felt that the most appropriate way to proceed was to have a hygiene audit so that we could see the state of play. That had to go to public tender.

However, that is not the only initiative, since there have been many discussions with individual hospitals and a conference at which those responsible for hygiene have heard what is expected of them, and there will be many more efforts of that nature. Making the information publicly available will in itself act as pressure on those with responsibility in the area to act quickly. I said this in another forum, and I do not mind repeating it here. When the nuns were running the hospitals, they were always spotless.

Mr. Durkan: Simplicity.

Ms Harney: Some things are basic, but with others one must be in the back office ensuring that everything is run to the highest possible standard, and that is what we intend to ensure.

Mr. Durkan: Has that instruction been issued?

Mr. Gormley: Only last week I heard of the case of a gentleman who was admitted with a heart attack to an intensive care unit. His son-in-law told me the skylight above his bed was covered with cobwebs. Hygiene simply does not exist in some of our hospitals. The Tánaiste and Minister for Health touched on the point that, in

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the old days, when we had no money and no Celtic tiger, our hospitals were spotless. Now that we have the money, we have private companies in — more privatisation, which the Tánaiste favours — and many hospitals are filthy. I have visited some lately and the problem is simply appalling. The question has once again been asked what action will be taken. Will we continue to rely on private companies to do the cleaning in our hospitals?

The Tánaiste touched on the appropriate use of antibiotics. What action is taken against general practitioners who simply hand out antibiotics as if they were Smarties, sometimes under pressure from pharmaceutical companies? Many are not at all careful in the way that they hand them out. Can anything be done about such GPs? I stress that many GPs are responsible, but many are not.

Caoimhghín Ó Caoláin: I have listened to several of the Tánaiste's responses. Given the seriousness of the MRSA issue and the threat that it poses, will she would consider a proactive campaign? Lives are at risk and it could be hers. What is her opinion on such a campaign of public awareness to encourage co-operation regarding anonymous reporting if it is the preference of the in-patient, out-patient or visitor?

We must recognise that the appointment of a hygiene standards officer, irrespective of the seniority required to carry weight and make demands, will require 100% co-operation from all who work in or use services at every hospital site if it is to succeed. What is the Tánaiste's position in that regard and concerning the seeking of public participation in outlining what people have witnessed and believed to be negligent? That is the only way that we will ultimately root out the problem.

Ms Harney: Yes, there will be a proactive campaign, beginning with the hygiene audit during July and August of every hospital in the country. The results will be published and we will also have a public awareness campaign, mainly but not exclusively around the hospitals. I hope that we will also be able to provide for a mechanism whereby people can bring it to the authorities' attention if they are unhappy with hygiene standards in a given hospital setting, such as that mentioned by Deputy Gormley. Finally, a senior person in every hospital will have to take responsibility for hygiene. If companies are being paid to perform a cleaning job and are not doing it, other companies will have to be found. It is not good enough and it is not a resource issue.

Mr. Gormley: What about the antibiotics?

Ms Harney: My apologies. Later this year we will be updating the Medical Practitioners Act 1978. As the Deputy is aware, the medical profession is self-regulated with statutory backing. We will have an opportunity to debate what may

or may not happen. If people have specific complaints, it is a matter for the Medical Council. It is not a matter for political intervention regarding clinical decisions. Clinicians have autonomy in our system, as they do in other countries. The Medical Council polices and enforces that.

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 Walsh — the affordable housing scheme at Clonakilty, County Cork; (2) Deputy Cowley — to ask the Minister the reason the Health and Safety Authority refused to investigate a fatal road traffic accident on the Culdaff Road, Donegal (details supplied); (3) Deputy Costello — the need for the Minister to implement the findings of the review report on the Carmichael Centre, North Brunswick Street, Dublin 7; (4) Deputy Perry — the need for the Minister to hold off further work on mobile phone masts until a full public consultation process has been completed; (5) Deputy Finian McGrath — the potential loss of the 12th classroom teacher at Scoil Mhuire Marino, Griffith Avenue, Dublin; (6) Deputy Michael Moynihan — the proposed termination of Iarnród Éireann's unit load rail container business and to ask the Minister to discuss this decision in light of the role played in transport decisions by considerations of falling fuel resources worldwide and of maximising Ireland's freedom in coming years from excessive dependence on foreign fuels, and to enlarge upon ways in which Department policies can help prevent damage to Ireland's long-term transport needs caused by short-sighted decisions based purely on current profit considerations; (7) Deputy Burton — the publication of the Mercer worldwide cost of living survey 2005 showing that Dublin is now ranked the 13th most expensive city in the world; (8) Deputy Howlin — the ongoing crisis in the accident and emergency unit at Wexford General Hospital; (9) Deputy Gogarty — the need for the Minister to order a full investigation into the circumstances involving the death of a person (details supplied) at St. Brendan's Hospital; (10) Deputy O'Dowd — the need for the Minister for Health and Children to discuss the treatment of the elderly in the Leas Cross nursing home; and (11) Deputy Ned O'Keeffe — the failure of Enterprise Ireland to provide jobs and replacement jobs in Mitchelstown, County Cork.

The matters raised by Deputies Howlin, Gogarty, Perry and Ned O'Keeffe have been selected for discussion.

Leaders' Questions.

Mr. Kenny: Three weeks ago today, on 31 May, we discussed the Leas Cross nursing home and the unacceptable practices that the "Prime Time"

television programme exposed there. Today we read that the Health Service Executive is to move all public patients out of Leas Cross and have the nursing home closed. Such a level of activity on the part of the Health Service Executive since the "Prime Time" programme is welcome. However, it cannot disguise the failure of the health authorities to act sooner regarding the home in question. The Eastern Health Board report on Leas Cross of 2 June 2004 — more than a year ago — which my colleague, Deputy O'Dowd, has obtained under the Freedom of Information Act, makes it clear that a consultant's report on Leas Cross was awaited and that future registration of that nursing home would depend on the findings of that report. The report in question was by Mr. Martin Hynes and was commissioned following the death of Mr. Peter McKenna, who was transferred to Leas Cross from St. Michael's House.

At Leaders' Questions on 1 June, Deputy Rabbitte suggested to the Taoiseach that he should make himself aware of the McKenna case. In a newspaper article on 7 June this year, the following was said about the late Peter McKenna.

He'd had a recent stroke. He was blind. And he couldn't communicate. The bottom half of his body was blackened as a result of blood poisoning. When he had arrived in Beaumont Hospital earlier that evening they discovered that he was completely dehydrated. Those supposed to be caring for him hadn't even had the wit to see that he was in terrible thirst.

It went on to say:

When he died, a fortnight later, the catheter was still there, untended, untreated, uncleaned. Almost certainly, it was the failure to deal properly with the catheter that caused the blood poisoning that brought him to die in pain.

Can the Taoiseach confirm that the Hynes report was received by the health authorities last autumn? Can he confirm that the draft report raised serious questions about the level of care in Leas Cross and also drew attention to the unusually high number of deaths of patients transferred to that nursing home from a nearby psychiatric facility? Can he confirm that Mr. Hynes's final report is very critical of the way that the health authorities inspected Leas Cross? Will he undertake to publish the Hynes report immediately?

The Taoiseach: I will deal with those issues first. I understand that the report was received by the health authorities last autumn and that it was very critical and raised serious issues. All those points that the Deputy has raised are correct.

On the first part of the Deputy's question, I repeat the Government's concern at the situation in the Leas Cross nursing home. The nursing home has been monitored by Health Service Executive staff during the last three weeks, as it was in the period prior to that. The primary concern remains patient safety and the level and

standards of care. The HSE has therefore decided to move the public patients and those in receipt of subvention out of Leas Cross nursing home. The executive will consult relatives concerning the movement of patients from the home and will take into account the needs of individual patients. Relatives have their concerns which they have been expressing on the airwaves as well as to the HSE.

The executive will consult private patients in the home on its concerns regarding patient safety, the overall level of patient care and the need for alternative arrangements. The decision to move the patients has been taken following a detailed assessment by the HSE since the time I last reported to the House on this matter. This detailed assessment of the care situation took place over recent weeks and was carried out by a dedicated team, including a geriatrician. That is why the executive has made this decision and is considering action to take the nursing home off the register.

While I understand the points made by the Deputy are correct, I cannot answer his question about the publication of the report. We must take legal advice in this regard. The HSE is taking immediate steps to evaluate the current inspection procedures to ensure there will be a national approach to these issues. A review has already commenced in the eastern region and that will be included in the national process.

Mr. Kenny: In his Ard-Fheis speech two years ago, the Taoiseach said in respect of those who would put their own interests before the national interest that he would see to it that his Government would use all its power to put the people first. On 1 June, the Taoiseach told the House, "the problem in the Leas Cross case was not a lack of inspections". Are we to understand that the nursing home management was notified of inspections to take place? If there were adequate inspections, why did they not uncover the gross incompetence and appalling behaviour at this nursing home? Why did we have to wait for a "Prime Time" report to have this information published nationally? What does the Hynes report say about these inspections?

The Taoiseach's response in this matter has been to again engage in what has become the mantra for this Government of hand wringing and excuses. Nobody stands up, nobody takes responsibility and nobody is to blame because nobody cares. The complacency and arrogance that have crept into the Government will not wash anymore.

If the Taoiseach believes the Government is in a position to look after the elderly and that it wants them, in many cases, to have the facility to stay in their homes rather than be obliged to go to institutions, why is it that in response to a Dáil question in April last year to Deputy Neville, the then Minister for Health and Children said that 8.8 million hours of home help were provided in 2003 but the HSE's recent national plan makes it

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clear that only 6.9 million were provided last year and the same for this year? This is an appalling scandal.

Does the Taoiseach agree that the ship of State he is guiding is holed below the plimsoll line and is sinking fast? This type of ineptitude, incompetence, arrogance and uncaring attitude will ultimately bring about his demise at the hands of the people.

Deputies: Hear, hear.

The Taoiseach: To take an individual case and build from that, as Deputy Kenny is doing, is an unfair way to portray the health system. I will not get into that. As I said previously, there was a procedure of inspection in place at Leas Cross. I have already explained to the House how those inspections were done. I explained that notice was given when inspections were not of a medical or nursing nature but were to do with the governance of the nursing home. However, this was not the case in respect of many of the inspections that took place. The staff at Leas Cross believe the nursing home management was listening to and taking account of what they were saying. The Hynes report was concerned with an individual case.

Notwithstanding all that, many people in Leas Cross are now upset that the HSE believes they should be moved because it cannot stand over the care issue. This is the right action for the executive to take from a medical point of view and based on a geriatrician's report. I am not qualified or competent to undertake inspections. The HSE has ground rules in place for the conduct of inspections and I am not sure what is the Deputy's point in this regard.

Mr. Kenny: Will the Taoiseach publish the report?

The Taoiseach: I have already said that I do not have any difficulty with the report being published if it is legally permissible to do so, but it is a legal issue.

I have already pointed out many times, as the Tánaiste has, that the health inspectorate legislation is in place for governing a properly resourced health inspectorate, for both private and general nursing homes. There are significant numbers of patients in both private and public nursing homes who are being well cared for, well monitored and well assessed. The scare tactic of focusing on one case and trying to frighten all elderly people is unacceptable. Where there is a problem, there are competent staff who do their utmost to ensure the highest standards are maintained. That is the way to deal with these issues.

Mr. Rabbitte: I want to return to the matter of Garda conduct in Donegal and the Carty report which was completed and submitted in July 2000. This was a report by a senior policeman into the

awful, appalling, unbelievable and bizarre allegations surrounding the conduct and performance of the Garda in Donegal.

In November 2001, the Government voted down a joint motion in the name of my Labour Party colleague, Deputy Howlin, and former Deputy Jim Higgins of Fine Gael seeking an inquiry into what was going on in Donegal. Last Friday, we learned from the Minister for Justice, Equality and Law Reform, Deputy McDowell, that the Taoiseach did not have the Carty report. He said the then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, and he, as Attorney General, did not get the report until January or February 2002. This is the same man who tried to say that Nora Owen and the rainbow coalition were responsible for what happened in Donegal. He now says he and the then Minister did not get the report until the beginning of 2002.

In February 2001, when Deputy Howlin tabled a question expressly on the Carty report and its findings and what he intended to do with it, the Minister, Deputy O'Donoghue, led him to believe that he had received the Carty report and that, by extension, it did not bear out the character of allegations being made about Garda activities in Donegal. The import of the then Minister's statement meant he not only misled the House but that he communicated, as a result of giving the impression he had the Carty report and was taking no action, that the allegations were baseless or exaggerated. Will the Taoiseach defend the actions of the then Minister for Justice, Equality and Law Reform?

Mr. McCormack: Will it be a policy of zero tolerance?

Mr. Rabbitte: Will the Taoiseach say the Minister similarly misled him and the Cabinet at the time, that he had the Carty report in his possession and that it did not bear out the grave character of allegations of abuse and dereliction of duty of the Garda in Donegal?

The Taoiseach: I do not know when the Minister, Deputy O'Donoghue, got the report.

Mr. Rabbitte: The Minister, Deputy McDowell, gave us that information on Friday.

The Taoiseach: I did not read the contents of the report—

Mr. Rabbitte: There is no way one could read everything the Minister says but he told us on Friday—

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

The Taoiseach: I will not rehearse the details of last week's debate. I will answer questions with regard to when the Minister got the report and who acted on the report but I will not attempt, off the top of my head, to discuss the details of

when the report was passed over. It is impossible for me to do so.

Mr. Howlin: No answers, that never happened before.

Mr. Rabbitte: It is a first that the Taoiseach can think of no defence.

The Taoiseach: I am not going to try to answer.

Mr. Rabbitte: Either the Minister, Deputy McDowell, is telling this House an untruth or the Minister, Deputy O'Donoghue, told this House an untruth regarding a grave matter which goes to the cornerstone of our democracy. I ask the Taoiseach as head of the Government to answer the question. I put it to him that both Ministers are now being untruthful, that the Government possessed the Carty report and that the Government is doing what Deputy Martin when Minister for Education and Science did by dumping on the senior Garda authorities because it needed to provide a fig leaf as to why it resisted an inquiry into Donegal. It had the report, minus the appendices, all along. The appendices comprised the witness statements but the substantial conclusions of the inspector which were submitted to the Minister for Justice, Equality and Law Reform bore out the gravity of the allegations with regard to Donegal. As Minister for Justice, Equality and Law Reform, Deputy O'Donoghue sat on it and covered up and used it in this House as and when it suited him. The Government voted down the request from this side of the House for a joint motion on an investigation into the events in Donegal.

The current Minister for Justice, Equality and Law Reform has the cheek to allege inside and outside this House and on radio that, somehow, those whose knees were under the Cabinet table of the rainbow Government were responsible. He gets away with this in some sections of the media. It is almost beyond belief that the man who says he did not receive the report until 2002 can say his predecessor in office from 1994 to 1997 was responsible. It is disgraceful. If former Minister for Justice, Ms Nora Owen, was implicated in this manner and the Taoiseach and his colleagues were on this side of the House they would hound her to resign. It is a disgraceful dereliction of duty. The Government did not anticipate that Mr. Justice Morris would get to the bottom of the matter.

The Taoiseach: As I said, I am not going to get into the issue. If they did not do so last week, both Ministers are capable of answering the question of when they had the report. I am not going to speculate on that. Deputy Rabbitte knows—

Mr. P. McGrath: The Taoiseach could ask them.

Mr. Howlin: Two versions of it were on the record.

An Ceann Comhairle: Allow the Taoiseach without interruption.

The Taoiseach: —that for several years, complaints were heard in the Department of Justice about events in Donegal.

Mr. Rabbitte: It did not have an official report from the gardaí.

Mr. Stagg: The Government still voted against it.

The Taoiseach: Several complaints were made over the period. The Ministers have given chapter and verse. I will not discuss when it began. Deputy Rabbitte is aware that it continued for a long time. The 160 complaints which are now the subject of litigation and the Morris tribunal did not commence on a particular date, as the Deputy would like to put on the record. The point, however, is that this Government established the Morris tribunal.

Mr. P. McGrath: As well as the Flood tribunal.

Mr. Rabbitte: The Taoiseach should not be talking rubbish.

The Taoiseach: The Opposition, while in Government, had an opportunity to establish whatever tribunal it wanted. It did not do so. Deputy Rabbitte is aware of this. Allegations and complaints were made.

Mr. Howlin: The sworn evidence of Secretaries General is being contradicted.

An Ceann Comhairle: I remind Deputy Howlin that his leader is entitled to hear an answer to his question without interruption.

The Taoiseach: Deputy Howlin has an interest in this matter because he has been involved in it all the way. He can use another occasion to make his speech. The fact is—

Mr. Rabbitte: The people of Donegal have suffered enough.

The Taoiseach: —that this Government established the Morris tribunal and has done everything to unearth and act upon all the difficulties in the Garda Síochána in Donegal.

Mr. Howlin: The Government did nothing.

An Ceann Comhairle: The Taoiseach without interruption.

The Taoiseach: One cannot move away from that. Questions may be asked in terms of files or dates but this Government has acted on the issue and made the credible and necessary decisions.

Mr. Rabbitte: It certainly did not take on board any of the recommendations.

The Taoiseach: The Government is legislating, based on both Morris reports, to ensure these events are not repeated. That is a fact.

Mr. J. Higgins: Reports on the recent High Court judgment concerning the future care of the autistic teenager, Lewis O'Carolan, highlighted the intense suffering of his parents, his own difficult position and implications for the parents of other children in similar circumstances. They also highlighted the need for specialised intervention at this stage of Lewis's life. The acuteness of his behavioural problems arose because of the unavailability at an earlier stage of appropriate intervention and training which could have radically modified the severity of his behavioural problems, thereby making life much easier on his parents and him.

High Court cases have been taken because the State has failed parents in these difficult circumstances. However, the High Court opinion that an offer of a place in the Woodlawn facility in north Dublin was objectively adequate does not meet the urgency of Lewis's situation. Appropriate intervention is needed and is a different matter. The only appropriate facility with the capacity to remediate the earlier inadequate facilities provided in this State is in Bangor, Wales.

Independent Deputies met the O'Carolan family and experts in autism to discuss the situation in depth. Deputy Gregory has assisted the family for a number of years and is well acquainted with the matter. We ask the Taoiseach that the State short circuit the long history of this family's difficulties and make the funding available for Mr. O'Carolan to attend the Bangor centre. The family has announced that it and its supporters intend to embark on a fundraising campaign to ensure he attends the centre. It would be obscene for a family in this situation to be forced to travel the highways and byways.

Last week, I heard in the Committee of Public Accounts that €250,000 per year is required to cater for young offenders in five of the facilities belonging to the Department of Education and Science. These are necessary facilities. However, it would cost less to cater for a child in Bangor. I ask the Taoiseach to step in and determine whether the funding may be provided. Approximately 20 other children with a similar severity of autism could also be assisted. Can the Taoiseach respond positively to this tragic situation?

The Taoiseach: I do not wish to rehearse a court case. Both sides brought evidence before the court and a judgment was made. I was deeply distressed after hearing the O'Carolans discuss their son's condition. Everyone would be so affected. I do not doubt that it is extremely painful for the parents to see their autistic children in distress on a daily basis. Every parent wants his

or her children to reach their full potential regardless of needs or disabilities.

As I understand the case, it is regrettable that an agreement acceptable to the O'Carolan family was not possible. The professionals involved believed that the care plan proposed by the Woodlawn centre and offered by the State was the best option for Lewis. The court, after considering the multidisciplinary service available at Woodlawn, arrived at the same conclusion and the case has been adjudicated.

The State proposed that an integrated education and health related support service be made available to Lewis on a residential basis at the Woodlawn centre in Lusk. The centre provides assessment, care, rehabilitation and education for individuals who have learning disabilities or other difficulties including behavioural problems. It currently offers a residential service to young people who range from 14 to 22 years of age. An individual education plan will be drawn up for Lewis to be delivered by a specialist teacher with the support of a special needs assistant and where appropriate, support from nursing staff, care assistants and teachers. Lewis will also have access to occupational therapy and speech and language therapy. Staff working with Lewis will receive the support they require through training for their roles and regular review meetings will take place with input from the staff to facilitate the delivery of services.

I understand the services available in Woodlawn can meet all of Lewis's needs. That was the case put forward by the State in the court case. We have invested significant resources in recent years to improve services for people with special needs. I will not say they are perfect as they constantly need more resources for staff and to achieve best practice, but we improve each year with regard to education, health, residences and staff.

The State did not seek costs from the O'Carolan family despite the fact it won the case as we would rather not be in this position in the first place and it is a pity these issues end up in court. I have more detail on the case, but the outcome of the judgment is that it is genuinely believed Woodlawn can provide the service to the O'Carolans.

Mr. J. Higgins: That the High Court awarded costs to the family today underlines the point that this facility only became available or offered at the time of the litigation. Woodlawn is the best option available to the State in the State but it is not the best option available. We must take the evidence of his extraordinarily dedicated parents, the evidence of parents in similar circumstances and those teachers and carers for autistic children who know the situation well. The conclusion they have drawn is that we, the State, should fund this child to go to Bangor for perhaps 18 months for the care they believe would radically transform his life.

We need a national diagnostic and assessment centre for autistic children with extremely challenging behaviour. The Irish Autism Alliance is pro-active in investigating the establishment of a facility similar to Bangor here. It is hoped the State will commit funding to that. I again ask the Taoiseach to examine the human suffering in this situation and the position of those closest to and familiar with it, and in quiet reflection come up with the funding to send this child and others who need similar care to this facility.

The Taoiseach: I appreciate the case Deputy Higgins makes on the needs of the O'Carolans' son and I am not arguing against that. I do not wish to re-run the court case that has examined this issue and it is a pity these issues end up in court. The amount of assessment, care, rehabilitation, education occupational therapy and speech and language therapy required in this case make it complex. As I outlined, the case put forward by the State for the Woodlawn centre in Lusk is that it has the required staff to carry out on a proper basis the tasks necessary for this and the other cases there.

The point was made about developing and enhancing the services and examining international experience, and that is why this Government increased resources for disabilities services so much. Deputy Higgins will appreciate this case has gone through it. I understand the staff at Woodlawn, which is part of St. Joseph's intellectual disabilities services, and those putting forward the State's case believe they can help. I join in what the Judge stated in court that it is hoped that Lewis will have an opportunity to use the facilities at Woodlawn and that they will be effective.

Death of Former Member: Expressions of Sympathy.

The Taoiseach: I express my deep sympathy to the wife and daughters of the late Seán Doherty on his unexpected death. My thoughts at this time are with his wife Maura and his daughters Rachel, Cara, Leah and Evelyn. Members of his family are with us in the House. He died just a few weeks short of his 61st birthday, and a few weeks after he buried his mother.

I express the sympathy of both the Government and the Fianna Fáil party. Seán was a proud and faithful member of Fianna Fáil most of his life. The Ceann Comhairle, Seán and I entered the Dáil on the same day 28 years ago. He came from a family with a long tradition of public service and political involvement in his native county of Roscommon. I know he was proud of what he achieved, and that his daughter Rachel is continuing in the family tradition of serving the public.

Seán held high political office as Minister for State at the Department of Justice from 1979 to 1981, not long after he entered the House. He served as Minister for Justice from March to

September 1982 and as Cathaoirleach of the Seanad from November 1989 to January 1992. He also served as a member of Roscommon County Council for a long and distinguished period.

He was a politician with much experience and was a considerable and able parliamentarian, who was well able to express his point, argue his case and fight the cause of his constituents. He served as a member of the Committee of Public Accounts with distinction and was proud of the role he played, along with other members of the House, in the inquiry into the evasion of DIRT. He was tremendously satisfied by his involvement in that and found it fulfilling work. He, like others in the House, put in a huge amount of effort at that time.

In 2001 the Oireachtas Committee on Public Enterprise and Transport established a sub-committee under his chairmanship to investigate the costs of the overrun in the Iarnród Éireann signalling contract and again he put in a huge amount of effort. That inquiry sat for 235 hours over 26 full sitting days and served a useful purpose until it was abandoned in 2002 when a High Court judgment restricted the scope of all Oireachtas inquiries. Seán distinguished himself in the chair of that committee and was proud of that work.

He was a man of considerable ability and a strong personality. I knew Seán for the better part of 30 years. He inspired loyalty in his friends and the support of his constituents. Everyone who knew him in this House would testify that his company and conversation were sought and never dull. Some of the best fun in this House and its precincts was in Seán's company. He would fight and argue his case and also knock some good fun out of public life.

After a promising career in the Garda Síochána he entered politics and enjoyed a career that had its full share of controversy and he was seldom far from the centre of events. He well articulated his take on that. Any politician who reaches a senior position is never removed from controversy. I would like to think that Seán will be remembered for his dedicated service, work and achievements as a parliamentarian rather than the controversies with which he brushed.

In later years, Seán was a man of renewed and deep religious belief. His faith was an important part of his life. He gave me lectures on that on a few occasions. Like everyone in public life Seán will be subject to the judgment of human history. What really mattered to him, however, was the divine judgment to which he has now been called. Unlike human history, that judgment is not based on a few public events but on a total knowledge that history can never have. Seán trusted that it would be a merciful judgment, and I believe he was right.

I have many fond memories, having travelled with Seán and spent the better part of three weeks in Australia with him and some other Members of this House in my earlier years. I will never forget him and the fact that he reminded

[The Taoiseach.]

me that there was another side to life that could have some entertainment, enjoyment and a bit of controversy as well. I pay tribute to Seán as a colleague and a friend for 30 years. Ar dheis Dé go raibh a anam dílis.

Mr. Kenny: On my behalf and on behalf of the Fine Gael Party, I join the Taoiseach in expressing our sincere sympathy and condolences to the Fianna Fáil Party, to Seán Doherty's wife, Maura, and to Rachel, Cara, Leah and Evelyn. I was in Washington when I heard of the news of the death of Seán Doherty and, unfortunately, was not in a position to attend his funeral.

I knew Seán Doherty throughout his political career, from his entrance through Kildare Street in 1977 until he left this House. In that span I knew him in three different ways — as an Opposition Deputy, as the chairman of the Western Health Board and as a member of the Opposition when I had the honour of serving as a Minister. By today's standards Seán Doherty was a relatively young man. I suppose when one gets into that category or generation, one reflects upon times past, activities in politics and Seán's achievements, both in his personal life and in a political sense.

This is an occasion to pass sympathy to his family and the party to which Seán Doherty gave his allegiance. He was a father, husband and friend. During his ministerial career he was central to many of the controversial issues in Irish political life but it is not for me, on an occasion such as this, to pass judgment on the reasons for political decisions or on the trend in politics during that time. Seán Doherty was a man of rapier wit and sharp intelligence and somebody who could more than hold his own in any company and in any conversation on a wide range of topics.

I recall his boyish glee on many occasions when he was chairman of the Western Health Board. He faced many intractable problems dealing with clinics, hospitals, consultants and all the other medical requirements, of which the Tánaiste is well aware, in County Roscommon. When those arguments ended up in a cul-de-sac, he would announce proudly to the meeting that Roscommon also had a Minister of State in the Department of Health, and the hapless Minister of State, the then Deputy Leyden, would be called to the next meeting to account for his failures to deliver on all the promises. Time and again, be it in Castlerea, Ballinasloe, Galway or Castlebar, the Minister of State would arrive to attempt to answer those intractable questions.

Seán was also a member of Roscommon County Council from 1973 to 1991. He was chairman of the health board, chairman of the Midlands Regional Tourism Organisation and a member of the Roscommon Archaeological and Historical Society. He was proud of his achievements on the Committee of Public Accounts. He took a delight in being the inquisitor of many of the people who had to appear before that com-

mittee and was proud, in a public sense, of the achievements of extracting the truth about many financial issues of the day.

Seán was somebody who could also abide by the rule of politics — never to agree when one should not. I learned that lesson to my own cost in 1986. As a Minister of State at the then Department of Education I had the privilege of opening the Ballinlough football pitch in Peadar Earley park where the addresses of welcome were given by all and sundry. The late Seán Doherty's speech, given with a twinkle in his eye, was about the disgraceful conduct of the Government in putting rates on GAA buildings, VAT on hurleys and so on. When it was over he said to me, "You know yourself. You are in Roscommon and these are my crowd". His crowd returned him repeatedly through the secrecy of the ballot box to represent them and, irrespective of people's views of Seán Doherty as a man and as a politician, one cannot argue with the verdict the people gave time and again.

I offer my sympathy to Maura and to Seán's family who are in the Distinguished Visitors Gallery. The people who loved Seán Doherty supported him for the man they saw him to be and were happy to support him in that context. Ar dheis Dé go raibh a anam dílis, agus tá súil agam gur ar dheis Dé a bhéas sé as seo amach sna Flaithis.

Mr. Rabbitte: I was very sorry to learn of the untimely death of Seán Doherty. On my behalf and on behalf of the Labour Party, I join the Taoiseach and Deputy Kenny in extending our condolences, in particular to his wife, Maura and to his four daughters.

It could be said that Seán Doherty's political life was a game of two halves. I only played the second half with him and am bound to say that I enjoyed every minute of it. He was a controversial Minister and, as Deputy Kenny said, this is not the occasion to trace the history of that time from which the smoke has not yet entirely cleared and will not for some time. During my experience with him as a colleague in this House and as somebody who served on both inquiries to which the Taoiseach referred, the DIRT and the mini-CTC inquiries, he was a most enjoyable colleague, a most informed and able parliamentarian, immensely quick-witted and humorous and made the long hours tolerable for the rest of us. He was also a very hard working and diligent local Deputy and the affection with which he was held by his local constituents was remarkable.

I remember occasions such as those to which Deputy Kenny referred. I remember being in Hyde Park at the time Roscommon Hospital first came under pressure. Seán Doherty was able to tell the people that since he had access to the Minister of State at the then Department of Health, unlike them he would be glad to use it and he would use it in advocating the case of the hospital. Whatever other implications that might have had, I am sure he did both of these things.

On behalf of the Labour Party and myself I again offer our most sincere sympathy to Seán's wife, Maura, and her family.

Tánaiste and Minister for Health and Children (Ms Harney): I, too, join the Taoiseach, Deputy Kenny and Deputy Rabbitte in offering my sympathy and that of the Progressive Democrats to the family of the late Seán Doherty, particularly to his wife, Maura, and his four daughters. Seán Doherty entered this House in 1977. I came into a different House in these precincts in the same year. He was somebody I knew quite well. We crossed swords on a number of occasions in the early 1980s but he was somebody whose company I enjoyed.

The last time I had a long discussion with him, he spoke about his religious beliefs. It was hard to believe I was talking to the same man I used to debate with a number of years earlier. He was often described as "born again". While I do not know if that is the appropriate phrase or whether he would wish to be described in those terms, he was passionate about his religion in recent years.

He probably enjoyed his time on the DIRT inquiry more than any other period in his political life — he thoroughly enjoyed it. As Deputy Rabbitte acknowledged, he worked extraordinarily hard on that committee. He was proud that his daughter Rachel will continue the political tradition in his family which was very important to him.

His relationship with Senator Leyden, who is present in the House, was interesting. There are often interesting relationships between constituency colleagues. Theirs was particularly interesting if half the stories I have heard from Roscommon are true, never mind all of them.

To die at the age of 61, only a few years after he retired from this House, was untimely. I know how much he wanted to enjoy retirement with his wife, Maura, and his family in his native county. I hope he is happy. May he rest in peace. He will be long remembered by many in Leinster House.

Mr. Sargent: I join other party leaders in expressing deep sympathy on the death of Seán Doherty to his wife, Maura, daughters, Rachel, Cara, Leah and Evelyn, and the Taoiseach and the Fianna Fáil Party. I always knew Seán Doherty as a real gentleman. I only came to know him after he had come through a number of political storms but, for all that, he was a man who took the lessons of life on the chin and moved on, learned from them and was a better man than many on account of that. He was always good humoured and generous with his time. While I speak from a different political point of view, that did not create a barrier for Seán. He was always courteous and one got the impression he definitely did not talk to somebody for any kind of political advantage, but because he respected the humanity of the other person.

This explains much of his popularity. He had an infectious, gregarious spirit that left an air of good humour wherever he went. I got a flavour of this in Carrick-on-Shannon when I was fortunate enough to be part of a cross-party delegation Seán led to speak with different community groups affected by flooding on the River Shannon. All along the Shannon, Seán held court with the rest of the delegation, meeting different angling, community and residents groups that had been affected by the flooding. However, when it came to Carrick-on-Shannon and his own area of the beautiful region of Roscommon and Leitrim, Seán came into his own. He made sure to impress on anybody visiting that if this visit was for work, they should make sure to come back for pleasure, because it was obviously a place they would enjoy on a holiday. I am glad to say I took him up on that advice; I visited the area last year and hope to do so again this year.

He was a great advocate for his area. That characteristic twinkle in the eye also made him a great advocate for his faith, as the Tánaiste noted. I encountered that passion he had, which he was never shy to discuss. I enjoyed many quite deep theological chats with him. It was something he really enjoyed, as did I. We used to pray together. With that in mind, he has been taken from us at too young an age. However, for some reason, I do not feel the sense that he is in a strange place. I think he is very much at home and embarking still on that path of fulfilment he embarked upon on this earth. I will always remember him as a great family man, a great man of faith and somebody whose company I will genuinely miss.

Caoimhghín Ó Caoláin: On behalf of the Sinn Féin Deputies, I extend our sympathy to the wife and daughters of the late former Deputy, Seán Doherty, and to the other members of the Doherty family on their great personal loss. I also extend our sympathy to his friends in the Fianna Fáil Party. While I had the opportunity to speak with Seán Doherty on a number of occasions, uniquely among those who have spoken here, I was not confronted by his ardent faith — I can only conclude he must have given up on me before he set upon it.

The many kind words said of him are true, in my experience of meeting him over the short period of our acquaintance in these corridors. Ar dheis Dé go raibh a anam.

Mr. Finneran: I was deeply shocked and saddened to hear the tragic news of the untimely death of my good friend and fellow county man, Seán Doherty. I extend my deep sympathy to his wife, Maura, and daughters, Councillor Rachel Doherty, Cara, Leah and Evelyn, and to the extended Doherty family.

Seán Doherty was a political and personal friend of mine for more than 20 years. I had the privilege to serve with him on Roscommon County Council and we were both elected to Seanad Éireann on the administrative panel in

[Mr. Finneran.]

1989. Seán was elected as Cathaoirleach that year. He had served as a Dáil Deputy for Roscommon since 1977. As has been said, during his tenure in the Dáil, Seán served as a Minister of State at the Department of Justice and was appointed Minister for Justice, serving until September 1982. In 1992, Seán was re-elected to Dáil Éireann and served for a further ten years until his retirement from politics in 2002. I had the privilege of retaining Seán's seat in Dáil Éireann in the general election of that year.

Seán Doherty was a stalwart in Fianna Fáil. He served the people of Roscommon with distinction. He had an innate ability to politically weigh up any given situation and respond appropriately, with wit and humour and a tremendous turn of phrase that was uplifting for his supporters and unsettling for his opponents. The people of Roscommon will have very fond memories of Seán Doherty and all there will miss him sadly. His wife, family and extended family will miss him most. We in the Fianna Fáil Party in County Roscommon miss him greatly. At meetings all through the county in recent weeks, tributes have been paid and meetings adjourned and cancelled in honour of Seán Doherty. May he rest in peace.

Mr. Naughten: It was with shock and sadness that I learned of the untimely death of my former constituency colleague, former Deputy Seán Doherty. Seán was a political legend in County Roscommon, where he was the last Cabinet Minister from the county. While people will remember many aspects of Seán's life — the Taoiseach outlined his career on the national stage — many more will remember Seán throughout County Roscommon as an effective, efficient and capable constituency Deputy over his long political career.

This is evidenced by the fact that he is one of only two public representatives, in my recollection, who were re-elected to Dáil Éireann after losing their seats in County Roscommon. One was Seán Doherty, the other was his political adversary and my former colleague, John Connor. Those who knew him personally will remember him for his extreme wit and good humour, as someone who could always see the lighter side of life even when times were difficult in his life and his political career.

As someone who grew up in a political family, in the political cockpit that was County Roscommon during the 1980s, I knew Seán well. Most of all he was someone who idolised his family and he will be an immense loss as a husband, father and grandfather. On my behalf and on behalf of my family and the Fine Gael Party organisation in counties Roscommon, Leitrim, Galway and Longford, the areas he represented over his long political career, I express my sincere sympathy to Seán's wife Maura, his daughters Evelyn, Leah, Cara and Rachel and his grandchildren whom he adored, and to the extended Doherty family. May he rest in peace.

Mr. Ellis: I also express my sincere sympathy with Seán's wife Maura, his daughters Rachel, Leah, Cara and Evelyn, his brothers Kevin and Colm and his sisters Ann, Maria and Philomena.

Seán Doherty and I stood for election together in 1977 and during that election I probably learned more from him about politics than I have learned since. As times changed and we moved on, we became extremely close friends in political and social life. Over the past three years all of us who sat at the round table inside the door in the restaurant often commented that the wit and sharpness of Seán Doherty was missed. It was missed by all his friends and colleagues who sat there on a regular basis.

When we look back on Seán Doherty's career we see someone who served the people of Roscommon and, in his early days, the people of south Leitrim and Roscommon, with unbelievable tenacity. When he got something into his head the idea could not be dislodged. He left his greatest monument when he persuaded a number of us to become actively involved in the Shannon-erne corridor, which, as far as the people of Roscommon, south Leitrim and Longford are concerned, is the monument to Seán Doherty.

In the passing of Seán Doherty a political legend has left the scene. We were all shocked when told that he had suffered a severe stroke. When I heard it I could not believe it. I extend my sincere sympathy, that of my family, and that of the people of south Leitrim, who he had the honour to represent from 1977 to 1981. I know he is above, having a wry smile at every one of us, saying that they are arguing down there over things of little importance as far as the world is concerned. Ar dheis Dé go raibh a ainm.

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. Naughten: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the accident yesterday where a pupil fell from a school bus carrying pupils from Corrigeen Roe national school, County Roscommon. There is an immediate need for the Minister for Education and Science to outline the circumstances surrounding the incident, for the Minister to outline the steps taken to ensure an independent investigation into the incident takes place, and to outline the measures to ensure such an incident is not repeated.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the necessity for the Tánaiste and Minister for Health and Children to take immediate steps to alleviate the

scandalous situation at Our Lady of Lourdes Hospital, Drogheda, where 21 patients were lying on trolleys in corridors this morning and the need for this House to declare its disgust at the apparent lack of action or concern by the Government to address the ongoing plight of patients such as those currently on trolleys in the hospital.

Mr. O'Dowd: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the treatment of the elderly in Leas Cross nursing home and the decision of the HSE to remove 24 public health patients from the home and to advise all private patients to leave the home.

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

Order of Business.

The Taoiseach: It is proposed to take No. 12, Revised Estimates for Public Services 2005, Votes 1 to 16 and 18 to 40; No. 13, motion re referral to joint committee of proposed approval by Dáil Éireann for a Council decision on the exchange of information and co-operation concerning terrorist offences; No. 14, Maritime Safety Bill 2004 [*Seanad*] — instruction to committee; No. 24, statements on European Council in Brussels; and No. 25, Maritime Safety Bill 2004 [*Seanad*] - Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted not later than 10 p.m. Items Nos. 12, 13 and 14 shall be decided without debate and, in the case of No. 12, Votes 1 to 16 and 18 to 40 shall be moved together and shall be decided by one question which shall be put from the Chair and any division demanded thereon shall be taken forthwith. The proceedings on No. 24 shall, if not previously concluded, be brought to a conclusion after 80 minutes and the following arrangements shall apply: (i) the statements shall, if not previously concluded, be brought to a conclusion after 60 minutes and, subject to (ii), shall be confined to the Taoiseach and the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, and which shall not exceed 15 minutes in each case; (ii) members may share time; and (iii) immediately following the statements, the Minister for Foreign Affairs shall take questions for a period not exceeding 20 minutes.

Report and Final Stages of No. 25 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 10 p.m. tonight by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Communications, Marine and Natural Resources.

Private Members' business shall be No. 56, motion re Morris tribunal reports and establishment of commission into policing.

An Ceann Comhairle: There are four proposals to be put to the House. Is the proposal for the late sitting agreed? Agreed. Is the proposal for dealing with Nos. 12, 13 and 14 without debate agreed?

Mr. M. Higgins: That is not agreed. Concerning this proposal it is entirely wrong as, for example, Votes 28 and 29 are buried in the Estimates. Vote 29 deals with overseas development aid. The Select Committee on Foreign Affairs is confined to considering the Estimates but cannot put the matter to a vote. It is very important for us to have an opportunity to say why we want a vote. On that Vote the reason is that the Government has broken its promise on 0.7% of GNP for overseas development aid and no new year has been announced. Concerning Vote 28 the Government has announced €8 million for the Irish Abroad when the Commission on the Irish Abroad made a recommendation of €34 million. I could go on, but all these Estimates amount to a total of €34.764 billion. The nature of the select committee process is that it can consider the Estimates but it cannot call a vote. This is the only place where one can give the reason for calling for a vote on an Estimate and I have given illustrations regarding Votes 28 and 29. For that reason, it is absolutely outrageous that this House could slip away without giving the Revised Estimates due consideration. I have listened to various Government spokespersons referring to the solemn commitment that was given, not only on behalf of the House, but also on behalf of the Irish people, by the Taoiseach at the United Nations in September 2000. It was repeated in the manifestos of both Government parties in the election of 2002, in the programme for Government and in the agreement with the social partners, but it is now being casually cast aside. The Taoiseach has refused to say whether the 0.7% target will be achieved in 2010 or 2015. At the current rate of progress it appears that it will not be achieved before 2028.

We should have good reasons for voting on these Estimates, but I am suggesting there are strong reasons for rejecting at least two of them. The idea that one can rattle through €34.746 billion worth of Estimates without being allowed to ask questions or find reasons to vote yea or nay is absolutely absurd. It is an insult to parliamentary democracy and, therefore, we will be voting against item No. 2.

Mr. Sargent: This proposal is breathtaking. It involves pages of Estimates amounting to billions of euro. I have not had a chance to add up all the Estimates, but essentially the Government is asking us, in an irresponsible way, to give the nod to expenditure without having an opportunity to vote, other than doing so once for the whole col-

[Mr. Sargent.]

lection of Estimates. The Ceann Comhairle should consider the method of doing this in future because, currently, it indicates that we are here simply to give the nod to whatever the Government may wish to do. I was certainly not elected with that in mind, however, and it is not the mandate I received.

I strongly support Deputy Michael D. Higgins's point. Questions were raised this morning as to why the OPW had rented buildings it never used, effectively flushing €19 million down the toilet. That vast amount, however, pales into insignificance when one considers all these Estimates. It is unacceptable for these Estimates to be taken with one vote and without debate. In committee, there was a limited amount of debate but no vote was taken. This is the only place where we will vote, yet we are being asked to give the nod to all these Estimates in one fell swoop. If we do not like it, we can only vote against all the Estimates together. It is a crude version of parliamentary democracy and we could do much better. I oppose this matter.

Mr. Broughan: On No. 13——

An Ceann Comhairle: There is only provision for one Member of each party to speak, and Deputy Michael D. Higgins has spoken.

Mr. Howlin: One per vote, maybe.

An Ceann Comhairle: No, one per proposal.

Caoimhghín Ó Caoláin: I endorse the remarks of Deputy Michael D. Higgins and Deputy Sargent concerning item No. 12 on today's Order Paper. I object to the approach being taken with regard to these proposals. I wish to speak to No. 13 because Nos. 12, 13 and 14 are grouped together under proposition No. 2. They are to be progressed without debate in the House. We are speaking about the Council decision on the EU action plan against terrorism. While the motion concerns a specific proposal in response to objective 3 of the EU action plan against terrorism, this House has not debated the action plan itself since it was originally adopted almost four years ago, in October 2001. Apparently, the Government has no plans to debate it or any of the approximately 150 measures it contains.

Regardless of where one stands on the specific proposition or the action plan, this is of such

importance that it must be properly debated with full scrutiny and attention being afforded to it in the House. I am speaking not only about No. 13 specifically, but also about a full debate on the content of the action plan, which is long overdue. I appeal to Members to recognise the import of this matter and to reject the proposition to refer No. 13 to a committee where some Members will have the opportunity to debate it away from the full scrutiny of the House and the public gaze. Sadly, that is how business is conducted in committees. We should not fail to afford this measure the necessary scrutiny it undoubtedly requires. I oppose the method of addressing it. I hope the Taoiseach will, either now or in due course, agree to a full debate on the action plan, which is overdue by four years.

The Taoiseach: The Revised Estimates for Public Services 2005 have come back from committee, where they were debated in the normal way, for decision by the House.

Mr. M. Higgins: They were considered in committee.

The Taoiseach: They were dealt with in committee for many hours. On the motion on terrorist offences, I do not have a problem with having a debate on the EU action plan. However, the Council decision on the exchange of information and co-operation concerning terrorist offences was proposed by the European Commission in response to the objective of the action plan. It aims to increase efficiency and the exchange of information concerning terrorist offences between member states, Europol and EuroJust.

We are asking the House to vote for the decision which provides for the establishment of a designated specialist service within the police services, which will have access to all information on criminal investigations of terrorist offences and can send it to Europol. The exchange of information through Europol is covered by the 1997 Act. No further action is required consequent to the present Council decision. We are referring it to a committee of the House so it is not ending here.

Mr. M. Higgins: Select committees consider Estimates, they cannot vote on them.

Question put: "That the proposal for dealing with Nos. 12, 13 and 14 be agreed."

The Dáil divided: Tá, 66; Níl, 53.

Tá

Ahern, Bertie.
Ahern, Dermot.
Ahern, Noel.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.

Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.

Tá—*continued*

de Valera, Síle.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 McDowell, Michael.
 McGuinness, John.
 Martin, Micheál.

Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Nolan, M.J.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Keeffe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.

Níl

Boyle, Dan.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connolly, Paudge.
 Costello, Joe.
 Cowley, Jerry.
 Cuffe, Ciarán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 Enright, Olwyn.
 Gormley, John.
 Gregory, Tony.
 Higgins, Joe.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 McCormack, Padraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McGrath, Paul.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.

Murphy, Catherine.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ryan, Eamon.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Twomey, Liam.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Kehoe and Stagg.

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 24, statements on the European Council meeting in Brussels, agreed? Agreed. Is the proposal for dealing with No. 25, Report and Final Stages of the Maritime Safety Bill 2004, agreed?

Mr. Broughan: I tried to raise this matter earlier when the House considered the proposal for dealing with No. 14, the instruction to committee. The Government has tabled many Report Stage amendments to the Maritime Safety Bill 2004. The amendments will provide for a complete new

Part 6, emergency legislative provisions to provide for the licensing of vessels and a new section 35, which seems to be directed specifically against the scallop fishermen of Wexford and Waterford.

Mr. S. Ryan: Shame on the Government.

Mr. Broughan: The House is expected to discuss the amendments, which we did not see until recently, over a couple of hours. I object to this manner of dealing with legislation, which is in line with the track record of the Department of Communications, Marine and Natural Resources. I also oppose the proposal to guillotine this Bill.

Ms Burton: Where is the Minister?

Question, "That the proposal for dealing with No. 25 be agreed", put and declared carried.

An Ceann Comhairle: If the House agrees, we can proceed with No. 24, statements on the European Council meeting in Brussels. It has been proposed that the statements will, if not previously concluded, be brought to a conclusion after 80 minutes. If we do not take the statements now, it will mean that Private Members' time will have to be changed. Does the House agree?

Mr. Boyle: The Green Party does not object to that proposal, in principle. The formal motion on the Revised Estimates has yet to be moved by the Minister of State. We are opposed to the Government's proposal in that regard.

Mr. Stagg: Is it not normal practice for business to continue after Private Members' time if the time allotted for it is not available before the start of Private Members' time?

An Ceann Comhairle: I have no problem with that if it is what the House wants.

Mr. Stagg: I am not saying it is what the House wants, I am saying it is normal practice. The statements on the European Council meeting in Brussels should continue after Private Members' time.

An Ceann Comhairle: It is not normal practice. I call the Minister of State.

Mr. Kitt: I can propose that Private Members' business be taken for 90 minutes at 7 p.m. or on the conclusion of No. 24, statements on the European Council meeting in Brussels, whichever is the later. Is that agreed?

Mr. Stagg: That is agreed.

Business of Dáil: Motion.

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

That notwithstanding anything in Standing Orders or in the order of the Dáil of this day, Private Members' business be taken for 90 minutes at 7 p.m. or on the conclusion of No. 24, statements on the European Council meeting in Brussels, whichever is the later.

Question put and agreed to.

Fluoride (Repeal of Enactments) Bill 2005: First Stage.

Mr. Gormley: I move:

That leave be granted to introduce a Bill entitled an Act to provide for the repeal of the

Health (Fluoridation of Water Supplies) Act 1960.

An Ceann Comhairle: Is the Bill opposed?

Minister of State at the Department of the Taoiseach (Mr. Kitt): No.

Question put and agreed to.

An Ceann Comhairle: As this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

Mr. Gormley: I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

Estimates for Public Services 2005.

Minister for Finance (Mr. Cowen): I move the following Estimates:

Vote 1 — President's Establishment (Revised Estimate).

That a sum not exceeding €2,447,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Secretary to the President, for certain other expenses of the President's Establishment and for certain grants.

Vote 2 — Department of the Taoiseach (Revised Estimate).

That a sum not exceeding €38,965,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Department of the Taoiseach, including certain services administered by the Department and for payment of grants and grants-in-aid.

Vote 3 — Office of the Attorney General (Revised Estimate).

That a sum not exceeding €15,136,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Attorney General, including a grant-in-aid.

Vote 4 — Central Statistics Office (Revised Estimate).

That a sum not exceeding €55,247,000 be granted to defray the charge which will come in course of payment during the year ending on

31 December 2005, for the salaries and expenses of the Central Statistics Office.

Vote 5 — Office of the Comptroller and Auditor General (Revised Estimate).

That a sum not exceeding €8,762,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Comptroller and Auditor General.

Vote 6 — Office of the Minister for Finance (Revised Estimate).

That a sum not exceeding €101,226,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Finance, including the Paymaster General's Office, for certain services administered by the Office of the Minister and for payment of certain grants and grants-in-aid.

Vote 7 — Superannuation and Retired Allowances (Revised Estimate).

That a sum not exceeding €256,770,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for pensions, superannuation, occupational injuries, and additional and other allowances and gratuities under the Superannuation Acts 1834 to 1963 and the Superannuation and Pensions Act 1976 and sundry other statutes; extra-statutory pensions, allowances and gratuities awarded by the Minister for Finance, fees to medical referees and occasional fees to doctors; compensation and other payments in respect of personal injuries; fees to Pensions Board; payments in respect of pensions benefit system, miscellaneous payments, etc.

Vote 8 — Office of the Appeals Commissioners (Revised Estimate).

That a sum not exceeding €607,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Appeals Commissioners.

Vote 9 — Office of the Revenue Commissioners (Revised Estimate).

That a sum not exceeding €350,155,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of Office of the Revenue Commissioners, including certain other services administered by that office.

Vote 10 — Office of Public Works (Revised Estimate).

That a sum not exceeding €469,361,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of Public Works; for services administered by that office including the Stationery Office as part of the Government Supplies Agency, and for payment of certain grants and for the recoupment of certain expenditure in connection with flood relief.

Vote 11 — State Laboratory (Revised Estimate).

That a sum not exceeding €14,451,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the State Laboratory.

Vote 12 — Secret Service (Revised Estimate).

That a sum not exceeding €786,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the secret service.

Vote 13 — Office of the Chief State Solicitor (Revised Estimate).

That a sum not exceeding €36,025,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Chief State Solicitor.

Vote 14 — Office of the Director of Public Prosecutions (Revised Estimate).

That a sum not exceeding €33,656,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Director of Public Prosecutions.

Vote 15 — Valuation Office (Revised Estimate).

That a sum not exceeding €10,992,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Valuation Office and certain minor services.

Vote 16 — Public Appointments Service (Revised Estimate).

That a sum not exceeding €12,487,000 be granted to defray the charge which will come in course of payment during the year ending on

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31 December 2005, for the salaries and expenses of the Public Appointments Service.

Vote 18 — Office of the Ombudsman (Revised Estimate).

That a sum not exceeding €6,177,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Ombudsman, the Standards in Public Office Commission and the Office of the Information Commissioner.

Vote 19 — Justice, Equality and Law Reform (Revised Estimate).

That a sum not exceeding €358,178,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Justice, Equality and Law Reform and of certain other services including payments under cash-limited schemes administered by that office, and payment of certain grants and grants-in-aid.

Vote 20 — Garda Síochána (Revised Estimate).

That a sum not exceeding €1,110,107,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Garda Síochána, including pensions, etc.; for payments of compensation and other expenses arising out of service in the Local Security Force, for the payment of certain witnesses' expenses, and for payment of a grant-in-aid.

Vote 21 — Prisons (Revised Estimate).

That a sum not exceeding €389,178,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Prison Service, probation and welfare staff and other expenses in connection with prisons, including places of detention; for probation and welfare services; and for payment of a grant-in-aid, and that a sum not exceeding €4,880,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under section 91 of the Finance Act 2004.

Vote 22 — Courts Service (Revised Estimate).

That a sum not exceeding €69,326,000 be granted to defray the charge which will come in course of payment during the year ending on

31 December 2005, for such of the salaries and expenses of the Courts Service and of the Supreme Court, the High Court, the Special Criminal Court, the Circuit Court and the District Court and of certain other minor services as are not charged to the Central Fund, and that a sum not exceeding €1,600,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under section 91 of the Finance Act 2004.

Vote 23 — Land Registry and Registry of Deeds (Revised Estimate).

That a sum not exceeding €38,048,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Land Registry and of the Registry of Deeds.

Vote 24 — Charitable Donations and Bequests (Revised Estimate).

That a sum not exceeding €429,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Charitable Donations and Bequests Office.

Vote 25 — Environment, Heritage and Local Government (Revised Estimate).

That a sum not exceeding €2,500,182,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for the Environment, Heritage and Local Government, including grants to local authorities, grants and other expenses in connection with housing, miscellaneous schemes, subsidies and grants, and that a sum not exceeding €75,601,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under section 91 of the Finance Act 2004.

Vote 26 — Education and Science (Revised Estimate).

That a sum not exceeding €6,933,896,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Education and Science, for certain services administered by that office, and for the payments of certain grants and grants-in-aid, and that a sum not exceeding €50,000,000 be granted by way of the application for capital supply services of

unspent appropriations, the surrender of which may be deferred under section 91 of the Finance Act 2004.

Vote 27 — Department of Community, Rural and Gaeltacht Affairs (Revised Estimate).

That a sum not exceeding €341,618,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Community, Rural and Gaeltacht Affairs, for certain services administered by that office, and for the payment of certain grants.

Vote 28 — Foreign Affairs (Revised Estimate).

That a sum not exceeding €188,216,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Foreign Affairs, and for certain services administered by that office, including grants-in-aid and contributions to international organisations.

Vote 29 — International Co-operation (Revised Estimate).

That a sum not exceeding €470,816,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for certain official development assistance, including certain grants-in-aid, and for contributions to certain international organisations involved in development assistance and for salaries and expenses in connection therewith.

Vote 30 — Communications, Marine and Natural Resources (Revised Estimate).

That a sum not exceeding €275,040,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Communications, Marine and Natural Resources, including certain services administered by that office, and for payment of certain grants and sundry grants-in-aid, and that a sum not exceeding €10,000,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under section 91 of the Finance Act 2004.

Vote 31 — Agriculture and Food (Revised Estimate).

That a sum not exceeding €976,007,000 be granted to defray the charge which will come in course of payment during the year ending on

31 December 2005, for the salaries and expenses of the Office of the Minister for Agriculture and Food, including certain services administered by that office, and of the Irish Land Commission and for payment of certain grants, subsidies and sundry grants-in-aid and for the payment of certain grants under cash-limited schemes, and that a sum not exceeding €17,949,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under section 91 of the Finance Act 2004.

Vote 32 — Transport (Revised Estimate).

That a sum not exceeding €2,159,715,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Transport, including certain services administered by that office, for payment of certain grants and grants-in-aid, and certain other services, and that a sum not exceeding €42,700,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under section 91 of the Finance Act 2004.

Vote 33 — National Gallery (Revised Estimate).

That a sum not exceeding €9,178,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the National Gallery, including grants-in-aid.

Vote 34 — Enterprise, Trade and Employment (Further Revised Estimate).

That a sum not exceeding €1,230,570,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Enterprise, Trade and Employment, including certain services administered by that office, for the payment of certain subsidies, grants and grants-in-aid, and for the payment of certain grants under cash-limited schemes, and that a sum not exceeding €34,237,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under section 91 of the Finance Act 2004.

Vote 35 — Arts, Sport and Tourism (Revised Estimate).

That a sum not exceeding €483,005,000 be granted to defray the charge which will come

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in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Arts, Sport and Tourism, including certain services administered by that office, and for payment of certain subsidies, grants and grants-in-aid.

Vote 36 — Defence (Revised Estimate).

That a sum not exceeding €737,982,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Defence, including certain services administered by that office; for the pay and expenses of the Defence Forces; and for payment of certain grants-in-aid.

Vote 37 — Army Pensions (Revised Estimate).

That a sum not exceeding €164,392,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for retired pay, pensions, compensation, allowances and gratuities payable under sundry statutes to or in respect of members of the Defence Forces and certain other military organisations, etc., and for sundry contributions and expenses in connection therewith; for certain extra-statutory children's allowances and other payments and for sundry grants.

Vote 38 — Social and Family Affairs (Revised Estimate).

That a sum not exceeding €6,533,952,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Social and Family Affairs, for certain services administered by that office and for certain grants including a grant-in-aid.

Vote 39 — Health and Children (Revised Estimate).

That a sum not exceeding €233,418,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Office of the Minister for Health and Children (including Oifig an Ard-Chláraitheora), and certain other services administered by that office, including miscellaneous grants.

Vote 40 — Health Service Executive (Revised Estimate).

That a sum not exceeding €9,554,739,000 be granted to defray the charge which will come in course of payment during the year ending on 31 December 2005, for the salaries and expenses of the Health Service Executive and certain other services administered by the executive, including miscellaneous grants.

Votes put.

The Dáil divided: Tá, 67; Níl, 52.

Tá

Ahern, Bertie.
Ahern, Dermot.
Ahern, Noel.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.

Haughey, Seán.
Hector, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
McDowell, Michael.
McGuinness, John.
Martin, Micheál.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Nolan, M. J.
Ó Fearghail, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donovan, Denis.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Roche, Dick.
Sexton, Mae.

Tá—*continued*

Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.

Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.

Nil

Boyle, Dan.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connolly, Paudge.
Costello, Joe.
Cowley, Jerry.
Cuffe, Ciarán.
Deenihan, Jimmy.
Durkan, Bernard J.
Enright, Olwyn.
Gormley, John.
Gregory, Tony.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
Kehoe, Paul.
Kenny, Enda.
McCormack, Padraic.
McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.

Murphy, Catherine.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Dowd, Fergus.
O'Keeffe, Jim.
O'Shea, Brian.
O'Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Quinn, Ruairi.
Rabbitte, Pat.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Kehoe and Stagg.

Question declared carried.

Treaty of Amsterdam: Referral to Joint Committee.

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

That the proposal that Dáil Éireann approve the exercise by the State of the option or discretion provided by Article 1.11 of the Treaty of Amsterdam to take part in the adoption of the following proposed measure:

proposal for a Council Decision on the exchange of information and co-operation concerning terrorist offences,

copies of which have been laid in draft form before Dáil Éireann on 16 June 2005, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights, in accordance with paragraph (2) of the Orders of Reference of that committee, which, not later than 29 June 2005, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and declared carried.

Maritime Safety Bill 2004 [Seanad]: Instruction to Select Committee.

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

That, notwithstanding anything in Standing Orders, it be an instruction to the committee to which the Maritime Safety Bill 2004 may be recommitted in respect of certain amendments, that it has power to make provision in the Bill to provide for a NEW PART 6 to define the outer limit of Foreshore and make necessary consequential provisions, to amend section 222B of the Fisheries (Consolidation) Act 1959, to provide for renewal of sea-fishing boat licences and revise safety-seaworthiness survey arrangements for such boats to be licensed, to amend section 4 of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978, to protect leases by harbour companies to which the Harbours Acts 1996 and 2000 apply, to amend the Merchant Shipping Act 1947, Merchant Shipping (Certification of Seamen) Act 1979 and Merchant Shipping (Investigation of Marine Casualties) Act 2000 and to repeal provisions of certain additional Acts — section 220 of the Merchant Shipping Act 1894; the whole of the Carriage by Sea (Heavy Articles) Act 1934 and the Merchant Shipping (Spanish Civil War) Act 1937; section 11 of the Merchant Shipping Act 1947; sections 4 and 5 of the Merchant

[Mr. Kitt.]

Shipping Act 1981; sections 23 and 24 of the Merchant Shipping Act 1992; and section 44(2) to (9) and (11) of the Merchant Shipping (Investigation of Marine Casualties) Act 2000.

Question put and agreed to.

European Council Meetings: Statements.

The Taoiseach: I attended the European Council in Brussels on 16 and 17 June. I was accompanied by the Minister for Foreign Affairs, Deputy Dermot Ahern, and the Minister of State with responsibility for European Affairs, Deputy Treacy.

The Presidency's conclusions have been laid before the House. The European Council had a challenging agenda. First, it had to deal with the setback to the ratification of the European constitution. While ten countries have approved the constitution, voters in France and the Netherlands rejected it. Second, the Council sought to reach agreement on the future financing of the Union for the years 2007-13. Agreement on the funding package would have given the Union a much-needed political success.

This was a difficult and, ultimately, very disappointing European Council. At a moment when the EU needed a strong demonstration of solidarity and unity, the European Council had a bad tempered and unproductive negotiation about future funding. The failure to reach agreement on the financial perspectives was a further setback for the European Union at a time when it is still coming to terms with the result of the French and Dutch votes on the European constitution. While I do not want to exaggerate the implications of the breakdown in these negotiations, I believe the EU is now facing one of the most challenging periods in its history.

I indicated after the meeting that the outcome was bad but I also indicated my confidence that the European Council and the Union will weather this particular period of turbulence, as it has done many times previously. Member states seek a strong and effective Union and I will devote my efforts to ensuring the earliest resumption of smooth and forward looking business relations.

While the outcome of last week's Council might not, at first sight, encourage optimism, I believe the Union will find the strength to move forward in a united and determined way. The new member states made an important contribution to the discussions last week. In their interventions, many of the Prime Ministers of the ten states showed a deep understanding of how the EU works and a deep commitment to its future development. Their willingness to compromise and their support for the concept of a Europe based on solidarity was striking and encouraging.

While the discussions on the future financial perspectives were difficult and robust, the European Council had a positive exchange on the

European Constitution. The discussion was serious and amicable and there were no recriminations. There was an overwhelming sense that the European constitution was in Europe's interest and that it should not be renegotiated. The discussion at the Council confirmed there is no plan B and the European constitution remains on the table. The Council adopted a declaration on the European constitution that helps chart the way forward. The Council agreed that the ratification process should continue.

At the same time, there was an appreciation of the particular situation of the member states committed to holding referendums.. These countries will need more time to engage in debate and dialogue and, therefore, the Council agreed to have a period of reflection and debate in all the member states. It is accepted the timetable for ratification may be altered in a number of member states and there is a general understanding that the original target date of 1 November 2006 for entry into force is almost untenable.

Each member state will determine, in the light of its own circumstances, how best to proceed. The European Council will assess the situation in the first half of 2006 under the Austrian EU Presidency. The Government remains committed to ratifying the European Constitution. Following the discussion at the European Council, we will not at this stage set a date for the referendum or progressing the referendum Bill. We will, however, continue to prepare for a referendum. We will use the period of reflection to intensify our engagement with the European Constitution and Europe generally.

The National Forum for Europe has done much to promote debate and the Government will continue to support it. It will play a key role in facilitating in Ireland the broad debate envisaged by the European Council. The Oireachtas will also have an important role to play in this debate. The Government will consult the Opposition parties on the scheduling, at an appropriate time, of a full debate in the Dáil and the Seanad on the situation in the EU. In September, the Government's White Paper on the European Constitution will be published. This will ensure comprehensive, accurate and factual information is made available to the public. I strongly believe that the ratification of the European Constitution remains a valid and important objective for Ireland and for the Union. The pause in the ratification process will allow the Governments of the member states to listen to the voters, to communicate the importance of the EU and to revitalise public engagement with Europe and its role in the world.

The second key issue on the European Council's agenda was the negotiation of the future financial perspectives. In the months preceding the Council, the Luxembourg Presidency managed through great skill and determination to narrow the differences between member states. The package on the table at the Council contained all the elements for an agreement.

However, the political will was lacking and no agreement was reached. Ireland's overall approach throughout the negotiations was to ensure the Union is fully equipped to meet the challenges of the years ahead and to enable it to meet the expectations of our citizens. The final package tabled by the Presidency would have been a good result for Ireland and for the Union.

I indicated at the Council that in the interest of compromise and solidarity, Ireland could have accepted the final proposal of the Presidency. Our particular national concerns were to safeguard the October 2002 agreement on the funding of the Common Agricultural Policy, to ensure adequate cohesion arrangements for our regions in transition, to ensure as fair a deal as possible with regard to our contribution to the EU budget, and to secure future EU support for the peace process.

On the CAP, the Presidency's proposal would have ensured that the funding was sufficient to cover both the commitments made to our farmers under the October 2002 agreement and also the costs of the extension of the CAP to Bulgaria and Romania on their accession. In the discussions on CAP funding at the Council, I emphasised that the October 2002 agreement on CAP funding by the European Council was a milestone. It had resulted in a fundamental overhaul of the CAP and paved the way for a decline in the CAP's share of the overall EU budget. Our farmers accepted the deal on the basis that it had been agreed by the European Council and provided certainty for the years up to 2013.

Efforts to reopen the deal called the credibility of agreements reached at the European Council into question. Efforts to link the CAP to other issues, such as budget rebates, did not take into account the very far-reaching and significant reforms already made to the CAP. Subsidies have been decoupled from production and the CAP's share of the overall EU budget has significantly reduced over time. The European model of agriculture makes an important contribution economically, socially and environmentally to European society. I regret that many of those, who are perfectly free to take a different view on the future of the CAP than the one I take also feel free simply to ignore the facts.

The Presidency's final package also included €200 million in support of the peace process over the coming period. The funds would have been spent in Northern Ireland and the Border counties on a range of cross-Border and cross-community projects. The continuing commitment represents both practical and symbolic support by the Union in the cause of peace and reconciliation in Ireland.

The issue of the British budgetary rebate was one of the main stumbling blocks to reaching a final agreement on the financial perspectives. I strongly argued that the future cost of all rebates should be kept within reasonable limits. Following the failure to reach agreement on the financial perspectives at the Council, the issue will be

taken forward under the incoming British EU Presidency and, possibly, the Austrian Presidency in the first half of 2006. The European Council will return to the matter. Ultimately, the EU will find the political will to craft an agreement on the financial perspectives. It is important that such an agreement should be achieved sooner rather than later, not least to allow the new member states the time to prepare for the receipt of Structural and Cohesion funding.

I made clear, however, that Ireland's acceptance of the Presidency compromise last Friday night was on the basis of agreement at that time. The Government will rigorously resist any attempt to use that compromise as a starting point for further negotiations or a platform for further concessions. While the negotiations on the EU budget are strongly influenced by national interests and objectives, the budget is also a concrete expression of the solidarity and co-operation between the member states, which underpins the Union. It can only be agreed in a spirit of compromise and political goodwill. Short-term national political and economic interests must yield to the collective long-term interest of the future stability and credibility of the Union. We must return to the negotiations determined to reach an agreement which respects the common policies and the earlier agreements of the European Council but which also looks to the future and the global challenges facing the Union.

The conclusions of the European Council reflect the EU's support for future enlargement and to implementing the commitments it has given to accession and applicant states. The European Council welcomed the signing of the accession treaty with Bulgaria and Romania. These countries will participate as active observers in the proceedings of the European Council and its preparatory bodies. Ireland looks forward to their full membership of the Union in January 2007. The European Council also highlighted the need to implement in full the commitments given to Turkey and to Croatia at the December 2004 European Council concerning the opening of their accession negotiations.

The process of globalisation will not stop while the Union deals with its internal agenda. In the coming months, it is important that the Union continues to focus strongly on economic and social issues. It is clear from the debate in the member states on the European constitution that the challenges of globalisation are now making themselves felt across the Union and at all levels of society. This is why the revitalisation of the Union's Lisbon Agenda, launched in March 2005, must be implemented and pursued with great determination.

The European Council approved the integrated guidelines for growth and jobs 2005-2008, a key component of the Lisbon strategy. The integrated guidelines must be translated into national reform programmes to be established by member states. The Commission also presented a Lisbon

[The Taoiseach.]

Community programme, which covers all action to be taken at Community level. The national reform programme in Ireland will be developed in response to our specific national needs and the social partners and the Oireachtas will be included in the consultative process in its development.

In the coming months, the EU must also continue to work hard on dealing with a range of internal issues that affect the daily lives of our people. The fight against crime, terrorism and drugs is an area where strong co-operation between the member states is essential. The Council's conclusions, therefore, noted the adoption of both the Hague programme action plan strengthening the area of freedom, security and justice and the EU drugs action plan. The conclusions also review the implementation of the action plan to fight terrorism and set out the priority actions that must be undertaken in this area.

While the European Council was dominated by the discussions on the European Constitution and the financial perspectives, it also adopted conclusions on a wide range of external relations issues. The Council's conclusions reflect the key international role being played by the EU, as it works to prevent conflicts, fight poverty and support the effective working of key multilateral bodies. It is essential that, as the Union works to overcome its current internal difficulties, it remains engaged on the international stage and continues to promote its interests and values in a turbulent world. The European Council wants to have a balanced and considered outcome to the September UN summit which will enable the UN to be reformed and to respond more effectively to the threats and challenges facing the world.

The conclusions of the European Council on the UN summit include a new commitment to increase EU overseas development assistance, including a sharp increase in the EU's ODA to Africa. The new EU ODA agreement should result in an additional €20 billion per year in EU ODA by the end of this decade. The conclusions set out the EU's views on a range of key summit issues such as disarmament and non-proliferation, human rights, including the establishment of a human rights council, the reform of the main UN bodies, sustainable development and trade.

The European Council also adopted important declarations on Kosovo and the Middle East. The declarations reflect the important role the EU plays in regions where international efforts to prevent and resolve conflict are entering into a critical phase.

The past month has not been good for the European Union. The rejection of the European constitution by two of the founding members of the Union has delivered a shock which will take some time to absorb. We are all still reflecting on the full implications of these votes and will require time to assess how best the Union can move forward. The disagreement on the financial

perspectives reflects this state of uncertainty. The launching of a debate on the European constitution and on Europe generally across the Union should help clarify our thoughts and help us to take the necessary decisions to put Europe back on track.

Now is not a time for division and dispute among us. It is a time for coming together in support of a Europe that serves the interest of all its people in a rapidly changing world. For its part, the Government will support and contribute to the national debate. We will also continue to work with all our EU partners, particularly in the new member states, in a joint effort to ensure that the EU emerges strengthened and revitalised after the setbacks of the past weeks.

Let me say to those who are now making dire predictions about the future of the EU that I am certain they are wrong. The European Union is not some wilting violet that will fade away overnight. It is a strong plant with deep roots which are nourished by the common prosperity of its peoples, its track record of unprecedented success and by the common desire of its peoples and member states for a Europe united, peaceful, prosperous and free. We must all work together and I intend to play my part in the weeks and months ahead to ensure that we do so.

Mr. Kenny: I wish to share time with Deputy Naughten.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Mr. Kenny: Last week's summit shows that Europe is going through a storm. However, it is not yet time to take to the lifeboats. The public comments made by Heads of Government during and after the summit were unprecedented in their tone and content. That said, it was the week that saw the anniversary of Waterloo.

Naturally, the results of the referendums in France and the Netherlands made ratification the major subject of the summit. However, the budget proved equally fractious. I will address that first. The budget negotiations have been inconclusive, divisive and have left a bitter legacy. Britain did Europe no favours by using the outcome in the referendums to link a deal on the UK rebate with a further scaling back of the Common Agricultural Policy, CAP. I regard the UK's action as dishonourable. It was an unworthy negotiating tactic and an excellent illustration of why people have become unsure about Europe. They see governments blatantly using Europe for their own domestic ends, regardless of the damage they do to the European ideal in the process.

In that sense, Britain was out of order. In terms of the CAP, it was equally so. The policy has undergone such radical reform over the last 15 years as to see spending on agriculture as a proportion of EU budget falling dramatically and so-called commodity "mountains" virtually elimin-

ated. Further modifications in the context of world trade must be a matter of negotiation, not unilateral attack. It is wrong for a member state to attack the CAP in an attempt to gain leverage on a separate issue.

It is now said that the imminent UK Presidency of the EU will stagnate. However, that is not inevitable. In fact, the British Government now has an opportunity to repair some of the damage it did last week. If it makes a real and sincere effort to achieve progress on the budget in the context of the constitution, it can prove its critics wrong. It should live up to its duty, its people should be responsible Europeans and the country should build bridges with those member states with whom it has been in dispute.

In terms of ratification, I am pleased the Heads of Government decided to extend the ratification period. Before the European Council meeting, I joined the summit meeting of the government and opposition leaders of the EPP, which included the Council's current President in office, Jean Claude Juncker, and the Commission President, José Manuel Barroso. There were varying views as to the best way forward. I proposed, as I had previously, that instead of suspending or abandoning ratification, as suggested by the UK, it would be better to keep the process alive and extend the deadline by two years. This would allow for a more comprehensive public debate on the merits of the constitution and a deeper analysis of its rejection in France and the Netherlands.

I note our Government's decision to delay the ratification period. The decision is welcome. I have consistently held the view that proceeding with an early referendum would have been counterproductive, given the practical considerations following the French referendum. It would have been extraordinarily difficult to motivate people disposed to voting "Yes", given they would be voting on a treaty which, as things stand, cannot be ratified by all 25 member states. Last year, I proposed that all countries holding referendums on the constitution should do so on the same day to avoid unnecessary prejudice and allow countries to focus on our shared common good.

Certainly Europe has seen better times. I am confident that it will do so again. In fact, the events of last week illustrate Jean Monnet's belief that "Europe is a process, not a product". Politically, co-operation may be at a low ebb. In addition, our people are expressing uncertainty about how exactly they want Europe to proceed. However, I believe this to be part of Monnet's process. It is where politicians get another chance to explain to people the "why" of Europe, where we can lead a public debate on what it is to be European and, above all, where we can actively listen to our people and their confusion about, or their complete indifference to, Europe and its future.

Seven out of ten people in the EU say they know little about our Union. Less than half the electorate voted in the European Parliament

elections last year. Just after those elections, Romano Prodi warned that we "needed to respond to the disenchantment of our citizens". We must do that here and now if Ireland is to show good example in the next part of Monnet's process. The disconnection between the political process and the reality of people's lives is enormous. I believe Ireland can show a good example. It is nothing new. Culturally, in the Dark Ages we colonised the minds of Europe. Centuries later, we used a sliver of silicon to transform ourselves economically from the poor relations into the second richest country in the Union. In doing that we held out hope to others watching, waiting and thinking that if Ireland can do it, so can they. There is no reason we cannot do it again, although this time politically.

The Irish people are highly sophisticated, educated and intelligent. They have a finely honed sense of doing right by people, standing up for people and of looking out for their fellow human beings. It is that innate sense of responsibility and intrinsic goodness which should form the basis of our debate and allow Ireland to lead the way into the next part of the process in the next two years. This will, perhaps, show that unlike our near neighbours, we are more than a nation of shopkeepers.

I was struck by a question asked by Edmund Stoiber, who was standing in for Angela Merkel at the meeting I mentioned. It suggested that people do not believe in Europe any more and that there is a necessity to explain to people what Europe is about and why it was formed. He was sitting beside Michael Howard, an Englishman. England and Germany are two of the reasons that the European Union was formed in the first place. These two worthy representatives of their countries made that starkly evident at the meeting.

It will require new thinking and a new proposition. It must be something beyond the traditionally successful sell of the one-way benefit, the prospect of what is in it for us. Certainly, there is a consumer element to the European ideal. Every time one fills one's car with unleaded petrol, one can thank Europe and its health and environmental regulations. Every time a student goes on a SOCRATES programme to broaden his or her mind and horizons, he or she has Europe to thank. If one has taken parental leave after the birth of a child, one can thank Europe's social chapter. If one is in the 1% of the population with a life-threatening food allergy, packaged food is less of a minefield since Brussels demanded definitive ingredient labelling.

However, the next stage is about more than that. It is about what we can give as much as about what we can get. With the constitutional treaty, the EU ceases to be an innocuous economic club owned, so to speak, by the governments of the various member states. Instead, the treaty signifies the EU as a political and legal entity, with all the seriousness which that implies. The political dimension of the EU has become

[Mr. Kenny.]

increasingly evident in recent years. However, governments, including the Irish Government, have not just failed to address that political dimension, they have positively ignored and avoided it. That is weak leadership and now Europe, and all of us, are paying the price.

If we are serious about Europe, it is time to be serious and honest with our people. We need to give them debate and discussion on the substance of the new Europe, what it is to be European and on the type of Europe we want, and through that the type of world we want.

Furthermore, there have been mistakes in how projects have been managed. Take the example of the Schengen agreement. Citizens benefit in a tangible way from that ambitious project yet its potential remains unfulfilled. Instead of freeing people, the dismantling of borders causes them to worry about illegal immigration, increased criminality and general insecurity. This is because when they decided to dismantle the borders the EU leaders lacked the political will to step up co-operation between their police forces and judicial authorities. People see the potential but through lack of courage and half-way measures weak leadership results in failure.

Future analyses should be frank and open. For example, we must examine the role of Europe in a globalised world. Is it to spread stability beyond our borders or to provide safety and cohesion inside? How do we ring-fence the rights and demands of the individual states without thinking how they connect with the needs and the good of the whole?

It is time to communicate what it means to be European in a way that involves responsibilities as well as rights and relates to the good of the individual state and the greater good of the group. This time last year after the text of the EU constitution was agreed I said the EU was facing its moment of truth, that agreeing the constitution was one matter but adopting it another. That is the case, especially since its defeat in France and the Netherlands.

The next time we vote on an EU issue the question will be whether we are for or against the EU. The response will depend on how politicians here and outside the House engage with, respect, inform and persuade the people in the meantime. This is a golden opportunity to stop selling the EU to the people and explain it instead. We can demystify and humanise the EU and explain its absolute necessity for the 455 million citizens who, thanks to the EU, are neither allies nor enemies but members of the one European family, a remarkable achievement within 60 years.

Mr. Barroso put it well when he said there was no plan B, but there should be plan D for democracy and dialogue. We have two years within which to explain the reason for existence of the EU and to make people see that its values are theirs, that it comprises people not institutions and that they will build the Union at their pace

and their rhythm. This is the only way to make people feel that the EU belongs to them, that it is a place where they have their say, are listened to and is truly their home.

Mr. Naughten: The European Commissioner for Agriculture and Rural Development, Ms Fischer Boel, proposed to the European Council last week that a cut of 4% in each farmer's single farm payment should take place from 2007 as a means of alleviating the looming crisis in the EU budget from that date. It is shocking that the Commissioner charged with defending the rights of farmers and the agriculture sector seeks to undermine the Common Agricultural Policy, CAP, agreement less than three years after each member state, including the UK, signed up to it.

These cuts will come on top of the modulation cuts which will reduce farm payments over the lifetime of the CAP. The single farm payment is not index-linked and will inevitably reduce year on year. Farmers cannot be expected to take a second cut. They have not received the first single farm payment and already there is talk of changing it. The CAP deal, struck in 2002, pledged to preserve agricultural spending at its current level until 2013. This pledge must be fulfilled.

While the UK tries to squeeze the CAP budget it refuses to examine the terms of its own generous rebate scheme. The UK rebate is worth almost €5 billion annually and has operated since 1984. Mr. Blair appears to ignore the fact that in the intervening period there have been significant reductions and cutbacks in CAP. The level of spending on agriculture in the overall EU budget has fallen by 30% in the past 20 years but the UK rebate level has not fallen.

The UK and the Commission want the farming community to foot most of the €8 billion bill for incorporating Romania and Bulgaria into the European Union, but that is not acceptable. The UK recently attempted to couch its opposition to the level of subsidies paid to EU farmers in the simplistic terms of its impact on the poor African states. For example, a cut in EU sugar prices would have a negative impact on underdeveloped African countries which gain from the high guaranteed prices they receive for the amount of cane sugar they can sell into Europe.

Trócaire has called for the maintenance of these quotas for underdeveloped African countries and improved market access for them. It also recognises there must be room for domestic production in Europe. Changes to the sugar subsidy regime, however, would benefit big players such as Thailand, Brazil and Australia where sugar production remains in the hands of wealthy ranchers whose incomes increase even more, without return to their peasant workers or to small-scale sugar farmers in the everything but arms countries.

EU leaders must return to this issue to resolve the budgetary problem soon. I urge the Minister for Agriculture and Food to hold firm on the commitment to ensure the CAP will not be

further eroded. The EU cannot renege on its deal. The Minister for Agriculture and Food will have her first opportunity to press home this issue later this week when Ms Fischer Boel makes her first visit to Ireland. The Minister needs to hammer home the point that the UK's attempt to revisit the CAP agreement is too late. The deal is closed and cannot be revisited. We must stand firm on this issue.

The Minister must also emphasise that farm cuts have gone far enough, particularly when one considers the cuts through modulation funding and that the Commissioner's comments do not help member states to uphold the CAP agreement.

Mr. Quinn: The media have overplayed the outcome of this summit. It would be wise to reflect on what remains in place. Some headlines over the weekend suggested that the Union was finished, that it had failed to agree a budget and a rule book, and that the euro was likely to disappear. There is a rule book, namely, the five treaties. The constitutional treaty was an attempt to consolidate and improve the decision-making process within that rule book, but the French and Dutch have rejected it. The indications are that they will not revisit it in its present form. We must all decide on the way forward.

There is a budget, and the new budget will not take effect until 2007. There is a set of rules, even if their application in some areas is cumbersome.

Our friends in Britain are taking on the EU Presidency at a time when the Prime Minister, Mr. Blair, could give strong, positive leadership. He is the strongest political leader among those of the four largest countries in the Union. One need only consider the domestic circumstances of Chancellor Schröder, President Chirac and Mr. Berlusconi to realise that. Mr. Blair, however, seems to have responded to President Chirac's provocation after the defeat of the constitutional treaty in France to put the rebate back on the table for discussion.

Perhaps Mr. Juncker, despite his wide experience, should have considered how to handle that aspect of the summit in advance. The expectation that we would get a budget deal was never justified. As the Taoiseach said today, in the early period the 1% club attempted to restrict expenditure but obviously we need to return to Mr. Delors' original proposal, when the cohesion funds were created after the Maastricht treaty, and consider 1.44%. We will not achieve many of those things on which Mr. Blair rightly wants us to focus at European level with a small budget, 25 member states and the prospect of two or three more coming in.

I was in Mr. Blair's presence at several events organised by the Party of European Socialists where he suggested that he wanted to put Britain at the heart of Europe. Sadly for Europe and Britain and for many people living there, and by extension ourselves, he seems to have lost that opportunity. There is a much better, detailed

analysis of this on the opinion page of yesterday's *Financial Times* by Wolfgang Münchau in which he cites four, if not five, downsides to the actions taken by Prime Minister Blair. However, that decision has been taken and we find ourselves in the present position.

Perhaps the Taoiseach or the Minister for Foreign Affairs, Deputy Dermot Ahern, might respond to this. The inference that I draw from the Taoiseach's comments is that because Britain has such a vested interest in the budgetary process, it is difficult to see it in the role of honest broker and compromise seeker while at the same time maintaining a clearly if not stridently asserted national position. Therefore, we are faced with the prospect of the Austrian Presidency having to sort out the budget at the beginning of next year.

It is nevertheless sad, since, on the positive side, the European Union, for all the criticism that people throw at it, is one of the few international organisations in the world that people want very passionately to join and that has been an absolute success. Perhaps in retrospect there should have been less pride from Joschka Fischer and a few others and we should have entitled the treaty, as a friend of mine said, "A Treaty to Consolidate and Integrate Five Existing Treaties" and bore people instead of frightening them by letting them think that we were getting a new constitution. To use the word "constitution", as distinct from "constitutional treaty", which Giscard d'Estaing wanted to do, was, in retrospect, a bridge too far.

I welcome what the Taoiseach has said. As far as we in the Labour Party are concerned, we cannot say to people that they got it wrong. The turnout in the two referenda in the Netherlands and France was double what it was for the first Nice referendum in this country. There was a sustained and substantial debate in both countries. It was extremely well informed about what was in the treaty and showed concern about things that were happening to people.

We are simply ignoring the elephant in the living room if we ignore the question of Turkey, raised in particular by the right-wing "no" campaign in France but also of major concern to ordinary citizens. It is not that such people are racist or anti-Islamic as such, although some may very well be both, but they are fearful of the future and for their identity.

It is not sufficient to say that to the people who have the reputation for being the most tolerant, the Dutch, who took in economic and religious refugees, starting with the Sephardic Jews in 1492. It was a different kind of Netherlands, but essentially the same region. Antwerp and other places became a haven, first for Huguenots and subsequently for Jews and others. The *quid pro quo* of that kind of open door policy was that, over time, those generations allowed themselves to be absorbed into Dutch culture and, broadly speaking, took on Dutch values.

[Mr. Quinn.]

What seems to frighten some in the Netherlands is not the first or second generation immigrants who have worked their way up and made a contribution to the economic life of the country. The third generation children of Islamic immigrants seem to be quite fanatical, and there is a similar phenomenon among a minority across the water in the United Kingdom.

Therefore, when such things happen, people's fears are real. They are tangible and can be measured. We must understand what is making them fearful. Part of it is globalisation, and part is the failure of two big economies, for totally different reasons, to sustain and generate substantial economic growth. The problems of Germany were caused by the crazy unification proposals and the one-for-one exchange policy of Helmut Kohl. Those in France are quite different, many having been caused by very bad government under President Chirac. As Mr. Sarkozy, the leader of the right-of-centre French party, the UMP, said, a social model that has produced 10% unemployment for the last 20 years is not exactly one that is working terribly well, and that must be examined. To pose that question in his position is to recognise the obvious.

There is no question in anything that Tony Blair has said that countries such as Ireland, the Netherlands or Finland, which have reformed their labour markets and introduced change, are attempting to throw the baby out with the bathwater and completely demolish or dismantle the welfare state. Britain now spends more money on its welfare state than ever before, and the sorts of simplistic accusations thrown across about the so-called Anglo-Saxon neoliberal model being imposed on the European Union simply do not fit the facts. However, the facts are as people perceive them, and therefore what should happen over the next few months and years is a much bigger engagement with what people are concerned about and how their fears can be assuaged.

The Treaty of Rome has a famous phrase that we have always cited: "The peoples of Europe, in creating an ever closer union". We are now reaching the stage where people want to know the final destination and what the Union will look like when it is finished.

The Taoiseach: Boundaries.

Mr. Quinn: Does it automatically have to roll right up to the Urals? Simply because Ukraine is part of the European continent, is it automatically entitled to be a member? Can we say for a generation, if not two, that the enlargement of ten, and possibly 12, member states is sufficient and will have to be digested and integrated without any further territorial enlargement for a time? I am not talking about five or ten years but a substantial period.

In the meantime, we must develop our neighbourly policies regarding the countries of the Bal-

kans which are now surrounded by European Union member states and are, so to speak, within our territorial area. If they are not stabilised, they pose a threat to us, just as a house full of dry rot in the middle of a terrace is a danger to every other house.

That said, we must begin to reassure and talk to people, telling them what the project is and what sovereign powers we have agreed to share in the EU. That is all that we need for the foreseeable future, and we will not transfer any more powers. We will do the things set out and proposed in the various individual documents to which we have referred and in the existing five treaties, re-encapsulating and restating them in the constitutional treaty itself. I invite the Minister for Foreign Affairs, Deputy Dermot Ahern, to reflect upon that.

We have some experience in this country from the National Forum on Europe. There is now talk in some other member states and at EU level — certainly in the European Parliament — of doing something similar. How that would be structured and presented remains to be seen. However, the need for that communication exists and I commend the work that Senator Maurice Hayes has done with the National Forum on Europe. It is a model at which many other countries are looking to see how it might be applied. We have enjoyed very good value for money from it, since it has provided a non-adversarial platform and a framework within which very diverse views can be expressed, reaching out to civic society and political groups and parties that are either not fully represented or not represented at all in this Oireachtas.

I will return to the budget itself and the question of Common Agricultural Policy reform. The points that have been made by the Taoiseach elsewhere and by Deputy Naughten in the House today are pertinent. It is hard to understand how a country with all the diplomatic experience and wisdom that Britain has shown over many years, having agreed to a deal three years ago, could attempt unilaterally to tear it up in the way it did. A reaction was bound to come from people who, like us, have quite an interest in the matter. I hope Britain understands, as Deputy Naughten and others have said, that the CAP is in any case already reforming itself, being on a downward drift.

There are fears in rural Ireland about the implications. One need only read the article in today's edition of *The Irish Times* about the future of the 3,800 sugar beet growers in this country to get a sense of their fear and concerns. It is simplistic to suggest that we should demolish it and have free trade. We must use our negotiating weight in the World Trade Organisation and ensure that Peter Mandelson, on our behalf, seeks structural reform of the relationship between primary agricultural producers and what we can do.

We must begin to project European values in terms of the World Trade Organisation concessions that we make. For example, the treat-

ment that Brazilian workers on large sugar plantations must endure is unacceptable. If we want to open up our markets in an attempt to equalise income distribution across the globe, we must start to examine mechanisms that will allow us to exchange one concession for a concession domestically. Either the Brazilian Government moves to improve and enhance basic rights for its workers or else we must find some other way of achieving that end.

These are issues that must be explored. I have spoken about sugar but the same could apply to many other commodities. If we open up our markets as the neo-conservatives in the United States would like us to do without any type of *quid pro quo* or without any safeguards in regard to the income distribution effect of that decision, in five to ten years' time we will have a totally skewed income distribution derived from the wealth generated by those selling into our markets but no redistribution of any significance in what are currently Third World countries. In such circumstances, there will be a massive reaction in Europe to the point where there may well be a protectionist backlash.

This has happened before in 1914. We came into the 20th century with an international currency, modern communications, new technologies such as steam and motor transport and a totally open trading system. Within 14 years that open trading system had largely disappeared and only re-emerged to a significant extent at the end of the last century. Protectionism and the reaction to domestic political forces have not gone away and it is vital that we can understand people's fears in this regard. If people agree to trade away, give away or have taken from them certain protections, such as those enjoyed by many rural farm producers in this country, and the consequential effects are not those that were promised, there could be a serious backlash.

I wish the British Government well during its Presidency. I hope it will take on board some of the comments that have been made and will attempt to prepare the ground if it cannot do a budget deal in the next six months. It should prepare for such a deal for all the reasons the Taoiseach mentioned earlier during Question Time. We must ensure new member states can get access to and draw down funds in their own domestic budgets, limited as such funding may be.

Mr. Gormley: I propose to share time with Deputies Ó Snodaigh, Finian McGrath and Connolly.

An Leas-Cheann Comhairle: That is agreed.

Mr. Gormley: The conclusions of the Brussels summit were simply a recognition of the reality that the ratification process had to be stalled in light of the French and Dutch rejections of the constitutional treaty. I welcome the thoughtful and measured contribution of Deputy Quinn. He too recognises that we cannot go on as we are. In

a statement that was not picked up to any great extent by the media, the Taoiseach remarked before he went to Brussels that the French and Dutch would have to state their position in the same way as he stated his position in Gothenburg after the initial Irish rejection of the Nice treaty. It was in Gothenburg that the Taoiseach announced that Ireland would hold a second referendum on that treaty.

The question is whether we had clarity in Brussels. Did the French and Dutch tell us they would vote again? If we are to believe some of the public pronouncements, the respective leaders were emphatic that they would not do so. The Dutch Prime Minister, Mr. Balkenende, said there would not be a second referendum in the Netherlands. Prior to the referendum defeat, we were told by French leaders that there would be no second vote in France. They were categorical in this contention. The ratification process, with which I did not agree, is therefore stalled and cannot continue.

On 31 March 2003, I put forward an alternative view at the Convention on the Future of Europe. This submission, which received cross-party support, was a proposal for a Europe-wide referendum. It is ironic that in the light of the French and Dutch rejections, I have heard others who originally dismissed the idea now pronouncing it a good idea that we should all vote together on the same day. It is regrettable that this idea was rejected by the presidium of the Convention because it would have solved many of the problems that have arisen.

However, it may not have facilitated the passing of the constitutional treaty. I have spoken to colleagues throughout Europe and there is significant opposition. Some German colleagues told me at the weekend that if a referendum had been held in their country, it would have been rejected. The same view seems to prevail in Italy. There may be different reasons for this opposition in different states but the opposition undoubtedly exists.

One of the reasons the Europe-wide referendum idea was rejected was that many, particularly the French themselves, believed it incomprehensible that France would reject the EU constitution. It was not meant to be like this. The idea was that the French would accept the constitutional treaty and this would facilitate a rolling "Yes" vote in those countries that held referendums. As one French man observed: "If the British say 'No' it is a problem for Britain, but if the French say 'No' it is a problem for Europe."

Part of the reason that the British are now so defensive is the way they have been treated over a period of time. There has been a certain amount of Brit-bashing in this country. Even among Green Party colleagues in other European states I have heard much talk to the effect that the Brits must make up their minds whether they are in or out. What we are seeing now is a reaction from the British. If Europe is a family, we must recognise that we are all in this together, including the

[Mr. Gormley.]

British, and that we must take on board their view of Europe.

The French are slightly out of touch with how Europe has developed. The EU has expanded and the vision of the Poles, Hungarians and Czechs does not necessarily correspond to that of the German-French alliance. It is a slightly different vision in terms of economics. Many of the new member states believe themselves to be, for whatever reason, closer to Boston than Berlin, to use a common analogy. This is particularly so when it comes to militarism because they believe they owe the United States a favour.

There are a number of issues to consider but it is most important that we decide how to proceed from here. The Laeken Declaration asked us to bring Europe closer to the people. All the evidence suggests we have not succeeded in doing so and that many people are alienated from the European project. What does it mean when the Taoiseach talks about a period of reflection or engagement? Is it a question of engaging properly with citizens or is it a matter of getting the constitution through by hook or by crook?

There are many who see this debate focusing on the question of the type of Europe its citizens want. Do they want a federal Europe or a confederation? One must accept that not all those French who rejected the constitution were ignor-amuses. There was, to use the Taoiseach's phrase, real engagement in France and the constitution was a best seller. I doubt many here would read it. Mr. Dehaene said that nine out of ten people would not read the treaty text but the vast majority of French citizens did so and also read books about the constitution.

We must decide what type of Europe we want. It is not desirable that we should have a Europe of the elites. I am a supporter of EU enlargement and have always said that Turkey should be part of Europe. I do not want Europe to disintegrate. I do not believe in the histrionics of Mr. Prodi, who said that Europe will disappear because France said no. Europe will not disappear. We will continue, but we must be careful that this process of disintegration, as it is now called, is halted. Some of us want such a confederation, but we want Europe to continue.

Aengus Ó Snodaigh: Gabhaim comhghairdeas le Stádas as an toradh a fuair siad as a bhfeachtas, agus buíochas leis an Taoiseach agus an Rialtas as an stádas sin a bhaint amach don teanga. Is trua nach bhfuil gach duine sásta leis an chéim mhór chun tosaigh a fuair an Ghaeilge, agus measaim go raibh léiriú ar an meon caolaigeanta sin san *Irish Times* agus *The Evening Herald* inné.

Agus mé ag labhairt ar mheon caolaigeanta, measaim chomh maith go bhfuil comhghairdeas ag dul dóibh siúd a sheas ag an deireadh seachtaine ar son cothromais i gcoinne an bhaic a chuir méara Warsaw ar mháirseáil aerach agus leispiach. Tá comhghairdeas ag dul do na póilíní a

sheas leis an phobal ar son cearta daonna sa tír sin.

The crisis in the ratification process of the proposed EU constitution was a hot topic of the EU summit. I can only say *vive la France*. The French and Dutch have taken a courageous stance and expressed their democratic choice. We respect that and hope that other parties do the same, unlike the approach taken by Government parties with regard to the Nice treaty.

The French and Dutch votes have fatally wounded the constitution. However, it is not yet buried because it contains a clause which allows member states to proceed if the 80% ratification threshold is reached. For that reason, the EU seeks to introduce a longer period of consultation, but that is not required to kill off and bury this constitution.

While I oppose the constitution, I welcome an opportunity for Irish people to add our weight to the rejections delivered by the French and Dutch and by citizens of other countries. The treaty text is complex and the many reasons which exist for its rejection by Irish, French, Dutch, British, Czechs, Danes and others should be taken into account when EU leaders are forced back to the drawing board. They might, for once, listen. The EU elites and federalists have created this new delay on ratification because they are running scared of the democratic will of the peoples of Europe. One need only look at the arch-federalist and architect of the EU constitution, Mr. Giscard d'Estaing. He lamented that the French voters read the document following its distribution to every household. The reality is that, once people in this country educate themselves on the European project, they will reject it in the same manner as the French and Dutch.

The Government and the people have different desires for the EU. It is our job to prove that a more equal and democratic EU is possible. If the Government is intent on putting a dead duck before the people, we are ready and we will defeat it.

Mr. Connolly: It is generally accepted that, after the failure to agree on a budget or plans to ratify the constitution at last week's meeting in Brussels, the EU faces its most serious crisis in decades. The delegation which visited the White House yesterday for US-EU talks had the appearance of a lame duck. It is ironic to hear President Bush express US support for a strong Europe, while commentators simultaneously referred to a diminished global role for Europe in the wake of last week's meeting.

The Council meeting abandoned the attempt to ratify the EU's first constitution by next year without declaring the document dead. This effectively left the EU without a roadmap. It appears to be in suspended animation for the duration of a period of reflection. This period may become permanent if the humiliating defeats of the referenda in France and the Netherlands are repeated. The Luxembourg Prime Minister, Mr. Jean-

Claude Juncker, was coldly realistic in saying that the EU could not continue as if nothing had happened. The Prime Minister also remarked that the November 2006 target date for ratification of the constitution by all member states is no longer tenable.

The Council apparently did not attribute the failure of the EU constitution in France and the Netherlands to any imperfections in the document but to the electorate's lack of knowledge or understanding. EU President, Mr. José Manuel Durão Barroso, would be well advised not to underestimate the intelligence of the public or its understanding of and concerns about the EU constitution. Since last week France has engaged in recrimination, with the new Prime Minister suggesting that the accession of ten new states in May 2004 was the real reason for the French rejection of the constitution.

Mr. F. McGrath: I am grateful for the opportunity to contribute to this debate on the European Council. I want to use this occasion to challenge the cosy consensus that exists in the Dáil on Europe and its future direction. The Government and the major Opposition parties do not listen to the concerns of many citizens. Even if it is not popular to do so, I represent a different view of Europe. I speak as an Irishman and an internationalist in the tradition of Peadar O'Donnell and Michael O'Riordan. My vision of Europe is one of different nations working together as independent states while respecting the integrity of each. Throughout history, empires have not worked. The attempt to introduce the EU constitution will not work because the voices of citizens were not listened to.

The elites of the EU must be challenged. The result of the French referendum demonstrates that working people will not be bulldozed into a super state with its own constitution, a Union law with primacy over the law of member states, a legal personality and all the symbols of a super state. The details of the EU constitution in terms of common foreign and security policy are described on page 139 of the constitution. Article III-294 makes it clear that a state is being created that was not sought by the people of Europe.

I ask the Taoiseach and Ministers to look at the evidence of this matter. On 25 February 2005, the German Minister for Europe said that the EU constitution is the birth certificate of the united states of Europe. On 26 June 2004, the Belgian Prime Minister said that the constitution is the capstone of a European federal state. In 1998, the then German Foreign Minister said that creating a single European state, bound by one European constitution, is the decisive task of our time. These comments reinforce my arguments. I urge people to listen to the Opposition voices with regard to the EU constitution.

An Leas-Cheann Comhairle: The Minister for Foreign Affairs will now take questions.

Mr. Durkan: Will the Minister confirm that now is a good time for leadership to be shown by major players on the European scene, such as our UK neighbours, as referred to by
7 o'clock Deputies Quinn and Naughten?

Would it not be welcome that those countries which hold significant responsibilities and play major roles in the European social, political and economic arena should bring forward proposals that demonstrate leadership? By this means, they might dissuade others of the temptation to break with the European tradition and ideal and the vision that led us this far along the European trail. It must be recognised that the European Union has had hiccoughs before, such as that in France prior the Maastricht treaty, but they ultimately resolved themselves.

Will the Minister use his influence to address the negativity and glee that recently emerged from certain quarters at the possible demise of the European concept? Will he reiterate to all and sundry that this country, with a number of other European countries, including the main ones, has benefited tremendously from membership of the European Union and that the original ideals and goals set by the founding fathers have stood us well and have stood the test of time? The Minister and the Taoiseach have had a positive influence in this area, and the main parties on this side of the House support that. Will the Minister use this influence to pursue those ideals with the objective of achieving similar results to those achieved over the past 50 years?

Minister for Foreign Affairs (Mr. D. Ahern):

There was a distinct lack of leadership on Friday and Saturday by the main players in the EU and, as the Taoiseach stated, it was a sad occasion. I attended some long sessions, particularly of the Fisheries Council, and it is not often that Ireland returns from a long session without some satisfaction at a fair result, but on this occasion we returned with heavy hearts because of the lack of leadership and statesmanship from some around the table.

We must be positive. As Deputy Durkan stated, there were crises before and time has shown that the EU is robust and able to get over those issues and hiccoughs. It is true that the negativity in some countries, not least in France and the Netherlands, is accompanied by a large element of dissatisfaction with the economic and employment situation there. However, there was also huge engagement, particularly in France, on the enlargement project and discussions on the constitution for Europe. As democrats we must take the fears of those people into consideration. Just over a year ago we agreed that each member state would endeavour to ratify the constitution for Europe and we believe we are duty bound to attempt it and to take stock at that stage.

This country has benefited enormously from the European project. The €200 million in peace money was a relatively small addition specifically

[Mr. D. Ahern.]

for this island. It would have continued to give incredible benefit to the six northern and six Border counties, as it has done over the past decade, but unfortunately it is now up in the air. Yesterday I attended a ceremony whereby rural districts from north Louth in my constituency, with districts in south Armagh and east Meath, got together with the aid of EU INTERREG funding under this peace programme to assist rural people who are falling out of the system. If ever a project brought real benefits to ordinary people on both sides of the Border, that did. It makes no sense that those on our island criticise that type of project, which gives real assistance to people not just in one member state but through recognising that the existence of a border causes difficulties in an area.

I concur with the Deputy and we will do all in our power as a Government, and we expect the support of those political parties supportive of the European project from the start. We stated to the other member states that they should learn from our experience of the "No" vote in the Nice referendum and the Forum on Europe model. During Friday and Saturday, and on Thursday when we discussed the constitution for Europe, we constantly argued that if we were to have a period of reflection it must be a period of engagement and that where a democratic deficit exists in another member state it should use every opportunity to engage with its population. We accept that in a small country like Ireland it is relatively easy to engage with the public. It is more difficult with a population of 60 million, but it should not divert a large country from engaging in real terms with its electorate.

Mr. Quinn: Will the Minister outline the implications for his Department in terms of writing or rewriting the White Paper? I presume the draft in existence before the French and Dutch referenda must be examined in the context of the extended period of engagement and dialogue. While it may not necessarily be in the remit of a conventional or traditional White Paper, some of the mistaken myths that Deputy Finian McGrath put on the record of the House should be confronted. One cannot build a federal super state with a 1.27% budget or if that so-called super state is not allowed to borrow money. One cannot claim it will take on all of the manifestations of a super state or refer to page 18 of the constitution for Europe and state that the law of the Union will override the law of the member state. That was the position when we joined the EEC in 1973, although many people may not have fully realised it. It makes sense that if one agrees to play a game of international football, everybody must agree to the rules in the first instance and then empower a referee to enforce them. That is what is behind the judgment in the Luxembourg decision, as the Minister is aware.

I could ask many questions. What are the implications, if any, for the publication of the

White Paper in terms of addressing some of the concerns that exist? Will the next meeting of the Council of Foreign Affairs Ministers be the forum where discussion will take place on the interactive measures, this proactive engagement, or must the Commission bring forward a set of proposals? What is the next move as a consequence of creating this space for reflection?

Mr. D. Ahern: In Deputy Quinn's earlier contribution he asked whether it was anticipated that movement on the financial perspectives would be made during the UK Presidency as opposed to the Austrian Presidency, but we honestly do not know. Tony Blair seemed very content that a decision would not be made during the Luxembourg Presidency. From what he said yesterday, he may well have some plans on this but the general view is that the UK Presidency will have considerable difficulty in acting as an honest broker given that the key issue that must be addressed in the financial perspectives is the UK rebate.

Indeed, Jean-Claude Juncker said on many occasions during the time we were there that irrespective of the Presidency that will be dealing with the existing financial perspectives, there can be virtually no deviation from the parameters we are currently in and that it was not possible to rewrite the financial perspectives given the dynamic heretofore, not least in respect of the CAP. In respect of the CAP, we made the case that a deal is a deal. Even if the issue was about steel workers in another part of the EU, we must accept that if an agreement is made to which all the member states sign up after much pain, as did the United Kingdom in the guise of Prime Minister Tony Blair, in respect of a period up to 2013, and if we try to get the ordinary people on side — in this case the farmers — we cannot turn around and break that agreement. People say there is a democratic deficit in the EU. This would be an example where people could say that after only two years we are going back on a decision. Is it any wonder there might be a perception of cynicism among the electorate in terms of the decisions we make? That is why we stated, on a matter of principle, that as far as we were concerned the CAP arrangement is sacrosanct.

In respect of arrangements by my Department on the preparation for an eventual referendum, as I said in a different forum earlier today, as a Government we were trying, in consultation with the other like-minded parties, to have all our ducks lined up, so to speak, in such a way that we would be able to make a decision about the timing of the referendum. We published our legislation just before the French referendum, wisely in my opinion. The White Paper is ready for publication but we have decided to delay that and publish it in September, obviously taking on board some of the issues that have arisen in the meantime. Ultimately, we expect there would be a debate in this House on the referendum Bill. We will not bring in the Referendum Commission

until such time as we are happy in the knowledge that proper engagement has taken place.

In terms of the forum that will be used, conclusions issued after the discussion on the constitution of the Council indicated that there was a consensus on the issue of a period of engagement and that we would re-examine that during the Austrian Presidency. I expect it would be primarily at the GAERC meetings, as they are called, but it was also stated specifically in consultation with the other institutions of the EU, not least the Commission which would have a strong role in this area.

Aengus Ó Snodaigh: In terms of the constitution, if the Minister was to be consistent with the stance taken here, would it not be right to ask the French and the Dutch, or even the other ten member states, to put the constitution to a vote again? I do not understand the need for a longer and more intense period of reflection, clarification and discussion in light of the results. The Minister said that if we make an agreement we cannot turn around and break that agreement. The agreement was made that ratification would be complete by November of next year. Already, the European Council has broken that agreement. That is the reason there is a perception of cynicism. I do not understand, and perhaps the Minister will enlighten me, why two years is not long enough to discuss this issue. Rather than delaying the inevitable, will the Minister agree that the proper stance to take would be to accelerate the process to enable the issue be put to a vote at an earlier stage? That would give those people who wish to reject it an opportunity to do so quicker and allow us to get on with the next debate rather than debate a dead duck, so to speak.

What instructions has the Minister or the Taoiseach given to the Referendum Commission on the constitution or has that been put into cold storage also? How does the Minister and his EU colleagues intend to overcome the rejection so far by two countries and perhaps more in the future?

Mr. Naughten: I will be brief because I am aware time is running out. Is Commissioner Fischer Boel's proposal for a 4% cut in the single farm payment now off the table or can it be resurrected by the British later this year? Will the Minister provide clarity on that proposal?

Mr. D. Ahern: Regarding Deputy Ó Snodaigh's question on asking the French and Dutch to vote again, we made the point strongly that it was agreed a year ago that every country would endeavour to ratify the constitution over a period and that by 1 November 2006 we would take stock of the situation. No final date was set by which everyone had to ratify the constitution. We said we would take stock of the situation on the ratification process——

Aengus Ó Snodaigh: They have taken stock.

Mr. D. Ahern: ——by 1 November 2006.

On the question of the Referendum Commission, we said we would not propose to engage the Referendum Commission until such time as we are happy in the knowledge that we will proceed with a referendum on the constitution.

On Deputy Naughten's query about proposals made by the Commission, that is a matter for the Commission. It will make proposals on all aspects of financing during the British Presidency and I have no further information in that regard.

Private Members' Business.

Morris Tribunal: Motion.

Mr. Rabbitte: I move:

That Dáil Éireann,

- conscious of the widespread and justified public disquiet at the findings of the first and second reports of the tribunal of inquiry into complaints concerning some gardaí of the Donegal division;
- appreciative of the work of Mr. Justice Morris and of the significance of his recommendations for the future operation of the Garda Síochána;
- noting in particular the tribunal's findings:
- of appalling management of the Garda Síochána coupled with the manipulation of facts and circumstances to present to Garda headquarters and to the world at large an untruthful appearance of honesty and integrity in the Donegal Garda division;
- that the scandalous situation detailed in its Second Report was caused by a combination of gross negligence at senior level within the Garda Síochána, amounting to the criminal negligence standard in law, and a lack of objectivity and corruption at lower levels within the force;
- that, if there was a lack of proper management at senior level, corruption at middle level and a lack of review throughout the force, similar such situations could occur again; and
- that there will be no possibility of progress for the Garda Síochána until the infighting between officers, the failure of gardaí to account immediately and truthfully for their duties and the consequent effect on good morale are all fully addressed and there is in place an authority which is empowered to react;

[Mr. Rabbitte.]

- conscious of the recommendation of the tribunal that, at a minimum, the provisions of the Garda Síochána Bill 2004 should be reviewed by the Oireachtas so as to satisfy the legitimate disquiet arising from the lack of any independent body to receive legitimate concerns about Garda behaviour;
- aware of the need for fundamental structural reforms to ensure a policing service that is both democratically accountable and compliant with the rule of law; and
- convinced of the need for systematic independent examination and review of the structures and procedures of policing in the State and of the governing legislation, with a view to recommendations for reform;

calls on the Government to establish an independent commission to inquire into policing in Ireland, with the following terms of reference:

(1) To consult widely, with both members of the public, public bodies and non-governmental organisations and, on the basis of its findings, to bring forward proposals for future policing structures and arrangements, with particular regard to the need to ensure that;

(a) policing arrangements are such that the State has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole;

(b) the Garda Síochána is structured, managed and resourced so that it can be effective in discharging its full range of functions, including structured co-operation with other police forces;

(c) the education and training of members of the Garda Síochána is of the highest order;

(d) there is a transparent and impartial mechanism for promotions and appointments at all levels of the service;

(e) the police service is delivered in constructive and inclusive partnerships with the community at all levels;

(f) the legislative and constitutional framework requires the impartial discharge of policing functions and conforms with internationally accepted norms in relation to policing standards; and

(g) the Garda Síochána operates within a clear framework of accountability to the law and the community it serves, so that:

(i) it is constrained by, accountable to and acts only within the law;

(ii) its powers and procedures, like the law it enforces, are clearly established and publicly available;

(iii) there are open, accessible and independent means of investigating and adjudicating upon complaints against its members;

(iv) there are clearly established arrangements enabling local communities, and their political representatives, to articulate their views and concerns about policing and to establish publicly policing priorities and influence policing policies, subject to safeguards to ensure police impartiality and freedom from partisan political control;

(v) there are arrangements for accountability and for the effective, efficient and economic use of resources in achieving policing objectives; and

(vi) there are means to ensure independent professional scrutiny and inspection of the police service to ensure that proper professional standards are maintained.

(2) To complete its consultations and deliberations and to report its findings and recommendations to the Houses of the Oireachtas in as efficient and economical a manner as possible and at the earliest possible date consistent with a fair examination of the matters referred to it and, in any event, no later than 18 months from the date of its establishment."

I wish to share time with Deputy Costello.

In moving this motion in my name and that of my Labour Party colleagues, I am struck by the fact that in its 80-year history the Garda Síochána has never been the subject of a root and branch review. The force was formed in circumstances of understandable speed and stealth and its governing legislation, which somewhat post-dates its establishment, did not then or at any time since receive anything remotely approaching normal consideration within the Oireachtas, let alone an input from other stakeholders in civil society.

Even the most famous of various *ad hoc* reports, the Conroy report of 1970, was produced by a committee appointed by the Garda Commissioner to report simply on pay and conditions. As Professor Dermot Walsh points out in his 1998 book, *The Irish Police*, none of the reports of committees and consultants, either collectively or individually, offers a comprehensive analysis of some of the most basic aspects of the Garda Síochána today, namely, its status, structure and management.

Our first reason for proposing this review is a simple one, it has never been done before. I can think of no other institution so central to the life of the nation and its citizens that has escaped sustained, focused and coherent analysis for so long.

It is about time we got around to a structured, participative debate on society's need for policing and on the design of the service we should put in place to deliver on those needs.

I stress that the debate must be participative, including not just Ministers and public representatives but also the police and those who are policed. In that regard, we make no apology for modelling our proposed terms of reference on those of Patten but also for proposing its methodology — a structured series of public meetings throughout the State to engage people at neighbourhood level in debating these vital issues.

I am aware this motion will, nonetheless, attract an almost inevitably hostile reaction in some quarters. When a group was appointed in 1996 to review the efficiency and effectiveness of the force, its consultants suggested that the review group should adopt a “blank sheet” approach to the Garda Síochána, along the lines of the Patten commission's work in Northern Ireland. At a conference of Garda chief superintendents, one of the senior members replied by stating:

This force has too proud a history to be treated in such a manner. It has contributed enormously to the building of this nation and continues to do so.

Until recently, the Garda Síochána was one of the few remaining public institutions we criticised at our peril. We could point to wrongdoing, but only as long as we immediately insisted that such breaches were exceptional. If fault was exposed, we were assured — we repeated the assurance — it lay at individual level. No-one queried whether such faults had become ingrained or institutionalised.

In her speech last Friday, Deputy O'Donnell quoted a statement made in 1922 by the first Commissioner of the Garda, Michael Staines. He said: “The Garda Síochána will succeed, not by force of arms or numbers, but by their moral authority as servants of the people.” The Labour Party borrowed that saying for the cover page of its document proposing a Garda authority and ombudsman almost five years ago. Commissioner Staines's assertion is important because it highlights a basic point. In a civilised democracy, the most precious asset any police service can have is public confidence in its ability and its integrity. However, in this country that asset is diminishing.

The Garda Síochána still attracts a share of public support, respect and even affection, but not as much as it used to and even less as a result of the continuing fall-out from the Morris tribunal. Between 1990 and 1998 there was a 90% increase in complaints against the Garda Síochána. In 1998, for example, when 1,400 complaints were made against members of the Garda Síochána, only six were referred to a tribunal. The chairman of the Garda Síochána Complaints Board, Gordon Holmes, stated that public confidence in the Garda is at, or near, an all-time low. He said that, while the majority of gardaí are “first class”, the public perception is that officers

who behave less than honourably are not being adequately investigated and punished. Morale within the force is also, by all accounts, at an all-time low.

We do the force no favours by conspiring to gloss over these facts. When news emerged of the Commissioner's decision to transfer some gardaí named in the second Morris report to Dublin, analogies were made with the Roman Catholic Church's treatment of abusing priests. The analogy is an apt one because in both institutions there is an aversion to the public gaze and a belief that some things are better kept from public view. The belief is that one only compounds the original wrong by making it known since publication attacks the belief system of what used to be called the “simple faithful”.

That sort of delusional, self-serving craving for secrecy and cover-up never succeeds and is ultimately utterly destructive of any remaining public inclination towards trust. The reality is that a chronic condition within the force has now become critical. It was once possible to argue for an independent review of policing simply because such occasional reviews are by definition a good thing. It was possible to argue that a commission on policing had been undertaken in Northern Ireland and its proposals not only made sense in the context of that jurisdiction but had intrinsic merit and were worth examining here.

The situation now is that a review is not just timely but desperately urgent. It is not just a question of copying from the neighbours because what they do seems to work quite well, but of coming to terms with the fact that what we do is not working. As the Minister, Deputy McDowell, put it last Friday: “It is a force we all support but it has serious defects exposed in its constitution, its management and its ethics”. It is, again according to the Minister, suffering from “a collapse of morale and, as Mr. Justice Morris says, a collapse of discipline and accountability structures”. That is as good a list as any of the issues to be looked at by an independent commission: defective constitution, management and ethics, and a collapse of morale, discipline and accountability.

I make no bones about what the principal submission from my party to a commission on policing would be and what I hope that commission's principal recommendation would be, namely, that we need a Garda authority and a Garda ombudsman. This is so for two compelling reasons. The first is to secure real and effective accountability from the Garda Síochána, something the Minister and his predecessors have signally failed to do. The second is to protect the Garda Síochána from political interference and permit the genuinely independent investigation of legitimate complaints against gardaí.

There is plenty of other material for a commission to consider, much of it for the first time. The Minister told us last Friday he had provided the force with a proper written constitution for the first time in 80 years, which he called a “new charter of accountability and responsibility”. Let

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us consider his charter. First, for all his repeated and insistent references to the issue, the Minister's Bill says absolutely nothing about the security and intelligence aspects of the force's remit — are these too secret to legislate for? I had some words to say in this regard last Friday. Second, although most people would consider it to be a defining characteristic of the Garda Síochána, this constitutional charter has nothing to say about its unarmed status. The Minister could, under the Bill, direct the Commissioner to arm every garda on the beat. Although the House could deplore that directive, there is nothing in law it could do to defeat it. So much for accountability to the Dáil. Third, there is nothing in the Bill on even basic and long-standing structures within the force such as, for example, the division between uniformed police and detectives. Fourth, most fundamental of all, the Bill is silent as to the status in law of the individual members of the force.

Why does the Minister insist in section 41 that the State will be liable for wrongs done by individual members only in performing their functions under this Bill and not their functions under other Acts or at common law? This question is particularly pertinent given that this Bill does not confer functions on individual members. Why does he insist that the statement in section 7, outlining the functions of the force, has no effect on the powers, immunities, privileges and duties that individual members of the force have under all those other Acts and at common law? He must know that an important and outstanding legal issue, dealt with in some detail by Dermot Walsh but still unresolved, is the extent to which gardaí can consider themselves to be independent office holders — peace officers rather than employees of the force or of the State.

This issue goes to the heart of the debate about the duty of gardaí to account to their superiors. If gardaí are, even occasionally, independent office holders, how can they be directed as to what to do or called to account for how they do it? Yet, the Bill seeks to preserve this arcane common law status of peace officer rather than to rationalise it.

There is plenty of material for a commission on policing, well before one proceeds to issues of interaction with and accountability to the community. However, I will return to our central submission, the proposal for a Garda authority and a Garda ombudsman. By an ombudsman, I mean an individual with independence, capacity and resources to react swiftly and intervene immediately — to be able to react, if need be, to the lunchtime news and to descend on or preserve a scene. One cannot, with the best will in the world, find that capacity in a committee. Nor can one clearly identify where responsibility is reposed.

When the Minister was asked why he still insists the commission must be multi-member, his reply insulted the intelligence of his audience: there had to be cover for the holidays. His answer was absurd, both at policy level and the level of mech-

anics. A simple tweaking of the power to delegate, which is already provided for in the Bill, would enable temporary absences to be covered. It is impossible to avoid the conclusion that those who framed this legislation want a Garda ombudsman commission that will proceed at a deliberate and cautious pace because they want to be able, quite literally, to keep ahead of the posse.

The reason we need real and effective Garda accountability is because the force and its members possess extraordinary powers over the rest of us and those powers can be and are abused. There are circles in which that simple proposition is not accepted. There are those who would be happy enough to let the Garda Síochána at it. They believe that most gardaí, most of the time, exercise their powers for the common good. They believe that, quite frankly, when gardaí abuse their powers their victims are mostly the sort of people who had it coming to them. We should not, as the Taoiseach would put it, get "weak kneed" if the Garda Síochána cut a few corners, so long as they are generally on the right track.

I do not accept that approach, particularly when it comes with the sort of macho posturing the Minister for Defence, Deputy O'Dea likes to specialise in, but for which he is so spectacularly unsuited. That Minister described as "weak", "mealy-mouthed" and "extraordinary" a statement by Deputy Joe Costello following the shooting dead of two attempted robbers in Lusk last month. What Deputy Costello said was that "where people die as a result of Garda action, there must be proper procedures for an independent investigation into such incidents". The fact that Deputy Costello was quoting almost verbatim from a judgment of the European Court of Human Rights, which is binding on the Irish courts, was neither here nor there so far as the Minister for Defence, Deputy O'Dea, was concerned. The notion that the same rules of law must apply in Lusk as in Loughall or in Gibraltar seems to mean nothing at all to him when there is a column to be written or a space to be filled.

Garda powers have been abused in the past and they will undoubtedly be abused in future. That is an inevitable fact of life, not just because it happens in every walk of life but because it is particularly likely to happen in this walk of life where the stakes are high and the playing field is not level. The temptation is to red-circle cases like the Birmingham Six or the fallout from the Sallins mail robbery, including the Nicky Kelly case, as momentary lapses from a generally high standard. After all, the Kelly case occurred when there was a "heavy gang" operating within the Garda Síochána. It operated not just outside the regular structures of the force but outside and in direct breach of the law. Before one writes off the heavy gang as only of historical interest, let us see what connections in personnel and methodology have led to more than one recent, infamous, retracted confession being obtained in Garda custody.

Questioning in Garda custody is of its nature both secret and compulsory. These two factors create an environment in which the suspect can become a subject of oppression and can be induced to make a statement. Over 100 years ago a judge used straightforward language to put the issue in perspective. Justice Cave in *R. v Thompson* (1883) said:

It is remarkable that it is of very rare occurrence for evidence of a confession to be given when proof of prisoner's guilt is otherwise clear and satisfactory; but when it is not clear and satisfactory the prisoner is not infrequently alleged to have been seized with the desire, born of penitence and remorse, to supplement it with a confession; and this desire itself again vanishes as soon as he appears in a court of justice.

More than a century later we had the case of Dean Lyons, who was accused of the brutal murder of two patients in Grangegorman in 1997, taken to the Bridewell, placed in a video and tape-recording suite and interviewed. In that interview, he admitted to every charge put to him. The transcript shows that he was confused and incoherent. He suffered from learning difficulties at school, feared authority figures and had a habit of confessing to things he had not done. His mother and father, who visited him in the Bridewell, said he appeared completely disorientated and was swaying and slurring his words.

After they left, Dean Lyons made another, written, statement and was then charged with the murders of Sylvia Shields and Mary Callinan. When this statement was made, there was no video or audio taping. This statement contained a chronologically correct narrative about the murders. Some of the information was known only to the real murderer and to the Garda Síochána. The written statement is in clear, mostly grammatically correct English. Dean Lyons had left school with partial reading and writing skills and he had a very limited vocabulary. On the basis of his confession he was charged with the murders.

Three weeks later, Mark Nash was arrested in Roscommon and also admitted to the Grangegorman murders, again giving information that was known only to Garda detectives. Mark Nash has been convicted of the Roscommon killings but, despite his confession to the Grangegorman murders, he has not been charged with them. Dean Lyons remained in prison for eight months before the State Solicitor withdrew the charges, giving no reason.

Three years after becoming Minister for Justice, Equality and Law Reform, Deputy McDowell has still taken no action to investigate this fortuitously aborted attempted miscarriage of justice. Concern about these cases does not come just from the usual suspects, namely disaffected cranks and agitators. Let us consider this voice from the coalface. Retired Circuit Court judge Anthony Murphy, who presided over criminal tri-

als for Cork city and county for many years, told "Prime Time Investigates": "There have been occasions when the guards have committed perjury in my court". Mr. Murphy added that, when he heard confessions that were:

couched in Templemore phraseology . . . I had a simple rule about it. If there was a confession and nothing else, the man walked.

This boils down to an allegation from the bench of a concerted practice on the part of gardaí to pervert the course of justice yet we have heard no adequate response to this allegation since then. It might as well not have been made. Successive Ministers of Justice and their officials in the permanent administration have known about these cases but they have not seen it to be in their interests, or the public interest, to do anything about it.

Before the parties opposite get into childish tit-for-tat retaliation I am aware this party has had periods in Government. I know the Fine Gael-Labour programme for Government of 1982 included a commitment to establish a Garda authority. I would be interested to know when and how that commitment ran into the ground. The fact that nothing, or at any rate not enough, happened then is no excuse for inaction now.

What is required, as the then Minister for Justice Michael Noonan stated in May 1983, is "an appropriate balance between the need for proper control and accountability on the one hand and, on the other hand, the need for the force to be able to go about its work unhindered by undue interference from any source".

I accept and adopt Deputy Noonan's approach. There can be no question of surrendering control of the force to any body not answerable to this House, including the Director of Public Prosecutions, as the Minister for Justice, Equality and Law Reform, Deputy Michael McDowell, and former Minister for Justice, Equality and Law Reform, Deputy John O'Donoghue, tried to claim had almost happened. That allegation is just a distraction to draw attention away from the inaction on their watch. The two Deputies play word games about reports, synopses, summaries and appendices. The fact is they were told more than enough and soon enough but they tried, for as long as they could, to get away with doing nothing.

I also share Deputy Noonan's views on the need to protect the force from political interference. The reality is that the Garda Síochána has become one of the most politicised institutions in this State, including not just office politics or institutional politics but party politics. The Moriarty tribunal heard evidence last week about how a Taoiseach could arrange interviews with the chairman of the Revenue Commissioners for the benefit of one of his donors. We know that the same Taoiseach's Government exercised an utterly malign influence over the Garda Síochána right up to the level of the Deputy Commissioner with responsibility for national security. It was one of the most sordid

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episodes of our recent history, involving a flagrant violation of constitutional rights and a violation of the integrity of the force. Yet no one within the force shouted stop.

More jovial elements in the Fianna Fáil party could revel in the “pint or a transfer” culture but the Taoiseach was attempting to subvert public institutions, to create nothing short of his own, privatised police force that would serve his own, private purposes. That Taoiseach also had his own private bank, which the regulatory authorities either did not or could not touch.

At the same time the manager of Dublin County had his own private practice as a planning adviser, charging money to the developers he was meant to police. When the Garda Síochána failed to make progress in any of their investigations into planning scandals, they nonetheless felt obliged to record a ringing endorsement of the character of at least one of those being investigated, a former colleague of the present Taoiseach, along with a virtual apology for presuming that he could do wrong. Again, no one in any of those public bodies called a halt. To this day nobody from the public service has come out to give information.

The reason my party wants a Garda authority is the same reason it wants to see the long promised and much delayed Revenue Act, which is meant to protect the operational independence of the Revenue Commissioners. It is the same reason we want the Freedom of Information Act rescued and restored from the savage filleting it has endured at the hands of this Government. It is the same reason we want transparent, effective and properly policed planning legislation.

We believe in a public service that belongs to and is answerable to the public and that is incapable of being corrupted to serve private interests. There are those of a certain vintage, retired from politics or public administration, who routinely remind us that, for all this State's other defects, we at least have an independent, impartial and trustworthy public service — civil, police and military — of undoubted integrity. I do not know for how long they will continue to make that boast or how many exceptions they will have to admit, while insisting that exceptions simply go to prove the rule.

In all the investigations, inquiries, hearings, trials and reports that I can think of, there has not been a single instance of a public servant, local or national, who has been willing to go on the public record to expose wrongdoing by his or her political masters. We have not had an on-the-record whistleblower since the foundation of the State. The reality is that during the years in which one party has wielded power in this State, our public service has become more concerned with discerning its master's voice than with finding its own.

The Minister for Justice, Equality and Law Reform has a political philosophy which doubles up as a catchy election slogan: “You can trust any

Government at all, so long as he and his party are in it, keeping a beady eye on the other lot, on behalf of the rest of us.” I prefer to put my trust, in the words of John Adams, in “a government of laws and not of men”. It is not sufficient, when one uncovers wrong, simply to remove the wrongdoers. One must examine the system and the processes which allowed that wrong to happen and which will, if left in place, permit similar wrongdoing to flourish and will enable future wrongdoers to escape culpability.

Mr. Costello: Last Friday, this House heard four hours of statements on the second report of the Morris tribunal of inquiry into the Garda investigation of the death of Richie Barron and the extortion telephone calls to the home of Michael and Charlotte Peoples. The House heard the extraordinary findings of the Morris tribunal that innocent citizens in Donegal had been harassed, intimidated, threatened, bullied, blackmailed, assaulted and framed by gardaí in the course of a murder investigation where no murder had occurred.

The House also heard that senior gardaí in Donegal were complicit or negligent in the sham investigation. The House heard that Garda headquarters had responded inefficiently and ineffectively. In addition, the House heard that the Department of Justice, Equality and Law Reform, the Minister for Justice, Equality and Law Reform, the Attorney General and the Director of Public Prosecutions had succumbed to a bureaucratic and paralysing malaise concerning the whole matter.

The picture of a seriously dysfunctional criminal justice system detailed in this second report by Mr. Justice Morris was mirrored in the first interim report of the Morris tribunal and, we were told in the House last week by no less a person than the Taoiseach, will continue in future reports.

The human trauma and tragedy of innocent civilians being subjected to a criminal conspiracy by agents of the State are the most pressing and immediate concerns arising from the Morris tribunal. These concerns must be addressed in terms of apologies, legal representation and compensation.

For example, I spoke to Sheena McMahon yesterday and she is furious that the Minister for Justice, Equality and Law Reform gave no commitment on Friday last that he would issue an apology to her and her family. She was previously married to Detective Garda Noël McMahon and has lived a nightmare since 1992. Bombs were made in her house, plots were hatched by gardaí and their informers. She was taken into custody, her children were taken from her and she had a mental breakdown. She made a statement to the Carty committee in 1999, but withdrew it under pressure from gardaí. When she got her files back through a freedom of information request the most important details were garbled through deletions.

Having been rebuffed at every turn by agents of the State and having had her life ruined, Sheena McMahon courageously brought her files to the tribunal and told her story to Mr. Justice Morris. Does she and her young family not deserve a formal apology from the State? Will the Minister make a commitment today to give it to her?

Moreover, Mr. Frank McBrearty Jr. told me that in the High Court yesterday the State offered him only a conditional apology. Apparently, the State does not accept that a confession to a murder that never occurred cannot be a confession.

In the long term, the reputation of, and public confidence in, the Garda Síochána have suffered a very serious blow. The Minister for Justice, Equality and Law Reform has assured us that he has everything under control and that the Garda Síochána Bill 2004 addresses all the issues and covers all the bases, but that is patently untrue. The Bill is an amalgam of provisions lacking in a coherent philosophy. That is demonstrated by the bevy of new amendments we received this evening, many of them in draft form, for Report Stage.

The Garda Síochána Bill is a hybrid that has changed again and again as flaws appeared in one proposal or another. The Minister has put the cart before the horse. Instead of conducting a root and branch examination of the needs of the Garda Síochána, researching best practice abroad and determining a framework for a force that would be relevant to policing needs in the 21st century, the Minister has decided to fill in the widening cracks and put a fresh coat of paint on the surface.

The Minister appears not to recognise that it is insufficient to dismiss wrongdoing as the activities of a few bad apples and then assert that the body corporate is essentially sound. Neither does he recognise that the Donegal scandal is a watershed for the Garda Síochána. It is similar to the corrupt payments scandal for politicians, the DIRT inquiry for the banks and the cases of institutional abuse for the church. The Garda Síochána is the latest pillar of society that has been found to be crumbling.

It is not good enough for the Minister for Justice, Equality and Law Reform to allow a chief superintendent to retire and walk away as though nothing had happened, when he was found to have been seriously at fault in the duty of supervision and management by Mr. Justice Morris in the tribunal's first interim report.

It is not good enough that Superintendent Joe Shelley and Detective Superintendent John McGinley will retire on full pension on 31 July 2005 and walk away from their mess. Their management of the investigation into the death of Richie Barron in October 1996 was, in the words of Mr. Justice Morris, "prejudiced, tendentious and utterly negligent in the highest degree".

As Deputy Rabbitte pointed out, Superintendent Shelley has previous form. His track record smacks of incompetence and negligence concerning both the Kerry babies case and the Abbeylara

affair. The transfer of five rank and file gardaí from Donegal to Dublin, which was heavily criticised by Mr. Justice Morris, lacks logic and precedent.

Surely the proper response of a concerned Minister for Justice, Equality and Law Reform, and, indeed, a concerned Garda Commissioner, should be to send the Morris report and relevant files to the Director of Public Prosecutions and await his decision, rather than signal to all the gardaí concerned that they are being let off the hook?

The Garda Síochána Bill is seriously flawed. Even if it was not flawed, however, it could not achieve what the Minister says it will. No legislation will effect fundamental reform of the Garda Síochána unless the gardaí and the public are brought into the process through consultation and engagement, and a new police culture of service is established.

Good policing is at the heart of crime prevention and crime detection. When the London metropolitan police force was established in 1829 its first commissioners, Rowan and Maguire, wrote:

Every member of the force must remember that his duty is to protect and help members of the public, no less than to apprehend guilty persons. Consequently, whilst prompt to prevent crime and arrest criminals, he must look upon himself as the servant and guardian of the general public and treat all law-abiding citizens, irrespective of their social positions, with unfailing patience, courtesy and good humour.

These sentiments mirror the views of Michael Staines, the first Commissioner of the Garda Síochána, who, in 1922, stated: "The Garda Síochána will succeed not by force of arms but by their moral authority as servants of the people." These were brave sentiments at a time when the Civil War had just started and armed men were roaming the country.

In addition to creating an unarmed police force, the founders of the State had got to the core of the issue. Their vision was that the new police would be guardians of the peace and servants of the people, gaining their moral authority from their service, no longer policing the community like the RIC they had replaced, but dutifully serving the community.

The Garda Síochána served the community well throughout most of the 20th century. However, at the beginning of the 21st century there is clearly need to reflect on the strengths and weaknesses of the force in a modern, urban, rapidly changing and complex society. Serious questions have been posed of the Garda Síochána in recent times, ranging from the present harsh criticism by Mr. Justice Morris of the behaviour of certain gardaí in Donegal, to the failure to tackle the spread of drugs nationwide, the declining crime prevention and detection rate and the rising clamour of public discontent regarding

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Garda professionalism and commitment. The Labour Party believes the time has come for a root and branch review of the role, structures and operations of the Garda.

It is time to establish an independent commission on policing in Ireland, similar to the independent commission on policing set up under the Good Friday Agreement in 1999 to create “a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole”. Its terms of reference would require the identification and the setting up of new structures to ensure accountability independent scrutiny and, above all, partnership with the community.

The new independent commission’s methodology would involve a comprehensive consultative process. A public debate on policing in the 21st century would be initiated and the commission would take that debate to the highways and byways of the country where it would engage local communities in parish halls the length and breadth of Ireland. Equally those professionally involved in policing at every level would be consulted and best international practice would be ascertained. Simply lecturing the Garda Síochána and enacting legislation will not lead to progress. Gardaí must be invited to come on board and engage in inclusive debate. As P. J. Stone of the GRA said yesterday, the approach must be holistic, not piecemeal.

The findings of the Patten commission on policing constitute a valuable resource and reservoir of material that can be drawn from and adopted. The consultation process is crucial. A lasting new police culture of service can only be delivered if a sense of participation, responsibility and ownership is engendered through the consultative process.

Deputy Rabbitte referred to the cosy cartel that is the relationship between the Minister for Justice, Equality and Law Reform and the Garda Commissioner and to the proposal in the programme for Government in 1982 to establish a Garda authority to act as a buffer to protect the Garda Síochána from any undue political interference on the one hand and the need for proper control and accountability on the other. Such a body would address planning, budgeting, reporting, promotions and oversee the administrative and effective management of the Garda Síochána.

In his first report Mr. Justice Morris decried “the promotion to senior ranks of persons who were unwilling or unable to give their vocation the energy and aptitude that it demands”. Senior Garda promotional opportunities, in the gift of the Government of the day, are not the way forward for rewarding merit. The present Garda Síochána Bill will not change this procedure, despite what the Minister has said. In the same interim report, Mr. Justice Morris pointed out the total ignorance of the Minister for Justice, Equality and Law Reform and his Department of

what was happening in the Garda Síochána at any given time, that they were in the dark and entirely dependent on the information supplied to them from Garda headquarters and that they had no way of checking its accuracy or validity.

Deputy McDowell’s response to Mr. Justice Morris’s plea for proper oversight structures to be established was to introduce a Garda inspectorate, a body that would be the eyes and ears of the Minister, would be directed in its work by him and would report back to him. It would be the Minister’s personal spy network within the Garda Síochána. In this proposal the Minister sees his role not as a policy-maker or legislator but as a sort of zealous despot. I assure him that nobody will be hated so much within the Garda Síochána nor damage Garda morale more than the body that will become known as “McDowell’s inspectors”. They will go into Garda folklore like the Broy Harriers of a different era.

In his first report, Mr. Justice Morris criticised the Minister’s proposals for an ombudsman commission as “cumbersome and time consuming”. Again in the current report, he returns to this important matter and states: “The Tribunal is much concerned by the lack of any independent body to receive legitimate concerns about Garda behaviour. The provisions of the Garda Bill need to be reviewed by the Oireachtas.”

Unfortunately, the Minister intends to press on regardless with his heavily criticised three-person ombudsman commission. A multi-member commission lacks the clarity of identification and responsibility of a single person commission, lacks decision-making procedures and restricts independent access to Garda stations. It will have some gardaí conducting investigations into Garda wrongdoing. The proposed ombudsman commission is engulfed confusingly in a massive 50 sections of “dos” and “don’ts” in the Garda Bill and will only have a fraction of the resources and personnel allocated to the superb one-person ombudsman in Northern Ireland.

The old discredited Garda complaints body needs to be replaced by a robust, totally independent structure that can engage in investigations as well as receive complaints, that can look to past as well as to future transgressions and that is directed and led by a single ombudsman.

The work of an ombudsman would be all the easier if the 1979 recommendations of the Judge Barra O’Brian committee were implemented, namely, that all detention and questioning in Garda custody should be the subject of audio and video-recording. These valuable recommendations of a quarter of a century ago should be placed on a statutory and mandatory basis in either the Garda Síochána Bill or the forthcoming Criminal Justice Bill.

The Garda Bill is silent on education and training. The Minister can scarcely call the Garda Síochána Bill fundamental reforming legislation if he totally fails to address the training and educational needs of a modern police force. Education and training of Garda recruits have been

carried out in Templemore College, County Tipperary since the formation of the State. Templemore has served the country well and is internationally respected for the quality of its work. It is located in a rural idyllic setting which is conducive to tranquil learning. The Minister has recently decided to provide a four-storey extension to enable the extra 2,000 gardaí to be recruited and trained over the next couple of years.

It is time we reviewed the role of Templemore as the sole centre for training and education for gardaí. An historic opportunity currently exists to locate a second Garda education and training centre in Grangegorman on the north side of Dublin. The Dublin Institute of Technology is building the largest third level college in the country on the site and the enabling legislation is currently going through the Oireachtas.

Mr. McDowell: Thank God I did not come up with that suggestion.

Mr. Costello: A Garda Síochána college or a police academy could easily become the seventh faculty in the DIT. The 70-acre site has 30 acres of playing fields and will have a wide range of other sporting facilities. It is located in an inner city urban setting and reflects the general context of where most policing work is carried out in a modern Ireland that has rapidly changed from rural to urban in character. Garda students would mix and interact with their peers in other third level disciplines, not just with their trainee colleagues as currently.

The Grangegorman site is ideally located for in-service courses and for further education. Research studies in such areas as policing methods, crime statistics and criminology could be established and an integrated policy dimension could be added. It should be possible to share some facilities with the PSNI, to establish a link with the new police college in Northern Ireland and with police forces in Europe and elsewhere. A Garda college in Dublin would not replace Templemore, but rather add an extra dimension that would make the Garda Síochána a thoroughly modern and professional force in tune with best policing practice anywhere in the world.

The Minister for Justice, Equality and Law reform should seize the opportunity that now presents itself and undertake a root and branch review of the Garda Síochána. This is imperative.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I move amendment No. 1:

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

— conscious of the widespread and justified public disquiet at the findings of the first and second reports of the tribunal of inquiry into complaints concerning some gardaí of the Donegal division;

- appreciative of the work of Mr. Justice Morris and of the significance of his recommendations for the future operation of the Garda Síochána;
- noting in particular the tribunal’s findings of serious wrongdoing and gross negligence on the part of certain members of the Garda Síochána in the Donegal division;
- convinced of the urgent need for reform of the framework of accountability and oversight of the Garda Síochána;
- recognises the comprehensiveness of the reform measures contained in the Garda Síochána Bill 2004;
- recalls the amendments made to the Bill by both Houses of the Oireachtas in their extensive review of its measures;

in particular welcomes the provisions of the Bill which will:

- establish a Garda Síochána ombudsman commission to independently investigate complaints against members of the force;
- establish a Garda Síochána inspectorate to independently assess the effectiveness and efficiency of the force; and
- establish local policing committees to enhance co-operation between the Garda Síochána and local authorities;
- acknowledges the commitment of the Minister for Justice, Equality and Law Reform to propose amendments to further strengthen the Bill, in particular through the establishment of a duty on members of the Garda Síochána to account for their official acts; and
- supports the urgent passage into law of the Bill.”

I listened with a degree of amazement and sadness to the contributions of Deputies Rabbitte and Costello because the one thing absent was any sense of balance or recognition of the contribution the majority of gardaí have made to this country.

Mr. Rabbitte: That is unfair and untrue. The Minister should not go down that road.

Mr. McDowell: Listening to some of the material, I felt the Garda had never received a more comprehensive thrashing from politicians than in the past 40 minutes.

Ms McManus: Rubbish.

Mr. M. Higgins: That is a classical distortion.

An Ceann Comhairle: The Minister, without interruption.

Mr. McDowell: I have addressed the Dean Lyons issue, to which Deputy Rabbitte referred. I have appointed Mr. Shane Murphy, Senior Counsel, to report on that matter.

Mr. J. O’Keeffe: Deputy O’Donoghue also appointed him.

Mr. McDowell: I expect to receive his report in due course. I also want to respond to many of the points which were made about matters like the recording of statements made by persons in custody. As Deputy Costello has probably forgotten, it was made clear at a recent meeting of the Joint Committee on Justice, Equality, Defence and Women’s Rights that 96% of statements are now recorded. I hope we can ensure soon that the other 4% of statements can be recorded. I will be quite happy to provide in the Criminal Justice Bill 2004 that the recording of statements should be a universal practice. I have no problem with that issue.

Opposition Members have made a concerted effort to suggest I have not consulted people about the process of reform. Nothing could be further from the truth. I refer Members to the Deloitte & Touche report about strategic management in the Garda, for example. When I took office, there was an agenda in the Department of Justice, Equality and Law Reform to put in place an independent complaints mechanism to replace the Garda Síochána Complaints Board. I decided a root and branch reconstitution of the Garda was needed.

I favour putting in place a single statute to restate the relationships between the Garda and the Executive, between the Garda and local communities, through the local authorities, and between the Garda and the Houses of the Oireachtas. The Garda Commissioner should become the force’s accounting officer and therefore accountable to the committees of this House. Rather than being a cosy cartel, the relationship between the Commissioner and the Minister of the day should be transparent and based on written exchanges of directions and annual policing plans etc. All of these things are provided for in the Garda Síochána Bill and will come to pass when it becomes law.

Mr. Howlin: They have not been done.

Mr. McDowell: I find it rich that the Labour Party has suggested in its motion that I should not proceed with the Garda Síochána Bill, which was the subject of a process of consultation after its heads were published. The Bill has been changed significantly on foot of an extensive Second Stage debate in this House, lengthy consideration on all Stages in the Seanad and a Committee Stage debate of record duration at the Select Committee on Justice, Equality, Defence and Women’s Rights. I have listened carefully to the points which have been made at all stages of that process. I have adapted the Bill, in line with the

constructive points which have been made by way of criticism of it, to improve the legislation as best I can.

The Labour Party has suggested that I should put the Garda Síochána Bill, which was prepared in the context of the establishment of the Morris tribunal and has had to await the publication of the tribunal’s two reports, on hold for 18 months. It has proposed that I should establish a commission and retain the Garda Síochána Complaints Board during that time. That proposal would involve the continuation of the current management deficit. It would mean the systems failures which have been identified would not be addressed while I wait for a group of the great and the good to come back after 18 months——

Mr. Rabbitte: We did not say that.

Mr. McDowell: ——and tell me that what I am doing is the appropriate way forward.

Mr. J. O’Keeffe: The Minister is on the wrong track.

Mr. McDowell: That is clearly what the Labour Party Deputies said.

Mr. Rabbitte: No, we did not.

Mr. McDowell: If the Labour Party wishes to establish a commission like the Patten Commission, when does it propose that it will report? The Labour Party Members should think about such matters.

Mr. Rabbitte: We have thought about them.

Mr. McDowell: I cannot and will not abdicate my obligation to bring about reform——

Mr. Rabbitte: It is not reform.

Mr. McDowell: ——now, rather than at some future stage. I will not postpone that reform. I remind the House that the 1982-87 Government, which doubled the national debt during its five years in office, was elected with a mandate to establish a Garda authority.

Mr. Howlin: I thought the Minister was a supporter of that Government.

Mr. McDowell: It abandoned that idea because the then Minister, Deputy Noonan, believed it was an erroneous proposal. The Labour Party acquiesced in that abandonment. We need to set the record straight — the Labour Party did nothing at that time. It was elected after it promised to put in place a Garda authority, but it did nothing for five years. It had plenty of time to do many other things.

Mr. Rabbitte: That was almost 25 years ago.

Mr. McDowell: It walked away from the proposal to establish an independent police authority.

Mr. Rabbitte: Ireland was a different place 25 years ago and the Minister knows it.

Mr. McDowell: There is no point in shouting me down.

Mr. Rabbitte: The Minister was the stoutest supporter of that Government.

Mr. McDowell: I did not shout the Deputy down.

Mr. Howlin: The Minister was in a different place at that time.

Mr. Rabbitte: He was a major supporter of that Government.

Mr. M. Higgins: Yes, he was.

Mr. McDowell: The proposal to establish a Garda authority was carefully considered and abandoned by the Fine Gael and Labour Party Government of 1982-87.

Mr. M. Higgins: The Minister should have given some advice on the matter when he was a member of Fine Gael.

Mr. McDowell: I do not know why it has been resurrected now because the flaws which were clear in it then are clear in it now.

Mr. Rabbitte: That was 25 years ago.

Mr. McDowell: It is not the way forward. The idea that——

Mr. Rabbitte: It was 25 years ago.

Mr. McDowell: Yes, but nothing has been done since then.

Mr. Rabbitte: Ireland was a different country.

Mr. M. Higgins: The Minister was in a different party.

Mr. McDowell: The Labour Party has been in office since then, but it has not attempted to establish a Garda authority again. The Labour Party was in office with Fine Gael and Fianna Fáil in the 1990s, as Deputy Rabbitte will recall, but it did not attempt to resurrect this discredited idea before now. The establishment of an independent police authority would damage seriously the right of the Dáil to hold me accountable——

Mr. Howlin: The Minister is not accountable.

Mr. McDowell: ——for the manner in which the Garda Síochána conducts its business.

Mr. Rabbitte: The Minister was unable to get a report from the Garda.

Mr. McDowell: That is what I am remedying now.

Mr. Rabbitte: The Minister said he could not get a report.

Mr. McDowell: Yes.

Mr. Howlin: The Minister could not get the report when he was Attorney General.

Mr. McDowell: What chance would I have of getting a report if an independent authority was in place?

Mr. Broughan: It could not be much worse than the current position.

Mr. Rabbitte: The Minister could get the report because it would be prescribed in law.

Mr. McDowell: I am now prescribing it in law. I am not waiting for Deputy Rabbitte or his commission to tell me to do that.

Mr. Howlin: The Minister has waited for years.

Mr. McDowell: I have not waited for years.

Mr. Broughan: The Government has been in office for eight years.

Mr. McDowell: I initiated this process of reform as soon as I was appointed as Minister for Justice, Equality and Law Reform. I published consultation papers and engaged in consultation with the representative associations. I sent the heads of the Bill to the Irish Human Rights Commission, whose criticisms I later took on board. The process that has led us to where we are today is not as it was described by the Labour Party this evening — it is totally different. This process involves a Minister who is determined to bring about change, but is being challenged by a party that promised change but did sweet nothing when it had an opportunity to make changes. Although the Labour Party promised change, it did nothing.

Serious issues have been raised by the two reports of the Morris tribunal which have been presented to date. The first report referred to the matters in which Ms Sheila McMahon was caught up. It has been suggested that I let Ms McMahon down yesterday by failing to name her among the people who are due an apology. I said yesterday that I will apologise to all those who are victims of the Garda misbehaviour exposed in the reports of the Morris tribunal. I repeat that such people will be given the apology to which they are entitled in due course, after all the facts have been established. I am not making a tit-for-tat point——

Mr. Howlin: You are.

Mr. McDowell: —when I remind the House that the first set of events with which the Morris tribunal dealt took place between 1992 and 1995.

Mr. Rabbitte: I hope the Minister is not reverting to that argument.

Mr. McDowell: If there was a failure—

Mr. Rabbitte: The Minister said he could not get it in 2002, so how can someone be said to be responsible in 1995?

Mr. McDowell: The Deputy keeps shouting me down. If a systems failure permitted certain events to happen, that failure was present throughout that period. Political accountability, which I hold for the period in which I hold office—

Mr. Broughan: Why does the Minister not resign?

Mr. McDowell: —also attaches to those who held office between 1992 and 1995. It is a simple matter.

Mr. Rabbitte: That is a fantastic proposition and the Minister knows it.

Mr. McDowell: It is not a fantastic proposition. Deputy Rabbitte took a different view of the proposition when his pals, including Kevin Murphy, launched a report about political accountability yesterday. The Deputy wholly endorsed the notion of political accountability that was indicated on that occasion.

Mr. Rabbitte: Of course I did.

Mr. McDowell: Indeed.

Mr. Rabbitte: It was perfectly consistent to do so.

Mr. McDowell: The Labour Party, which promised an independent police authority but then abandoned that proposal during its five years in Government between 1982 and 1987 and never attempted to resurrect it during its further five years in Government between 1992 and 1997, is now criticising me for standing by that party's mature consideration that the idea was a bad one in the first place.

Mr. Howlin: Things have changed.

Mr. Rabbitte: The Minister's reforms are feeble.

Mr. McDowell: I am glad that Deputy Rabbitte has said that my reforms are feeble. They are a hell of a lot better, if I may use that colloquialism, than nothing, which is what the Labour Party has ever done.

Mr. Howlin: Rubbish.

Mr. McDowell: I wish to inform the House that some amendments will be introduced on Report Stage in response to the reflective debates the House and the Joint Committee on Justice, Equality, Defence and Women's Rights have had about the second Morris report. There will be a new statutory duty for members of the Garda to account for the manner in which they carry out their duties.

Mr. Howlin: Big deal.

Mr. McDowell: The Deputy may think it is a big deal.

Mr. Broughan: Why was it not included in the original Bill?

Mr. McDowell: Mr. Justice Morris also thought it was a big deal, because he remarked on its absence.

Mr. Rabbitte: Every employee in Ireland is already accountable in the same way.

Mr. McDowell: The Garda Commissioner will be in a position to dismiss members of the Garda Síochána of garda sergeant or inspector rank where the Commissioner has lost confidence in the capacity of that member to discharge his or her duty and where dismissal is considered necessary to maintain public confidence in the force. There will be a provision to strengthen the existing provisions in the Bill to oblige the Garda Commissioner to supply the Minister of the day with all information of significance relating to policing or security matters necessary for the Minister or other law officers of the State to discharge their functions, in a timely fashion. There will be a new provision providing for the strengthening of the existing Garda provision in the Bill on the accountability of the Garda Commissioner. It will make it clear that the Commissioner is fully accountable to the Minister and the Government.

There will be a strengthening provision in the Bill on the system of promotion in the Garda Síochána. That may be of some interest to the House because apparently it has not connected with everyone's understanding at this stage that the Bill currently provides for a system of independent promotion at every rank in the Garda Síochána and that the chairman and the majority of members of the promotions board must be persons other than gardaí. This is being strengthened and panels for the independent members will be Government appointed under the new provisions.

There will be a change in the appointment of the Garda audit committee to be established by the commission. There will be also a professional standards unit established within the Garda Síochána to enhance best practice and to assess on a constant internal basis whether professional standards are appropriate. There will also be a

provision that one of the three person commission will be appointed as chairperson so that there will be a visible figurehead for the ombudsman commission. There will be a statutory basis for Garda and community-based CCTV systems. Last, there will be a new power which will replace a broadly analogous but narrower power under the Dublin Police Act 1924 for the Minister to appoint a person to carry out special inquiries into any aspect of Garda administration, practice or procedure which gives rise to public concern.

All these strengthening measures have been taken as a fair response to the Morris commission's second report. They are in addition to the nine reports which the Deputy Commissioner, Peter Fitzgerald, has put in place on the material from the first report. A whistleblowers' charter will be provided in statute so that any member of the Garda Síochána can, in confidence, bring to the attention of an appropriate authority any misbehaviour or abuse of power of which that member becomes aware, and it must be dealt with.

Mr. Howlin: Will the appropriate authority include a TD?

Mr. McDowell: As the Deputy is aware, anyone can go to a TD. It is provided that the provision of information, even confidential information, to a TD or a Member of the Oireachtas does not breach the Garda's duty of confidentiality. This is already included in the Bill in statutory form.

I want to make it clear that this Bill is based on consultation and reflection on what went wrong. What went wrong fundamentally was that governance within the Garda Síochána became atrophied or ineffectual. Correspondingly, discipline disintegrated. Accountability became formalised and fossilised, with members feeling entitled to refuse accountability to their superiors and to have access instead to representative association advice or legal advice before answering straightforward questions about the manner in which they carried out their duty.

I made this point on the last occasion and I repeat it, these did not happen overnight. They must have been present in 1992-95 when the first—

Mr. Rabbitte: What is the Minister's point?

Mr. McDowell: My point is that these issues have been a long time coming and a long time ignored by politicians, and now that they are apparent, they are being dealt with by this politician, unlike other politicians who did nothing about it.

Mr. Howlin: A tribunal of inquiry.

Mr. Rabbitte: Is the Minister saying that his predecessor could intervene without the Carty report or any of the evidential-based information at the time? There are complaints by the bucket-

load that go into the Minister's Department every week. Is he suggesting that some Minister should react off the top of his or her head to that?

Mr. McDowell: I am not suggesting that. I thought I made the point frankly and fairly. I am not making that point.

Mr. Howlin: The Minister comes back to it.

Mr. McDowell: I am making a different point and if the Deputy cannot understand it, it is a reflection on his capacity to discharge his functions as a leader of a party. My point is different. It is not that every Minister for Justice must regard every fax and every letter as the reason to suddenly cause a massive inquiry into the Garda Síochána or that any Minister for Justice could sort through the hundreds of letters they receive every week and say, "There is a scandal I must stop immediately." That is an unfair standard to ask of the former Ministers for Justice, Nora Owen and Deputy O'Donoghue, or Deputy Michael McDowell.

Mr. Rabbitte: The Minister spent a week broadcasting it in the national media.

Mr. McDowell: I am not saying that, I am saying that the governance issues with which we are dealing and the atrophy of proper accountability within the force must have been present for at least the best part of two decades. I am the politician who is remedying it and there must be political accountability for all who held office, even in my party who were at the Cabinet table during some of these years, for the situation that existed at the time.

Mr. J. O'Keeffe: That was not the basis on which the Minister produced the letter. He tried to blacken the former Minister, Nora Owen.

(Interruptions).

Mr. Rabbitte: Will the Minister yield?

Mr. Cregan: On a point of order, has the Minister the floor?

Mr. J. O'Keeffe: He is being interrupted by Fianna Fail backbenchers.

Mr. McDowell: If the point made yesterday by Kevin Murphy about the Department of Health and Children has any truth in that context, which appeared to have a lot of support from the Opposition benches today, it is equally true about Garda management. If there had been problems for 20 years plus, I cannot be politically accountable because I am dealing with them, any more than they were the political accountability of those who failed to deal with them, even though, as Deputy Rabbitte has helpfully pointed out to the House, the requirement for an independent police authority was apparent to his party from

[Mr. McDowell.]

1982, for five years, and they did not deliver one line or section of it. They walked away from it.

Mr. Howlin: The issue is knowledge.

Mr. Rabbitte: Does the Minister agree that the general philosophical political point he is making now about this dereliction being incipient in the Garda force for 20 years is not the point he promulgated alone and separately for a full week when he said that those with their knees under the Cabinet table in 1997 were responsible for the events in Donegal? This is what the Minister said and it is what he intended to say, which is a different point.

Mr. McDowell: The Deputy made his point of information, which I reject. The point I wanted to make was that those who sat around the Cabinet table when the basic preconditions for what has been exposed in the Morris tribunal came to pass must share accountability for that with those who have since been in office when the matters came to light. They must accept that they are at least as culpable as yours truly, who is now remedying the situation whereas they failed to remedy it. They walked away from governance issues in the Garda Síochána for years. The Labour Party was ten years in office and it walked away from this issue and never delivered one line of it. That is what the record shows.

Mr. Rabbitte: Where does that leave the Minister, Deputy O'Donoghue?

Mr. McDowell: That is what the record shows.

Ms McManus: He has no answer to that question.

An Leas-Cheann Comhairle: Order, please.

Mr. McDonnell: I can answer all the points but I am trying to be orderly and speak through the Chair. The former Minister, Deputy O'Donoghue, at all times——

Mr. Howlin: He voted it down.

Mr. McDowell: ——wanted to have an inquiry and to have the truth emerge in regard to what happened in Donegal.

Mr. Howlin: The law was changed.

Mr. McDowell: He wanted it. He was advised at the time that because of pending jury trials——

Mr. Howlin: The law was changed.

Mr. McDowell: Yes, by me. He was advised that there was a difficulty and the law was changed to facilitate it in the wake of the Murphy report. The Deputy knows all about this. There is

no point getting in a heap about it because that is what happened.

Mr. Howlin: When did the Minister see the Carty report? When did Deputy O'Donoghue see it?

Mr. D. Wallace: Deputy O'Donoghue will be in the House tomorrow night. Deputy Howlin can have his say then.

Mr. McDowell: The House has a duty to ensure the Garda functions today, tomorrow, next week and next month to the highest standards and all of us share that duty. Now is the time to put in place a genuinely independent complaints system, a new framework for the governance of the Garda, an inspectorate to ensure there are high standards in the Garda, benchmarked to the best international practice and a whistleblower's charter. Now is the time to give the Garda the internal systems which will allow it to be responsive to the House, local authorities and to the community and to make statutory provision for the establishment of a reserve because Garda numbers matter and they must be increased in a society whose population is increasing and where criminality and its complexity is ever more demanding in terms of the force's resources and time.

Mr. J. O'Keeffe: But promises have been broken.

Mr. McDowell: The notion that we should postpone or adjourn the process of reform to put it into the hands of a Patten-style commission is misconceived.

Mr. Rabbitte: We did not say that.

Mr. McDowell: The people are looking to the Government of the day to act in the matter and they are looking to the Opposition of the day to support good measures for the reform, reconstitution and strengthening of the Garda.

Today, tomorrow and the next day our streets must be policed. I cannot take the Garda to a test bench in a laboratory and fiddle around with it leaving a vacuum for weeks, months or perhaps a year while I experiment with reform and hold meetings around the country to decide what should happen.

Mr. Rabbitte: I did not ask the Minister to do that.

Mr. McDowell: The business of Government is to govern and the business of the House is to legislate. The time has come for delivery without more talk.

Mr. Rabbitte: The Minister has been in Government for eight years.

Mr. McDowell: My three years have been usefully spent on a consultative basis——

Mr. Rabbitte: The Minister has been there for eight years.

Mr. McDowell: I have not been in Government for eight years

Mr. Rabbitte: Does the Minister admit he is a member of Government? He keeps talking about himself.

Mr. McDowell: I remind Deputy Rabbitte for the fifth time that his party was in office for ten years after it made a binding electoral commitment to set up an independent police authority but it did nothing on foot of it.

Mr. Rabbitte: We never held the justice portfolio.

Mr. McDowell: I am in office three years. I have brought a Bill through a consultative process in the House and I am being asked by the Labour Party to walk away.

Mr. Rabbitte: No, the Minister is not. That is a complete distortion.

Mr. McDowell: I will not do it. I do not subscribe to the venal political habit of saying the Garda is a wonderful force, nobody should criticise it and reminding everybody about the thin blue line. I do not engage in such activity. I have had to take a fair amount of heat and flak regarding my proposals to reform the Garda. I have had to face criticism at every hand's turn for what I am doing but I am proud of the Garda and the huge majority of its members who carry out their functions in a professional, courteous way.

Would the force's sternest critics be willing to discharge the functions of an ordinary man or woman who enlists in the Garda for a week or a month? Would they go to the door of an accident victim's family and say a son or daughter has been killed? Would they stand guard while bodies lie on the ground for hours on end? Would they risk their lives at bank robberies or confronting armed subversives in our society? Many good gardaí have engaged in these activities and I want to give them leadership and constructive reform, not a thrashing in public for what they have or have not done.

I want to stand by the great majority who support the legislation I have brought forward, even though it is a challenge for them. Many of their preconceptions will not merely be challenged but broken under the new regime that will unfold when the legislation is implemented. The Garda is our only police force and getting it from its present state, which is one of challenge and one in which failures have been exposed, back to where we want it to be — a force of which everybody is proud, in which is everybody has confidence and which is governed and manned to the highest professional standards — requires a balanced approach from this House to the question of reform.

The white heat of outrage is understandable in the context of the Morris tribunal reports, especially when one reflects, as Deputy Costello eloquently stated on the last occasion, that but for the grace of God, innocent people could be serving life sentences arising from one incident of wrongdoing that was discovered. The white heat of outrage must be tempered by the fact the force has served the country well. There are empty seats in the House but the force has taken the most appalling stick from people who hate this State and revile the Garda. They never lost an opportunity to dismiss or subvert the force and have on occasions taken the lives of its members.

The force has served the country well and the failings that have recently become apparent beyond contradiction must be corrected and addressed but a new police force will not be established and the Garda will not be swept away as something that can be discarded so that we can start again. We must go on with what is there, the bulk of which is a legacy of commitment, professionalism, courage and decency, which is the material to achieve reform. Leadership and a determination to bring about change is required from the Government, myself and the top gardaí. That, in turn, requires that we are moderate and balanced in our approach, that we are considered in how we go about the process of change and that we do not just lay all about us and dismiss and hack down things of value because it suits the political mood and the timing of the political calendar to posture on these issues as we approach the end of a Dáil session.

I have a heavy responsibility, which I intend to discharge. I intend to push the legislation through because it has taken long enough to get it to where it is now. This legislation has been adapted to meet the criticisms properly advanced about it. It will be the constitutional foundation of a decent police force and I make no apology for doing that. Wiser counsel in future might result in greater improvements and different solutions to a number of the issues with which I am grappling but if the golden thread of accountability of the police force through the Minister to this House, which is a thing of value, is substituted by something else more in accordance with the political demands of the minute, it will be lost.

I have heard people wonder if this will be adequate given that there will be different Ministers for Justice, Equality and Law Reform and considering some of the people who held that position in the past, but that is not a reason for ending political accountability through the Minister to the Dáil. It is a reason for ensuring that the person who holds the position of Minister for Justice, Equality and Law Reform is of the high standard expected of every office holder in the House. The Irish political elite, if we can describe ourselves as such, has done huge things in the past few years to ensure that misbehaviour is a thing of the past in Irish politics.

The Irish public is entitled to look to future generations of politicians to exercise account-

[Mr. McDowell.]

ability for the Garda Síochána in this House on the basis of the model put forward by our Constitution, which is ministerial accountability to elected representatives in this House and Garda accountability to committees of these Houses and, through the local policing committees, to local authorities. Those are the right steps. I am confident that the measures I have put forward contain the solution to the structural problems that exist and that they will provide the trellis against which different values will grow strongly, to provide us in the future with a decent police force of which we are proud.

Mr. J. O’Keeffe: This debate should not be about the ego of the Minister for Justice, Equality and Law Reform, Deputy McDowell. The danger is that the overbearing arrogance of the Minister tends to submerge the issues. What are those issues? The Minister tends to question the motivation of Members on this side of the House, particularly of colleagues in the Labour Party, but he fails to accept the genuine view of Fine Gael, the Labour Party and virtually all Members of the House that we should have a police force that is reformed, has high morale, whose members have pride and confidence in their force and, above all, a force in which the public has pride and confidence. It is wrong of the Minister to question the motivation of those who put forward proposals which try to achieve that.

The Minister misrepresented the Labour Party in that he suggested it does not wish to see reform because it is putting forward a proposal for a policing commission, but nothing could be further from the truth. That is not in the Labour Party proposal. The Minister is making a serious mistake in not pausing and reflecting on the recommendations of the Morris tribunal and ensuring that the Garda Bill, when it passes, fully reflects the recommendations and advice of that tribunal. It is impossible for that to happen because the tribunal only produced its second report earlier this month but the Garda Síochána Bill is expected to be passed by the House, with all the amendments rushed through, within the next 72 hours. That is not the way to do business. I have been long enough in the House to know that rushed legislation is bad legislation.

This evening the fax machine in my office started clattering at 4 o’clock and produced pages of proposed new draft amendments from the Minister, some of which had not even been finalised by the parliamentary draftsman. These are the amendments we are supposed to discuss and put through Report Stage tomorrow morning. That is not the proper way to pass legislation. It certainly is not the way to deal with one of the great institutions of the State. We owe more to the members of the Garda Síochána, the vast majority of whom have served this country well through the years, than to treat them like this and to rush on to the Statute Book legislation containing amendments which were not given proper

consideration or debate and on which there was no time to take proper advice.

The Minister should stall the Garda Bill and allow reasonable time for a proper review. Later this year the Bill can be passed after proper reflection and full debate. Instead, the Minister says: “I must show leadership”, “I am determined” and “I will accept my responsibilities”. It is an ego trip as far as the Minister is concerned. He spoke about the political calendar. It is not the Opposition who is concluding the proceedings of the House at the end of next week, the Government is doing so. The Minister cannot tell me that because the political calendar, designed by the Government, brings this House to a conclusion at the end of next week, we do not have time to debate properly the Garda Síochána Bill. He is wrong.

Let us discuss his proposals. He says he will appoint a chairman for the three-person Garda ombudsman committee, rather than have a single ombudsman. That is a total fudge. It makes no progress towards achieving the type of institution in which the gardaí and, more importantly, members of the public will have full confidence. There is no reason that the Minister cannot provide an ombudsman of the same type as exists in Northern Ireland. His current proposal of a three-person committee, even with a chairman, does not meet the overwhelming public demand for a single Nuala O’Loan type figure to investigate wrongdoing and deal with complaints.

It raises the suspicion that the Minister wants to have somebody on the committee who will represent the views of the Department and that, directly or indirectly, there will be an inside track into the committee to keep an eye on what it is doing. That is not what we want and it is not what the members of the Garda Síochána, with whom I have discussed this, want. They want it to be done properly, openly and independently. They do not want to be involved in investigating any of these complaints. They want everything to be above board, just as the Opposition and public do.

The strength of a single independent ombudsman was demonstrated again this week by Kevin Murphy, the former State Ombudsman, when he criticised the failure to allocate political responsibility for the nursing homes scandal. This was a strong statement by a strong independent person who is beholden to no Department, Minister or party. That is what is expected from Kevin Murphy and that is what he gave. It is what we get from Nuala O’Loan. Why can we not have the same with a Garda ombudsman? The revelations arising from the second report of the Morris tribunal demand that a single powerful and independent ombudsman be appointed. A three-person body, even with a chairman, simply remains a fudge.

It has long been Fine Gael policy to establish a commission on the Garda Síochána to examine the efficiency and accountability of the force. Events in Donegal and the recommendations of

the second report of the Morris tribunal further highlight the need for this. The Minister misrepresented our colleagues in the Labour Party. I am not suggesting that reform can wait until we have the report of an independent commission. The Labour Party is suggesting, on the other hand, that we have a proper reform approach and a proper Garda Bill. At the same time, however, there is no reason that we should not have a policing commission.

The Government might claim that the Garda Síochána Bill will make a policing commission redundant, but I take the opposite view. The Garda Bill is the direct result of closed discussions within the policing loop of the Department, Garda headquarters and those associated with the Garda Síochána. The Garda Bill will provide improvements but it does not go far enough. In the meantime, the Government will not even accept the Morris report's recommendation that the Garda Bill be reviewed by the Oireachtas. The closest we came to a discussion of the report was a cursory series of statements last Friday, which clearly was not what Mr. Justice Morris had in mind. Last minute amendments which have not received proper consideration are not the answer.

As the Government insists on pushing through the Garda Bill in its present form, with only some amendments, the need for the independent commission proposed by the Labour Party is all the more urgent. Nobody but the most prejudiced observer would deny the enormous benefits resulting from the Patton commission on policing in Northern Ireland. Although the Republic has experienced different problems in policing, the problems are nevertheless significant. There must be a root and branch investigation, including an open and fair-minded examination of Mr. Justice Morris's recommendations. The judge has identified many of the most significant problems in the Garda but these issues must be dealt with in transparency and with accountability. Furthermore, the general public must have total confidence in the structure, role and powers of the complaints procedure. I doubt the measures the Minister proposes will command that level of confidence.

Neither the Government nor Mr. Justice Morris has touched on certain points, such as what we expect from members of the Garda Síochána. We expect efficiency and effectiveness, particularly when confronted with the reality of crime or anti-social behaviour. We also expect courtesy and civility, and want to ensure the Garda Síochána exercises the exceptional powers we give it with tact and diplomacy.

That raises the question of training members of the Garda Síochána. Does it include proper training in that kind of approach? It may not be ideal to segregate trainee gardaí from other young men and women so that they become part of the institutional structure of the Garda Síochána, without the possibility of the social interchange available in college. It may be time to take

a more integrated approach to training gardaí. This is only one issue we should consider in the context of an independent commission on policing.

The Labour Party motion, which I support, covers these issues in broad detail. I also support some of the points in the Minister's amendment but he is seriously wrong when he urges us to recognise the comprehensiveness of the reform measures in the Garda Síochána Bill. He ignores Mr. Justice Morris's recommendation in that regard.

He is also wrong to ask us to welcome the provisions of the Bill to establish a Garda Síochána ombudsman commission. I doubt there is any support, even within the Garda Síochána, for the committee he proposes. He asks the House to acknowledge his commitment to propose amendments to strengthen the Bill. Is he serious? Report and Final Stages of the Bill start tomorrow morning and he asks us to welcome amendments which are not yet fully drafted. The Minister's ego has gone to his head if he expects us to support that kind of approach.

He has not dealt with the issue of accountability to Parliament and the Fine Gael proposal of a full-scale powerful security committee. He has not even looked at the sort of issues considered in other countries. It is salutary for us to examine what has happened elsewhere. We are not unique. There have been similar problems in other countries.

I looked at the report of the Royal Commission into the New South Wales Police Service. The report of that commission reveals the extent to which this Government has failed the Garda Síochána by ignoring many important issues that should be examined before the Minister says he has done the job and introduced legislation that will clear up the problem once and for all. The royal commission considered leadership in the police force in New South Wales, its lack of direction and openness, and the inadequate focus of the staff. The report also covers the process of reform and the professionalism, or lack of it, within the force; systems, procedures and police culture; how the police force is involved in different types of law enforcement, including areas in which it was specifically involved and some in which it should not be involved; and the organisational and managerial structure of the police service. There has been no open debate in this House or elsewhere on the organisational structure of the Garda Síochána.

The commission also considered suggestions for a revised chain of command, the question of deployment, and police and crime rates. It examined the various agencies within the force, another topic we have not discussed. These include the special branch, crime agencies, and others within the New South Wales police force. It considered employment, recruitment, entry and retirement ages, the question of non-executive officers, and issues such as the terms in contracts of employment and lateral entry. These are

[Mr. J. O’Keeffe.]

examples of the preliminary issues examined for that report.

It also looked at management, leadership training, ethics and integrity, responsibility for education and training, and discussed promotions and transfers and reform of those procedures. The commission considered what is done for police injured on duty, civilian support, administrative services, salaries and allowances, and secondary employment. I have merely touched on the index to identify some of the issues the royal commission considered.

I cannot accept the Minister telling us that because he has issued the second report of the Morris tribunal, and will rush through a few amendments to the Garda Síochána Bill, he has completed the job of reforming the Garda Síochána. He must accept this is not the right way to complete this job. It is important to ensure the Garda Síochána is as good as it can be. We owe that to the 12,000 members of the force, most of whom serve the country well, and all of whom will do so when the Bill is implemented.

I wish to have confidence in the Bill and be satisfied that the types of structures established will achieve the kind of effective organisation we all want. The general public must also have full and complete confidence in that Bill. The revelations from Donegal have badly dented that confidence. The Minister does not understand the depth of public concern arising from that loss of confidence.

While the Garda Síochána Bill and a policing commission are linked, the commission does not have to delay the completion of the Bill. The timetable should be that the final Stages of the Bill are postponed until after the recess when its terms would be completely examined. Deputy Kenny made a sensible proposal in that regard, namely, that there be an outside examination of the Bill to ensure it incorporates all the recommendations of the Morris report.

If the Minister does this my party will offer a constructive input in the autumn to ensure a revised Bill is put in place to achieve our aims. I suppose I should warn him that I am very much against the complaints committee about which he is talking, which he calls an ombudsman commission but which is no such thing. I feel very strongly about that. I am also very much against section 75, which precludes a member of the Garda Síochána from complaining. However, those are issues we can talk through, and I hope, in the course of time, we can convince the Minister, particularly if there is an outside view on it.

Having completed that timetable and got the Garda Bill in place before the end of this year, we will still need the commission on policing, since so many aspects have not been considered in the context of the debate on the Garda Bill. We also want to see how the changes made in the Garda Bill bed down and whether the objectives outlined have been achieved by it. In many ways, the ideal timing would be to have the commission on

policing sitting when the Garda Bill has been put in place so that it can assess its effectiveness. Then, as suggested by the Labour Party, there would be the possibility, after the 18-month period mentioned, to come back, make a full report, and bring the whole operation one stage further. The Garda Síochána itself would be completely happy with that, and above all, it would have the full confidence of the general public. That is the way forward, and I commend it to the Government.

Debate adjourned.

Maritime Safety Bill 2004 [Seanad]: Order for Report Stage.

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I move: “That Report Stage be taken now.”

Question put and agreed to.

Maritime Safety Bill 2004 [Seanad]: Report and Final Stages.

An Leas-Cheann Comhairle: This is to conclude no later than 10 p.m. Amendment No. 52 is consequential to amendment No. 1 in the name of the Minister, and they will be discussed together. Recommittal is required of these amendments, as they do not arise from committee proceedings. Is that agreed?

Mr. Broughan: The final shape of this Bill is very unsatisfactory, in that we are debating things here with approximately 65 minutes until a guillotine, something that we saw for the first time only a few days ago. This Bill started off as a Maritime Safety Bill with several key elements that we discussed on Second Stage, and then on Committee Stage we were presented with a series of amendments. I know the Minister informed us regarding the emergency licensing requirement he proposed to include. Now we have a new Part 6 and legislation to do with the extension of the foreshore, and the Bill has grown like topsy within a relatively short period. Legislation that Deputy Perry and I addressed on Second Stage, essentially as a Maritime Safety Bill, now has added dimensions.

On several occasions in my experience of invigilating this Department on behalf of the Labour Party we have had add-ons. I register a complaint, as I did with the Ceann Comhairle earlier this evening regarding the handling of this Bill. It is bad enough that we have all this material submitted to us very late and in a fairly confusing manner. I appreciate the fact that civil servants have sent us e-mail explanations and so on, but it seems a bad way to do business, given that we have needed this legislation for at least the past two or three decades, and certainly since the Marine Casualty Investigation Board was established. Now we are in the dog days heading for the summer recess trying to clear the board, and

this legislation is being put before us as a series of addenda. In my book, that is not the way to do business, and I say that to the Department.

An Leas-Cheann Comhairle: This has already been decided by vote.

Mr. Broughan: It was decided, but I was not allowed to raise my original complaint. I want to register that, since it informs what I have to say. Clearly, we have nearly 60 amendments, and we will only get a short way. I am not castigating this Minister of State or these civil servants, but the overall way the Government treats important legislation is disgraceful.

An Leas-Cheann Comhairle: What is before the House is a motion to recommit.

Mr. Perry: I have just one comment, which follows from those of Deputy Broughan. I fully appreciate the Minister of State's work on this Bill, but it appears that we are now talking about territorial waters, licensing and aquaculture. The Minister has recently taken over as Minister of State with responsibility for the marine, and since his appointment he has performed very well. However, the difficulty is that this Bill stretches back so far. The civil servants inherited a great many add-ons that may somewhat dilute the intentions behind the Bill. For the layman looking at it, the additions dilute the main focus, which is maritime safety. This has been discussed, and the Minister of State has now tabled additional amendments. I know the importance of having this dealt with, so let us proceed.

Question put and agreed to.

Bill recommitted in respect of amendment No. 1.

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I move amendment No. 1:

In page 5, line 9, after "1946," to insert the following:

"SECTION 222B OF THE FISHERIES (CONSOLIDATION) ACT 1959,".

This amendment inserts a reference to section 222B of the Fisheries (Consolidation) Act 1959, which is amended by a new section 53 being inserted as part of the Bill. It is linked with amendment No. 52.

Mr. Broughan: Is there a time limit on the substantive amendment to the Fisheries (Consolidation) Act 1959? We seem to be under a grave time limit regarding 30 June.

Mr. Gallagher: Yes. I fully appreciate the points made by Deputies Broughan and Perry. I will make only three quick points, and it is important that I do so.

In this Bill, we set out to deal with certain high-powered watercraft. I was extremely anxious, and with the co-operation of the Opposition I had hoped to have this enacted by the summer to allow local authorities to proceed with the various regulations. Then I found, having dealt with the Bill in the Seanad, if I were not to introduce amendments regarding the renewal of licences to allow vessels to continue fishing, that by 30 June all vessels under 24 metres would have to have the necessary works completed and surveyed by our own marine surveyors or by a panel, which would be impossible logistically. Vessels over 24 metres are not within my power, since a European regulation deals with them.

First, one might say that we are compromising on safety, but that is not at issue. Every skipper knows precisely what has to be done, and no one should go to sea unless happy that the boat is in a fit state.

In addition, Deputies will be aware of another issue because of the last-minute briefing they received regarding foreshore licences. Legal advice has overturned the general understanding of what the foreshore is, and we must address the situation as a matter of priority. I propose to do so by using the Maritime Safety Bill 2004 as a vehicle to confirm in legislation what has been the general understanding of the term. The opinion heretofore was that the foreshore ran to the limits of the territorial sea. Our current understanding of that is 12 miles.

The legislation seeks to confirm this understanding that the jurisdiction is not to the low water mark but to the 12-mile limit. The enactment of this Bill will provide for the validation of action taken up to now on the basis of what was then a quite clear understanding. We have been engaging with the Office of the Attorney General for some weeks and the advice stating that the foreshore is only to the low water mark came formally on 16 June. I was anxious to deal with this matter as soon as possible. If I came back to the House in October with a Bill to provide validation on this point, I would be rightly criticised. I appreciate the points made by both Deputies but I ask them to accept the urgency of this matter and to consider the implications of not acting.

Amendment agreed to.

An Leas-Cheann Comhairle: A recommittal is required for amendment No. 2. This amendment is consequential on amendment No. 53 and amendment No. 10a is related. These amendments may be discussed together.

Bill recommitted in respect of amendment No. 2.

Mr. Gallagher: I move amendment No. 2:

In page 5, line 10, after "1968," to insert the following:

[Mr. Gallagher.]

“SECTION 4 OF THE LANDLORD
AND TENANT (GROUND RENTS)
(NO. 2) ACT 1978.”

Mr. Broughan: What is the impact of this in regard to the operation of harbour companies and the lands owned by them? Is this related to the emergency legislation passed some weeks ago in respect of IDA and other bodies? A disgraceful event took place some weeks ago which related to a company in Clonsaugh industrial estate, Diamond Innovation. It is alleged that this company, which is in my constituency, was able, through a series of subleases, to dispose of publicly owned lands. This is the substantive issue in regard to companies that are occupying leases on State land.

Mr. Gallagher: The substantive amendment is necessary to safeguard leases granted by harbour companies to which the Harbours Act 1996 and the Harbours (Amendment) Act 2000 apply against negation by subleasing arrangements by lessees. Deputy Broughan referred to similar safeguarding provisions in the Landlord and Tenant (Ground Rents) Act 2005 in respect of SFADCo, IDA and Údarás na Gaeltachta. In practical terms, a harbour company may lease to another party and the latter may subsequently sublease the property. In such circumstances, the sublessee could benefit by overruling the basic lease. We must ensure the State is protected against such activities. This is the purpose of the substantive amendment No. 53.

Mr. Perry: The provision for safeguarding leases in amendment No. 53 is important. It is a pity this cannot be done retrospectively because a number of such leases have been granted in the past. Is any law required to give the Minister of State powers to revoke leases that have been in place for 100 years? Properties have been leased at low rents and the lessees have subleased them for a profit. This amendment stipulates that people will in future be somewhat curtailed from re-leasing properties once the lease agreement has been signed. This is an important issue.

The Minister is well aware that significant opportunities exist in coastal communities in respect of ports which have in the past been very much neglected. The lack of development that has taken place means development companies are now proposing tax incentive deals in respect of such development. It is important that a rent review mechanism should operate in all such instances after five or ten years to ensure a clear return.

Mr. Broughan: I welcome these amendments. However, I wonder why harbour and port companies were not included in the tranche of public bodies to which the emergency legislation introduced some weeks ago applies. I reiterate that I have heard serious complaints from the com-

munities around Clonsaugh in regard to what is alleged to have happened at Diamond Innovation. The lands in question belong to the Irish people but, apparently through subterfuge, this company was able to sell them into private hands, as has been alleged previously in the House.

I realise such matters are not part of the Minister of State's portfolio. These matters arose during the Tánaiste's seven-year tenure at the Department of Enterprise, Trade and Employment, involving an entire tranche of public lands in Shannon Development and in industrial estates in Dublin and other areas. Questions must be asked as to how we got into this situation in the first place.

A colleague, Councillor Declan Bree, who shares Deputy Perry's constituency, strongly supports the idea that the Sligo Harbour Commission should be allowed to become a port company. This would prevent it being taken over, as some fear, by the local authority which could have a negative impact down the line on publicly owned lands. I welcome and support this amendment if its effect is to tighten the provisions in this regard and preserve the lands for which citizens have paid through taxation.

Mr. Gallagher: I am pleased the Deputies are in a position to support these amendments. Deputy Broughan asked why the harbour companies were not included when the emergency legislation was introduced by the Department of Enterprise, Trade and Employment in regard to IDA, SFADCo and Údarás na Gaeltachta. At that time, not many people were aware of this issue. The contact we have had from Dublin Port highlighted the implications of the failure to include harbour and port companies under the provisions of that legislation.

The purpose of this amendment is to ensure there will be no dilution of public or State ownership without the agreement of the State. If this Bill is enacted, I am confident that cannot happen again. We are not in the business of ensuring others will benefit at the expense of the State. Deputy Perry asked about retrospection, a question I anticipated. The advice is that we cannot rescind this.

Mr. Perry: The Minister of State has done good work in regard to this amendment. Harbours and ports represent important State assets. As an island nation, they represent a huge resource that was built in previous decades. It is important to have legislation which ensures there is total transparency in regard to the sale of these State assets and that no quangos will be in control. Will decisions regarding the sale of State assets have to be cleared by Cabinet or will the Minister of the day have total discretion?

Mr. Gallagher: Such decisions will be made subject to the supervision of the Minister.

Mr. Perry: And his recommendation.

Mr. Gallagher: Yes.

Amendment agreed to.

An Ceann Comhairle: We will now move on to amendment No. 3. If Deputies are agreeable, the amendments will be recommitted in the name of the Minister to save time. Amendment No. 3 is consequential on amendments Nos. 49 to 51, inclusive. These amendments may be taken together by agreement.

Bill recommitted in respect of amendment No. 3.

Mr. Gallagher: I move amendment No. 3:

In page 5, line 12, to delete “ACT 1992” and substitute “ACTS 1894 TO 2000”.

This amendment is needed to repeal the enactments of the 1934 to 1937 Acts as well as provisions of the 1894, 1947, 1981, 1992 and 2000 Acts.

Mr. Perry: Did the Minister of State consider index-linking the fines which are set out in the Bill? Earlier fines were minimal. Will increases in the fines defined in amendments Nos. 49 and 50 be index-linked?

Mr. Gallagher: I am taking this opportunity to increase fines to realistic levels throughout the Bill. I anticipate the introduction of a fines Bill by the Minister for Justice, Equality and Law Reform which will overcome the difficulties experienced in the past. Fines will then be index-linked.

Mr. Broughan: They will be index-linked by regulation if that Bill is passed.

Mr. Gallagher: That is correct.

Amendment agreed to.

Bill reported with amendments.

An Ceann Comhairle: Amendments Nos. 4, 6 and 55 are consequential on amendment No. 56. These amendments may be taken together by agreement.

Mr. Gallagher: I move amendment No. 4:

In page 5, line 13, after “1996” to insert the following:

“, TO PROVIDE FOR MATTERS RELATING TO THE FORESHORE AND TO AQUACULTURE”.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 5 is consequential on amendments Nos. 10 and 57. Amendments Nos. 10 and 57 form a composite

proposal. Amendments Nos. 5, 10 and 57 may be taken together by agreement.

Mr. Gallagher: I move amendment No. 5:

In page 5, line 13, after “1996” to insert “, TO REPEAL CERTAIN ENACTMENTS”.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 6:

In page 5, line 21, to delete “Part 5” and substitute “Parts 5 and 6”.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 7:

In page 5, between lines 24 and 25, to insert the following:

“(5) The Harbours Acts 1996 and 2000 and section 47 may be cited together as the Harbours Acts 1996 to 2005.”.

This is a technical amendment which is being inserted for completeness. It provides a new collective citation for the Harbours Acts 1996 to 2000 which apply to the ten harbour companies managing the State’s principal ports.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 8:

In page 6, line 3, after “Act” to insert “(other than sections 48 and 49 and Part 6)”.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 9:

In page 6, between lines 17 and 18, to insert the following:

“(2) In this Act a reference to a member of the Garda Síochána or an officer of the Permanent Defence Forces holding commissioned naval rank is a reference to that member or officer while in uniform.”.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 10:

In page 6, to delete lines 31 and 32 and substitute the following:

3.—Each enactment specified in column (2) of the *Schedule* to this Act is repealed to the extent specified in column (3) of the *Schedule*.”.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 10a:

In page 7, to delete lines 34 and 35 and substitute the following:

[Mr. Gallagher.]

“‘harbour company’ means a company within the meaning of section 2 of the Harbours Act 1996;”.

Mr. Perry: What type of company is defined in this amendment? Is it one which will be limited by guarantee or shareholding? Is a stipulation made as to the involvement of representatives of the State? Provision may be made already for this in the Bill.

Mr. Gallagher: All these companies are owned by the State and were established and defined under the 1996 Act.

Mr. Broughan: On a point of order, I received amendment No. 10a on white rather than green paper. Is the amendment valid?

An Ceann Comhairle: It is a valid amendment. It is on white paper because it was introduced after the green paper was printed.

Mr. Broughan: May it be introduced in this form?

An Ceann Comhairle: There is no problem with its introduction.

Mr. Broughan: My earlier comments are reinforced by this matter.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 11 to 19, inclusive, are related and may be taken together by agreement.

Mr. Broughan: I move amendment No. 11:

In page 8, line 30, to delete “may” and substitute “shall”.

A happy situation obtains in that a number of local authorities, including Fingal County Council, have introduced by-laws regulating the use of small pleasure craft, jet skis and other vehicles. This legislation is pressing due to current uncertainty over the legality of such by-laws. The Minister of State is to be commended for bringing this Bill forward.

A lot of complaints were received from coastal and inland local authorities. Small vehicles and boats have caused problems on the important lakes and rivers that exist within most local authorities. For this reason I propose to change the word “may” to “shall” so that by-laws on this matter will be introduced.

With regard to amendment No. 12, I fear that the words “regulating and controlling the operation of craft” may be interpreted so as to limit the matters which may be addressed by the by-laws. A grammatical problem arises in the existing lines 30 and 31, which contain an ambiguous reference to the operation of craft by a local authority. While the Minister said in the Seanad that

the clause was necessary to define the scope of the powers, I ask him to re-investigate the issue.

Amendment No. 13 is a key amendment. An interesting discussion was held during Second Stage of this Bill on all aspects of this matter. The Minister has a good record in encouraging people to enjoy the water and to conduct recreational activities there. Tribute was paid to our late colleague, Seán Doherty, who also encouraged people to enjoy the Shannon and its tributaries. However, other jurisdictions, such as New South Wales, require a personal watercraft driver’s licence to operate a jet ski. Drivers or masters of such vessels must pass a qualifying test to be issued with such a licence. The title of master may be too grandiose. Such a requirement means that a minimum level of safety rules would have to be understood and, I hope, practised by the jet ski driver. The introduction of a system of registration of such vehicles is also important, particularly so as to permit authorised officers, including gardaí, to adequately carry out their functions. We felt this step would be taken at some stage so it might as well be now to make this a more comprehensive Maritime Safety Bill. We should have a full licensing and registration system.

Amendment No. 14 is an additional amendment consequent to our discussions on Committee Stage. We discussed two events, one in Youghal and another off the south-east coast where a number of young people lost their lives when they were using fast leisure vehicles such as water skis and jet skis. The marine casualty investigation board, which has done a great job over the past number of years in holding important investigations into water safety, felt that in a number of cases wearing helmets and other protective clothing would have played an important role in saving lives. The Minister of State added many amendments on this Stage and he might also consider this one.

Amendment No. 15 is consequent on amendment No. 12 in trying to extend the scope of the amendments. That is the last of my amendments, which seek to provide a registration and licensing system and to increase the pleasurable use of the seas and our waterways.

Mr. Perry: I compliment Deputy Broughan on these important amendments. This Bill covers a large amount but its backbone is registration, licensing and wearing protective clothing. The inclusion of registration and the use of protective equipment would lead by example and would show respect for the operation and dangers involved. Given the level of risk and the number of accidents that occur in coastal areas by-laws to identify the owner of each jet ski through registration would send a clear message. It would create a core objective of maritime safety. Incorporating Deputy Broughan’s amendments would add substantially to the backbone of the Bill which should be maritime safety.

Mr. Gallagher: As I promised Deputy Broughan, I gave serious consideration since Committee Stage to the inclusion of “shall” rather than “may” but having considered it I still hold the view it would be a waste of effort and resources to require every authority to make by-laws when some might not need to do so.

We are all aware that our colleagues on local authorities in coastal areas or with lakes or rivers in their operational area are anxious to have this legislation enacted so they can proceed to make by-laws. It is a matter for each local authority to decide whether there is a need to make the by-laws under section 6 of the Bill. Deputies are aware that making by-laws can be a lengthy process, involving public consultation of at least one month plus seven days. It should only be undertaken if there is a clear need to do so, and who better to decide that than local authority members? When we consider local authorities have many important tasks it could be a waste of effort and resources to require them to needlessly make by-laws. I am quite satisfied that any local authority needing to make such by-laws has full power to do so under this Act and retaining “may” without substituting “shall” is a clear advance on the current position. In the case of city and county councils, making by-laws under section 6 is a reserved function and as such is a matter for the elected representatives who would proceed to make such by-laws if there is a need to do so.

Agreeing to the deletion in amendment No. 12 would mean a lack of focus in this section, which solely deals with the regulation and control of craft of a specified class and has no other purpose. According to *Bunreacht na hÉireann* the power to make by-laws under section 6 must be within specific parameters laid down by the Oireachtas. I am advised there can be no open-ended power to make such by-laws.

The questioning of licensing and registering users of jet skis or other personal watercraft is a matter for national provision rather than piecemeal arrangements varying from one local authority to another which would duly interfere with the use of craft across authority boundaries. I support the idea of establishing a register and I confirm to the House as I did on Committee Stage that the question of establishing a small vessel register, to include jet skis and other personal watercraft, is under consideration by my Department following public consultation. Registration is necessary and I assure Deputies I will work towards it. It is not a question of procrastination.

Amendment No. 14 deals with general operating conditions for craft including the wearing of personal protective equipment, which is a matter for national provision rather than the piecemeal arrangement I referred to varying from one authority to another. I wish to draw Deputies' attention to the merchant shipping, pleasure craft and life jackets and operation safety regulations of 2004 for which there is a

statutory instrument. These are for national operation.

Amendment No. 15 would not accord with the constitutional provisions for secondary legislation, namely for the Oireachtas as primary legislators to set the limits in policies and principles within which secondary legislation may be made. There can be no question of open-ended powers for any of the relevant local authorities to make by-laws at will.

Mr. Broughan: I appreciate the point made by the Minister of State on the two key amendments, Nos. 13 and 14, but this is an opportunity to set a standard at national level for local authorities. Local authorities themselves have different requirements for land vehicles. I welcome the Minister of State's words on registration but I cannot see how this will be advanced if this legislation or the wording of the Labour Party's amendment No. 13 is not in place. To have a basic standard of licensing would be a huge step forward.

With regard to the subject matter of amendment No. 14, good work has been done by the marine safety directorate and the coast guard in recent years. It is sanguine to remember it was only in 2003 that the Minister of State's predecessors, Deputy John Browne and Deputy Dermot Ahern, required people on small craft to wear life jackets.

It took us a long time and a number of terrible tragedies, which the Marine Casualty Investigation Board rightly highlighted, to do that. It also highlighted the outrageous folly of people putting out to sea on overloaded pleasure craft, often in dangerous conditions and under very poor direction. I respect the fact that many elements of the Bill address the concerns in all the reports in my office from the MCIB. Nonetheless, it would be a brave move on the part of the Minister of State if he accepted these amendments, particularly amendments Nos. 13 and 14. That would set a standard and indicate that we are as serious about the marine environment as we are about the land environment. The Irish Water Safety Association investigates approximately 84 deaths per annum, which is 84 too many. We could set a high standard in the late hours of this Dáil session if the Minister accepted amendments Nos. 13 and 14.

Mr. Gallagher: I want to make it clear that I said it was not a question of procrastination in terms of the small vessels register. It will not require primary legislation. The Minister of the day will have power under section 20 of the 1992 Act and section 45 of this Bill to introduce ministerial regulations to establish such a register. I will do that as soon as it is practical to do so, bearing in mind the public consultation and the various views that have been expressed to me regarding amendments Nos. 13 and 14. I see where Deputy Broughan is coming from but I emphasise that this is a matter for national pro-

[Mr. Gallagher.]

vision rather than crossing the various local authority boundaries.

Speaking of the various local authorities, we could find ourselves in a situation where local authorities have different views on by-laws. We hope that they will work closely with the officials in our Department who will, if necessary, provide a template for the various local authorities to ensure consistency throughout the country.

Mr. Perry: I am happy to hear the Minister support the idea of a template and a code of operation for local authorities, particularly those in communities along the coastline. The Minister indicated that he would do the marketing of the Bill, so to speak. It is important that once the Bill is enacted it is actively promoted in local authorities and that there will be a level of responsibility on their part to engage in this area.

The Minister indicated also that a register of owners can be established by regulation. That is very important from the point of view of knowing the number of people involved. It will also encourage people to sign up to their rights and responsibilities in this area. Deputy Broughan's amendments are very well researched in that they deal with the kernel of the problem, namely, where local authorities do not take ownership of the problem. That is the direction that is being given. The Minister must realise that in many cases local authorities have stood by in terms of port companies being in dereliction of their duty. They may not have had ownership but they did not take an initiative to develop this area with communities. In seaside resorts where they had authority to introduce by-laws, they were very slow to do so.

The Minister indicated that he will put local authorities on notice to engage actively with this legislation. A ministerial direction should be given to every county manager who will be expected to seriously take on board the provisions in the Bill. It is important also that there is a review mechanism in the Department because we could spend a great deal of time enacting legislation which may not become operational until a tragedy occurs.

With the limited scope in certain sections of the Bill it is important that the Minister proactively encourages local authorities to get back to him within a certain timeframe and indicate their views about the Bill, what they can do with it and how that will benefit the interests of safety in rivers, lakes and major coastal areas.

Mr. Gallagher: There have been no major changes in the aspects of the Bill the local authorities are dealing with, but we had a seminar with local authority officials last year. We keep the county managers and, consequently, the members of the local authorities fully briefed and we will continue to do that. We will work closely with them and I give a personal assurance to the House that the relevant officials in the Depart-

ment and I will monitor developments closely. A bottom-up approach is being taken. Many members of local authorities throughout the country were anxious that the Bill be enacted to allow them to proceed as quickly as possible with the preparation of the by-laws, bearing in mind that it will take a month plus seven days after the public consultation process before they can become effective.

Mr. Broughan: In the run-in from September to Christmas to the budget of the Minister for Finance, Deputy Cowen, will the Minister be prepared to support local authorities, such as the one in my constituency, Fingal County Council, that request funding to implement the by-laws in respect of certain craft? Will the Minister and the Department support them in administering that because we are talking about somebody in a car on the bank of a river or lake trying to invigilate an operator misbehaving and causing damage to other users of the facility by driving the craft at speed? Will we be able to support good local authorities who bring forward by-laws in response to this Bill?

An Ceann Comhairle: The Chair is in a dilemma, Minister, because you were supposed to come in only twice and you got in three times. Perhaps you will give a brief reply. When we are on Report Stage I prefer that we comply with the Standing Order and we will get more business done.

Mr. Gallagher: I appreciate that but we are talking about life and death. Beach guards are already in place and I do not anticipate any major additional costs. It will be a matter for local authorities to provide the funding but as requested by the Deputy I will speak to the Minister for the Environment, Heritage and Local Government in due course.

Amendment, by leave, withdrawn.

Amendment No. 12 not moved.

Mr. Broughan: I move amendment No. 13:

In page 8, between lines 40 and 41, to insert the following:

“(i) the licensing and registration of users of jet skis or other personal watercraft,”.

Amendment put and declared lost.

Mr. Broughan: I move amendment No. 14:

In page 9, between lines 9 and 10, to insert the following:

“(iii) conditions to be observed in respect of the operation of craft including the wearing of personal protective equipment,”.

Amendment put and declared lost.

Amendment No. 15 not moved.

Mr. Gallagher: I move amendment No. 16:

In page 9, line 14, to delete “waters prohibited by” and substitute “contravention of”.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 17:

In page 9, line 23, to delete “waters in which it is prohibited by bye-laws” and substitute “contravention of a bye-law”.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 18:

In page 9, line 26, after “prohibits” to insert “or restricts”.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 19:

In page 9, line 28, after “prohibition” to insert “or restriction”.

Amendment agreed to.

Mr. Broughan: I move amendment No. 20:

In page 10, line 11, to delete “7” and substitute “28”.

This amendment refers to section 7 and the procedure whereby the authority has made draft by-laws that have been put out for public consultation and the time limit for submissions, which is currently seven days. Given my experience as a public representative — I am sure the Ceann Comhairle has similar experience — a very brief period of consultation when one is trying to make a submission in the planning process, such as applies at present, impacts negatively on the public and democracy.

Seven days is a brief period. It would take some days to find a notice, perhaps on a website, leaving only a few days to make the submission. Even in the current planning system, the period is five weeks, or effectively 27 days with regard to An Bord Pleanála. Like other Deputies, I make such submissions regularly. It is necessary to provide more time. I suggest a period of four weeks rather than one.

Mr. Perry: A seven day period is very restrictive. The Minister could consider an increase as a compromise.

Mr. Gallagher: It is not a question of seven days. Section 7 allows at least one month plus seven days. Deputy Broughan suggested one month and 28 days for the public to comment on draft by-laws proposed to be made under this section by any authority. One month and seven

days is ample, particularly if the by-laws need to be made urgently. However, it is not a statutory matter that a local authority may only allow a period of one month and seven days. It is discretionary and it will be a matter for any authority to allow for a longer period. That is the compromise. It would be unreasonable if I was to insist on a period of one month and seven days. I place my faith in the members of the local authorities in respective areas. I hope Deputies will accept this is a compromise.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendments Nos. 21, 40 and 48 are related and may be discussed together.

Mr. Gallagher: I move amendment No. 21:

In page 13, line 22, to delete “Act” and substitute “section”.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 22:

In page 15, line 2, to delete “and” and substitute “or”.

This is a drafting amendment.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 23 and 24 are related and may be discussed together.

Mr. Gallagher: I move amendment No. 23:

In page 16, line 23, to delete “Act” and substitute “Part”.

Amendments Nos. 23 and 24 are drafting amendments.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 24:

In page 16, line 27, to delete “Act” and substitute “Part”.

Amendment agreed to.

Mr. Broughan: I move amendment No. 25:

In page 17, between lines 19 and 20, to insert the following:

“20.—The Act of 1992 is amended in section 2(1) by the insertion, in the definition of ‘vessel’, after ‘navigation’ of ‘and includes personal watercraft and recreational craft’.”.

I submitted this amendment on Committee Stage due to concerns on first reading the Bill as to the definition of “vessel”. The definition at section 2(1) of the 1992 Act did not go far enough and section 2 of the Bill seems to rely on the definition of “vessel” in that Act. The amendment is

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designed to extend the definition to make it clear that jet skis and other small recreational craft are included. It intends that the definition of “vessel” would be wide-ranging enough to ensure all the improvements in the Bill would apply to such craft.

Mr. Gallagher: With respect to Deputy Broughan, the amendment is unnecessary. Section 2(1) of the 1992 Act is amended by the 2000 Act. Personal water craft are already included in the definition of “vessel”.

Amendment, by leave, withdrawn.

Mr. Gallagher: I move amendment No. 26:

In page 18, line 16, to delete “craft” and substitute “craft,”.

This is a drafting amendment.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 27:

In page 21, line 26, to delete “section 20” and substitute “section 23”.

This is a typographical amendment.

Amendment agreed to.

An Ceann Comhairle: We move to amendment No. 28. Amendments Nos. 29, 30 and 34 are cognate. The amendments may be discussed together.

Mr. Gallagher: I move amendment No. 28:

In page 22, lines 4 and 5, to delete “person in command or in charge” and substitute “master”.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 29:

In page 23, lines 13 and 14, to delete all words from and including “person” in line 13 down to and including “crew” in line 14 and substitute “master or another crew member”.

Amendment agreed to.

Mr. Gallagher: I move amendment No. 30:

In page 23, line 16, to delete “person in command or in charge” and substitute “master”.

Amendment agreed to.

Amendment No. 31 not moved.

Mr. Broughan: I move amendment No. 32:

In page 23, between lines 30 and 31, to insert the following:

“(2) Where a person has a concentration of alcohol in the breath which exceeds the maximum permissible concentration applicable to a person in charge of a motor vehicle, he or she shall be presumed to be under the influence of alcohol to such an extent as to be incapable of properly controlling or operating a vessel or carrying out a task or duty for the purposes of *subsection (1)*.”.

This is a key amendment. I am glad we have a chance to discuss the matter in the short time available. The point of the amendment relates to persons being in charge of water craft while under the influence of alcohol or alcohol products. I am amazed that Deputy Eamon Ryan, who is not present, sought to delete section 28 because the Minister has at least tried to introduce a connection between the wrongful use of alcohol and being in charge of a vessel or pleasure craft. Section 28 states:

A person being in command or in charge or another member of the crew of a vessel in Irish waters anywhere shall not operate or control or attempt to operate or control the vessel or carry out any task or duty in relation to such operation or control while he or she or the other is under the influence of alcohol or a drug or any combination of drugs or drugs and alcohol . . .

When the Labour Party considered this matter before Second Stage, the key difficulty we identified related to definitions and what instructions the Bill gives the courts and authorised officers who will try to implement it.

We considered the work of the Marine Casualty Investigation Board — I commend it for its work since 2002 — and the series of reports it made into a number of disasters, for example, the collision between the yacht *Debonair* and the cargo ship *Bluebird* in 2001, which unfortunately and tragically resulted in the deaths of four people. In light of the board’s investigation, there was a strong recommendation in its report concerning the question of setting a maximum blood alcohol level for seafarers in a bid to strongly combat the dangerous role alcohol could play in marine accidents. We might also recall the *Marchioness* disaster on the Thames some years earlier.

The Irish Water Safety Association in 2002 stated that alcohol consumption played a role in 37% of water fatalities. Moreover, the Marine Casualty Investigation Board recommended adopting the standard advocated by the International Maritime Organisation, similar to that for driving on land, of 0.08% blood alcohol level, or 80 milligrammes of alcohol in 100 millilitres of blood, as a minimum safety measure. The International Maritime Organisation in section B of the 1995 revised International Convention on Standards of Training, Certification and Watch-keeping for Seafarers, STC 78/79, called for all members to adopt this and to prohibit the con-

sumption of alcohol four hours prior to working aboard a vessel.

The Bill certainly deals with the criminal use of alcohol concerning the people in charge of a vessel, or those carrying out key functions on a vessel. This includes small pleasure craft, but the difficulty is that the Minister of State has not sought to lay down a standard, and that should have been done. The 84 deaths per annum that have occurred are 84 deaths too many and if alcohol played a role in any deaths on water it should be the job of this House to ensure that it does not happen again. We should take a strong line.

This is the first time we have legislation apart from regulations laid down for masters and mariners regarding important responsibilities on board vessels. The maritime safety directorate has consistently pursued this in recent years. Concerning smaller pleasure craft such as jet skis, we should lay down a clear standard. Other jurisdictions have answered the International Maritime Organisation's request, and Ireland, as a maritime, seafaring nation that enjoys the water, should adopt such a standard. This would show that we do not believe that the consumption of alcohol is compatible with being in charge of a vessel. I urge the Minister to accept amendment No. 32.

Mr. Perry: This is a very important amendment. This was discussed on Committee Stage with regard to zero tolerance of alcohol. We cannot send out a clear enough message about alcohol and drugs. That is critical. Both I and Deputy Broughan tabled amendments on this matter and we used the standard set by the Garda Síochána for someone driving a vehicle. We should have similar measures on the maximum levels of alcohol. There is a risk of passengers falling overboard and this is what makes it completely different. We have a unique opportunity to send out a clear message. There is a prohibition on operating vessels but there is a certain amount of ambiguity in the way the section is worded. The drunkenness of passengers and crew is a matter on which we need to be clear. Drugs cause as much grief as alcohol and we should have no tolerance whatsoever for them. Anyone who would be tempted to take alcohol and steer a vessel in any capacity with minors on board poses a huge risk.

Mr. Gallagher: I assume there is some misunderstanding here because I will not be soft on alcohol or drugs. In the case of someone operating, assisting or fulfilling the function of watch on a vessel, the clear message from this House is that persons must not be in charge of, or operate, vessels while under the influence of alcohol or drugs. Although there is no permissible level, perhaps zero tolerance is the wrong term to use.

These measures cannot be compared with those in the Road Traffic Acts. Totally different environments and sets of circumstances are

involved in being at sea or on inland waters and being on the road, and different legislative and enforcement arrangements must apply. *Prima facie* evidence of a person being under the influence of drugs or alcohol or a combination of the two would be clear from the condition and behaviour of the person concerned. This should quickly alert the crew and others to take prompt action to prevent the loss of life. I agree with Deputy Broughan that 84 deaths are 84 too many.

I take this opportunity to pay tribute to the marine casualty investigation board, which does excellent work. It presents me with recommendations and reports, which I read, and I am anxious to ensure that the recommendations are implemented. I hope there is some misunderstanding on the part of the Deputies in that there is no permissible level of drink or drugs. I understand the concerns of Deputy Broughan but I ask him to reconsider this. He should take into consideration my belief that the Bill, particularly section 28, is stronger than it would be if I accepted this amendment, which would dilute the legislation.

Mr. Broughan: The nub of the matter will come down to a case where the authorised officer has arrested a person after a serious accident, perhaps one where people have lost their lives. What is the objective test? In the case of a road accident we can establish if a person is over the legal limit but the Minister of State is presiding over a situation where there are no limits. Considering the number of users, one could consider the marine environment to be relatively more dangerous than the road. Therefore it is incumbent on the authorities, using the new powers here, to ensure people do not misuse alcohol or drugs while engaged in the pleasurable use of craft and the enjoyment of our natural resources. The Minister should establish an objective test.

When the Government changes, another Minister may review water safety and this measure would be a development of what the present Minister of State has done. I commend him on including the provisions on this matter in the Bill. It is an area from which people often shy away and ignore. The Minister of State is from a seafaring area, similar to my constituency, and he realises that it is an important issue. He should have set a standard. There are some people who think that there should be no standard for driving and drinking — in other words, that it should be banned.

Amendment put and declared lost.

Mr. Broughan: I move amendment No. 33:

In page 24, between lines 47 and 48, to insert the following:

“(2) For the avoidance of doubt it is hereby declared that any act consisting of lawful industrial action or lawful conduct in the course of trade union activity by a person

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on board a vessel shall not constitute an offence under this section or *section 31*.”.

This relates to the prohibitions the Minister has made concerning anyone on board a vessel endangering a craft or taking reckless action under the influence of alcohol or drugs. In this amendment there is the provision for lawful and legal industrial action where workers and their trade union representatives are seeking to put their case strongly. Trade unions or leaders could enter a vessel and represent hard-pressed ferries. We have seen the recent example of Irish Ferries. I recall from the debate on Committee Stage the case of Cork-Swansea ferries. I did not want to endanger those rights and to avoid doubt I mentioned section 31.

As this is the last chance I will have I refer to the following amendment in the Minister of State's name. It seems to be directed against the scallop fishermen's protest and to try to create a situation where people in the fishing community could not legally protest.

An Ceann Comhairle: As it is now 10 p.m. I am required to put the following question in accordance with an order of the Dáil of this day: “That the amendments set down by the Minister for Communications, Marine and Natural Resources and not disposed of are hereby made to the Bill, that Fourth Stage is hereby completed and that the Bill is hereby passed”.

Question put and agreed to.

An Ceann Comhairle: The Bill, which is considered by virtue of Article 20.2.2 of the Constitution as a Bill initiated in Dáil Éireann, will now be sent to the Seanad.

Adjournment Debate.

Accident and Emergency Services.

Mr. Howlin: I thank you, a Cheann Comhairle, for affording me the opportunity to raise this extremely important issue for my constituency and for the people of Wexford. This is more than just an issue it is an ongoing saga. Overcrowding in Wexford General Hospital has caused enormous frustration, anxiety and concern for the population of Wexford, which is 120,000 people, and the greater hinterland that depends on the hospital's services.

The Minister of State, Deputy Tim O'Malley, knows that this saga has been going on for years. Particularly in the past six months, we have seen extraordinary overcrowding with more than 30 patients regularly on trolleys in the accident and emergency unit. On occasion, the accident and emergency unit has closed with ambulances being diverted to Waterford Regional Hospital. On one

occasion, to my knowledge, ambulances were sent further afield when Waterford could not accept the diverted patients.

For the Minister of State's information, Waterford City is almost an hour's drive from Wexford Town, and much further — up to 90 minute's drive — from parts of County Wexford. This is a critical consideration in accident and emergency cases.

The Department of Health and Children has understood this crisis for a long time. There is an agreement that Wexford General Hospital needs at least 40 additional beds. Some three years ago, it was agreed that because of the urgent nature of the case, 19 beds would be fast tracked. That was to have been done immediately. The sanction for those 19 beds was given in April 2004 by the then Minister for Health and Children, Deputy Martin. Unfortunately, however, since then not one jot of progress has been made.

The people of Wexford have vented their annoyance, anger and frustration in many ways. In February this year, 1,500 people attended a mass meeting in the main street of Wexford Town to underscore public concern on this matter.

I want to make clear to the Minister of State what is required now. While the fast-tracked 19 beds are almost a sop, we want them now. We also want the balance of the 40 beds to be planned and sanctioned. We want a new outpatients' department to free up the space currently occupied by out patients to expand the accident and emergency unit so there will be an adequate accident and emergency service in the hospital.

I understand that, yesterday, the Tánaiste and Minister for Health and Children, Deputy Harney, announced a capital allocation. I saw a statement by the Health Service Executive today saying that Wexford General Hospital was on the list of hospitals to be funded under the €2 million to €20 million category. The people of Wexford want absolute clarity on this matter. They have waited well beyond the level of endurance, as have the staff of the hospital who have provided a service above and beyond the call of duty against insurmountable odds on occasion, particularly in the past 12 months. Clarity is required on this issue. I appeal to the Minister of State not to provide vague generalities but to be specific. When will the capital programme commence to build the 19 beds? When will the balance of the 40 beds be provided? Will the money be provided for a new outpatients' department to allow an adequate accident and emergency service to be provided in the space currently occupied by outpatients? By any criteria and objective analysis, Wexford General Hospital is a major hospital that should be able to provide a decent service to the 120,000 people of the county, in addition to the large number of visitors to the area during the summer season.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I thank Deputy

Howlin for raising this matter on the Adjournment. I am taking the debate on behalf of my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney.

The debate relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Responsibility for the provision of services at Wexford General Hospital now rests with the executive.

The Department of Health and Children is aware of the pressures experienced at Wexford General Hospital. There has been an increase of approximately 9% in attendances at the hospital's accident and emergency department between 2001 and 2002, a further increase of 9% between 2002 and 2003, and a 6% increase between 2003 and 2004. Overall admissions to the hospital increased up to 2004.

Capital funding for the health service is now largely provided through the HSE in line with the capital investment framework 2005-09. This amounts to €564 million in 2005, of which in excess of €250 million will be directed towards the acute sector.

Earlier today, the Tánaiste announced to the House that she has written to the HSE to convey her agreement to allow for the progression of its capital programme in 2005. The construction of an additional 19 beds at Wexford General Hospital is included in the projects approved under the current capital investment framework.

Mr. Howlin: What about the accident and emergency unit and the outpatients' department?

Mr. T. O'Malley: It is now a matter for the HSE to progress its capital programme as a quickly as possible. The Department will continue to support the executive in its efforts to improve the delivery of accident and emergency services generally and at Wexford General Hospital.

I do not accept the Deputy's contention that there is an ongoing crisis at Wexford General Hospital. There are strains and pressures, and from time to time patients have been awaiting admission to the accident and emergency department, but not on an ongoing basis.

Mr. Howlin: That is not true.

Mr. T. O'Malley: We have examined the figures and that is what we found.

Mr. Howlin: The Minister of State should come and talk to the staff.

Mr. T. O'Malley: The additional capacity will undoubtedly alleviate service issues generally at Wexford General Hospital. In the meantime, the results of the audit of processes to be undertaken in ten hospitals nationally this summer can also be applied to hospitals like Wexford General Hospital to improve services to patients in accident and emergency departments.

The Tánaiste's ten-point plan has been endorsed by the IMO. Provision of additional capacity within the health services has comprehensive support and we are taking a full-systems approach to addressing the service issues in accident and emergency departments.

Review of Case.

Mr. Gogarty: I thank the Ceann Comhairle for giving me the opportunity to raise this matter with the Tánaiste via the Minister of State. Rita Nolan was a normal young woman who fell ill shortly after marrying her husband John. The personality disorder from which she suffered made her life difficult. As her condition deteriorated she became an increasing danger to herself and others, and she had to be hospitalised on a semi-permanent basis. This situation was obviously stressful for Rita and her family. That she was an intelligent woman who was lucid for much of the time, made her experience even more upsetting and placed an enormous burden on her husband John and their two young sons.

This stress was nothing however, compared to the shock and upset caused by Rita's untimely death in St. Brendan's Hospital last year. Rita Nolan died from an infection in her oesophagus caused by having swallowed the broken top of a coat-hanger two days previously. An inquest into the circumstances surrounding her tragic passing, recorded a verdict by misadventure. Although my medical knowledge is limited, I understand that this term is used to describe a situation where the full facts cannot be ascertained, such as verdicts concerning drowning, vomit inhalation, alcohol poisoning and other deaths whose causes are inconclusive. Rita's Nolan's case warrants further investigation. Under the Coroners Act 1962, the coroner has the right to summon a medical practitioner to attend an inquest. However, he cannot summon a second doctor unless expressly requested by a majority of a jury, if they are not satisfied with the cause of death. One doctor can explain the cause of death, but it takes all doctors involved to provide a full picture of the circumstances surrounding a death. The two other doctors involved in monitoring Rita did not turn up. Instead, the hospital stuck to the letter of the law and brought its solicitor along to cover its backside.

We are still awaiting the introduction of the new Coroners Bill, which will provide for increased sanctions for people who refuse to co-operate with the proper conduct of an inquest and will end the restriction on the number of medical and other witnesses that can be called. I await this with great eagerness.

In Rita's case and under the existing legislation, only one doctor could be called. In this case the doctor on duty on Thursday, 8 April testified that after Rita broke the piece of a coat hanger and swallowed it, he got a torch and a pair of gloves and removed the item. He asked how she was and she replied fine. The next day she complained of throat pain and was administered Panadol by

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another doctor. No other examination seems to have taken place.

This was Friday, 9 April. The next day she became increasingly distressed and was administered antibiotics by yet another doctor. She died at 6 p.m. on Saturday evening. The abscess on her throat caused her to choke to death. The autopsy simply stated that a foreign object punctured her oesophagus and got infected. However, this does not tell the whole story. The coroner was as critical of the hospital in his report as he could be. He was so critical that we need to find out more.

What needs to be investigated is the information passed between consultants and the procedures and practices in operation at St. Brendan's. Given that Rita had been involved in previous swallowing incidents, including a situation where she swallowed a spoon, which required removal by surgery in a general hospital, would it not have made sense, for example, for a note to be left from one doctor to another. No-one knows if such a note exists, at least nobody concerned with the inquest. Why, for example, was a follow-up x-ray not carried out, given Rita's case history? Her family believes that she would still be alive today if an x-ray had been taken.

Were any special monitoring instructions given in Rita's case? What exactly happened in terms of follow-up? If someone swallowed a coat hanger, surely some follow up was needed. Where were the checks and balances? As it was a psychiatric doctor who attended her, what basic medical training did he and others dealing with her have?

It could well be that nothing untoward happened and that every procedure was carried out properly, or it could be that an unfortunate over-worked member or members of staff, or the policy makers in hospital management, are collectively guilty of negligence leading to Rita's death. The family only wants the truth, but the information provided by St. Brendan's has been sparse to date. Only give out what you must, seems to be message that went out. The first time the family had any personal contact from St. Brendan's was a mumbled condolence at the inquest. The family seeks the truth and deserves better.

Both Rita's family and I as a public representative have nothing but the highest regard for staff in St. Brendan's and all health care staff who work long and dedicated hours in sometimes trying conditions within our creaking health care service. However, we want the truth. What exactly happened? Was it in line with normal practice and was normal practice good enough? Rita has moved on, but her family cannot move on until all the facts of this case are revealed. I urge the Minister of State and the Tánaiste to use their good offices and order a full investigation into all the facts surrounding Rita Nolan's untimely death.

Mr. T. O'Malley: I thank Deputy Gogarty for raising this matter on the Adjournment. The case

to which the Deputy referred is a tragic one and I extend my condolences to the family concerned. Every death of a patient is most regrettable.

It would be inappropriate for me to comment in detail on any individual case. However, I am aware that, in line with standard practice, the clinical director of St. Brendan's Hospital submitted a report on the circumstances surrounding the death to which Deputy Gogarty referred to the inspector of mental health services. In May 2004 the Mental Health Commission considered this report, dated 27 April 2004. The commission informed my Department that it intends to review the circumstances of this death now that the inquest has been completed.

The Mental Health Commission is an independent statutory body established under the provisions of the Mental Health Act 2001. One of the statutory functions of the commission is to promote and foster high standards and good practices in the delivery of mental health services. Towards this end, the commission is currently developing a quality framework for the delivery of our mental health services. This framework includes the development of standards for mental health care, clinical governance and codes of practice. The inspections by the inspectorate of mental health services provide for the ongoing monitoring of such policies and standards by the Mental Health Commission.

Mr. Gogarty: Will the Minister indicate the timeframe for such a review and when a report will be made available?

Mr. T. O'Malley: The inspector and the commission will analyse the case. There is no timeframe, but they will do it quickly. As the Deputy is aware, the statutory inspector appointed by the Mental Health Commission, Dr. Teresa Carey, will put her first report before the Oireachtas shortly, probably before the end of this month. Whether she will report on this death is up to her. She is independent and I will receive the report the same time as it is laid before the House. I presume she will inspect this case quickly as possible. I will relay the Deputy's concerns about this case to her.

Mobile Telephony.

Mr. Perry: I thank the Minister of State for attending this evening to take this important issue of the proposed mobile phone mast which is to be erected on the pension services offices in Sligo city. I am among many from Sligo city and county who object to this mast.

The Department of Social and Family Affairs rents the pension services building and the 300 to 400 employees who work in it are strongly against the proposal. The building also houses a crèche and Summerhill College and several housing estates are in close proximity to the building. The mast is to be erected as part of a nation-wide roll-out deal the OPW has done with a mobile phone company.

People in the area are very angry and annoyed by the manner in which this mast has been proposed, and by the lack of consultation with locals and those working in the area. In particular, the lack of consultation astonished the staff of the Department of Social and Family Affairs. They were given very short notice of the proposed erection of the mast.

There are possible serious health implications from this proposal. It is unfortunate that the OPW can only see euro signs flashing, instead of showing concern for the health of the State's population. It has shown no regard for the level of concern or the annoyance of the people about the proposal. The OPW has suggested that the area would be monitored prior to the mast being erected and that it would also be assessed after the mast has been in place and that if there was a problem, the mast would be removed. This was the message relayed to staff and is an extraordinary proposal. This is not good enough.

People's concerns have nothing to do with monitoring the mast. This is quite simply the wrong spot for it. I am particularly disappointed by the OPW. We are not looking for reasons to put this mast on this building. We have definite reasons it should not go up on the building. If the OPW appreciated the civil servants working in the adjoining areas, it would take their concerns on board. Health implications from such masts have been well documented and it is ridiculous to suggest this building is a suitable location for the mast.

The OPW seems to have little regard for public finances. In today's newspapers we read how it has miscalculated costs and abused taxpayers' money. Does it suggest that we should put the mast up, forgive the huge expense involved and risk serious damage to health, only to take it back down again in a matter of weeks? That is the current proposal, but it does not stand up to examination and lacks credibility. As we all know, the OPW has not got a great track record when it comes to putting the State first. The Committee of Public Accounts, which I chaired up until recent months, today gave the tally of OPW blunders and miscalculations involving taxpayers' money.

These figures are staggering. The waste of taxpayers' money is simply disgraceful. The OPW has made it obvious that it cannot be trusted to take important decisions. While the OPW has made progress, it is clear that it is still keen to get a quick buck. When one considers that it spent €19 million on unused accommodation for asylum seekers, one can appreciate the OPW's justification for seeking rent from mobile telephone companies.

When the OPW acquired an office for the probation and welfare service in a shopping centre in Dublin, it agreed to pay rent of €150,000 per annum. That amounted to €11.50 per square foot, which was almost double the going rate. The OPW spent a further €1.5 million, or ten times the original estimate, on fitting out the office,

which stayed empty for three years. I suggest that such examples are akin to something from a television comedy if it were not for the fact that they are terribly tragic rather than funny.

The OPW is responsible for signing the contract to install the mast on the pension service office in Sligo. It is understandable that locals have voiced their opposition to the location of the mast, especially when one considers the track record and credibility of the OPW. I would like the exact details of the level of income that will be received as rent by the OPW from the mobile telephone company in question. Given that the OPW has constantly shown a lack of common sense and demonstrated utter recklessness with taxpayers' money, I understand the annoyance of local people. I would like details of the contract the OPW has agreed with the mobile telephone company so that I can gather full knowledge of why it is so keen to pursue this deal.

It is unthinkable that the OPW is considering the installation of the mast without proper consultation with locals. The proposal is distressing for the hundreds of staff employed in the office, who have held a public meeting about the matter. There is a clear level of dissatisfaction with the unions. I appeal to the Minister of State to take note of the frustration in this regard. When one is investing money, one must remember that one's staff are one's key allies. I refer in this instance to highly competent civil servants who are frustrated and annoyed by the lack of consideration being given to their concerns.

The proposed location of the mast is unsuitable. I ask the Government to reconsider the deal that has been reached. The decision to erect the mast must be reversed in light of the total objection to it in Sligo. I hope the Minister of State will give me some positive news this evening. Given that our economy is booming and the Government has millions of euro to spend, I refuse to believe that the Exchequer needs the small amount of rent that will be received from the mast. It is possible that the additional funds which will accrue to the OPW will be misused and misappropriated as they have been in the past.

Mr. T. O'Malley: The Office of Public Works has direct responsibility for the management of the State's property portfolio. One of its objectives is to ensure that the property portfolio is used in an optimum way, in the interests of the State and the taxpayer. In that context, the OPW is trying to extract maximum value from the State's property assets. That involves the granting of licences to telecommunications companies to install communications equipment on a range of State properties in return for an agreed level of fees.

A standard licence agreement has been agreed on foot of negotiations with telecommunications companies. The licence agreement sets out the terms and conditions under which such companies will be allowed to install equipment on State properties. A mobile telephone operator that is

[Mr. T. O'Malley.]

granted such a licence will be required to comply with the relevant Health and Safety Acts, operate within current standards and EU regulations and adhere to guidelines on exposure limits to emissions issued by the International Commission on Non-Ionizing Radiation Protection, ICNIRP. The compliance with health and safety legislation that is required under the licence agreement also applies to future relevant legislation and regulation and the ICNIRP guidelines. Consultants appointed by the OPW will conduct checks on an ongoing basis to ensure compliance with the standards. Licensees will be required to comply fully with normal planning regulations.

The OPW signed a licence agreement with a mobile telephone operator, Vodafone Ireland Limited, on 13 April 2005 for the erection of mobile communication antenna on the State-owned pensions services office at College Road, Sligo. The OPW-appointed telecommunications consultants, Vilicom, have met representatives of the staff of the pensions services office. It has been agreed that emissions readings will be taken before and after installation of the new communication equipment as part of the monitoring process, to ensure that the relevant standards are maintained. I assure the Deputy that the strict framework for the installation of telecommunications equipment on the pensions services office building at College Road, Sligo, will be fully respected.

Job Creation.

Mr. N. O'Keefe: I am sure the matter I propose to discuss on the Adjournment is of concern to the Minister for Enterprise, Trade and Employment, Deputy Martin. He does not need to be worried, but the food division of Enterprise Ireland will feel embarrassed when I tell my story. The Minister visited Mitchelstown, which has been devastated by the stroke of one man, Mr. Jerry Henchy, last year and again yesterday. Mr. Henchy has destroyed the cheese and bacon industries in Mitchelstown, which is the home of good cheese. It has been known throughout the world since the 1930s for its developments and activities in the cheese sector.

The Minister announced during his visit to Mitchelstown yesterday that Dairygold proposes to develop a research and development centre there. The proposed centre might not help to solve the town's problems. I am 62 years of age and even though I might spend another seven or ten years in the House, I am sure I will never see the fruits of the €15.6 million that is being invested in the research and development centre. Many organisations throughout the country are engaged in an ongoing process of research and development.

Enterprise Ireland has many questions to answer. Its food division recommended the closure of the slaughter facility at Galtee Foods and the transfer of the slaughter operation to Glanbia in County Kilkenny. While there is nothing

wrong with Glanbia as an organisation, it has not been in the packing business and does not have a brand to compare with Dairygold's Galtee Meats brand, which is well known in this country and Britain. Ideally, the same company that rears pigs and poultry packs them and sells them to the consumer. In such circumstances, consumers can enjoy guarantees of traceability and quality. Danish Crown, a major processing company in Denmark, has a number of secondary packing operations. The Hormel Foods Corporation is involved in the exact same business in the United States. A co-op in Spain is involved in its own branding, slaughtering and traceability. That is the way forward for all industries in the food sector.

Dairygold is known as a commodity buyer throughout the world, whereas Glanbia is known as a commodity seller. Dairygold has no fresh product. There are secondary processors in Denmark, as I have said. They are involved in the slaughterhouses in that country. The two secondary processors in Ireland — Kerry Group and Galtee Meats — are buying product throughout the world. Although Irish pigs are the cheapest in Europe, if not the world, Kerry Group and Galtee Foods prefer to buy cheaper cuts and inferior product from other areas.

The hog industry in the US kills and packs its produce on site because it understands that consumers want freshness. The research and development sector of Enterprise Ireland should have examined the feasibility of such a system in this country before it recommended the closure of the slaughter operation at Galtee Foods and the doubling of the line in Glanbia. It should have doubled the level of output at Galtee Foods because that company enjoyed a significant share of the consumer market.

Enterprise Ireland has almost destroyed the Irish pig industry, which is in crisis. It does not have enough pig-slaughtering facilities, as I said, and it does not have enough markets for the commodities it is producing. The problems in the sugar beet industry, which we have discussed on many occasions, are found throughout the world as a result of the actions of organisations like WTO and arrangements like GATT. The problems in the Irish pig sector have arisen because the industry has been destroyed by Enterprise Ireland, which is a State agency. No grant aid should be paid to secondary processors. All grant aid should be channelled to Glanbia so that it can establish a brand, based on the fresh product in its factory, that is recognised by the housewife. It needs to be able to go right to the marketplace.

I ask the Minister to make a decision to disband the food section of Enterprise Ireland, which is going nowhere, before it destroys the Irish food industry. The food division does not know what it is doing because if it had conducted a feasibility study or a market survey, it would have found out quite easily that it was going in the wrong direction. Moy Park is in the poultry business in Northern Ireland. That company has

its own growers, markets and brands and it is not a secondary processor. The same has happened to the poultry industry in southern Ireland. I am a member of a Government and a party, which believe in employment and good farming practices, but that cannot happen where agencies are out to destroy what we are trying to do.

I am totally annoyed, disgruntled and upset by what has happened to Dairygold in my town and in Mallow by a chief executive, Jerry Henchy, who digs holes every day with jackboot tactics, subjecting his employees to a procedure that has never been seen on the island of Ireland. It is time this was stopped. The company has employed a manager who would shoot the wounded to get rid of them. These are the tactics being used against my constituents. This is the first time I have made such an outburst. I want this corrected and I want this behaviour towards the employees of the company to stop. I also want the policy of spending taxpayers' money on research and development to stop because it is being spent foolishly.

Minister for Enterprise, Trade and Employment (Mr. Martin): I thank the Deputy for raising the issue of providing replacement jobs in Mitchelstown, County Cork. I have visited Mitchelstown on a number of occasions since I took up office to assist the town and its hinterland in its economic future and in creating new opportunities for its people by providing jobs in a diverse range of sectors.

Enterprise Ireland's principal remit is to assist the development of Irish companies in the manufacturing and internationally traded services sectors. The agency cannot provide jobs but rather can help companies grow by providing funding and advice. It provides this through its business development model, which helps to ensure all business functions of a client are addressed. A company is unlikely to succeed unless it has strength in marketing, research and development, finance, business strategy, production and human resources. EI's offer is demand driven in that clients apply to the agency for assistance. The agency cannot push solutions on to clients; the relationship is a partnership, which seeks to accommodate the best interests of the client and the State.

Enterprise Ireland is also seeking to improve its work with clients. In May, EI's new strategy, entitled *Transforming Irish Industry*, was launched. The strategy is focused on implementing the recommendations of the enterprise strategy group to accelerate the development and internationalisation of Irish-owned business in the manufacturing sector and internationally traded services sector. A new productivity improvement fund, which will be managed by Enterprise Ireland, was also launched. Over the next 18 months, the fund will make available up to €17 million to eligible SME clients to enable companies adopt advanced technology and focus on skill developments to improve their competitive position.

Enterprise Ireland continues to work with companies in its portfolio in County Cork and in the south-west region to assist them expand their sales and exports and improve innovation so that they can compete on world markets. With regard to job creation, the agency's activity is focused on the creation of new jobs through supporting entrepreneurs setting up new high potential start-up companies, the retention and creation of new jobs in existing companies and enhancing the innovation capability of Ireland at a national and regional level through support of research in companies and third level institutions.

In 2004 Enterprise Ireland invested more than €9 million in its client companies in County Cork, of which €1.53 million, an increase from €750,000 in 2003, was for client companies in the Cork east area. This investment was primarily in support of new business employment, research and development, capital investment and staff training. Enterprise Ireland payments to companies in County Cork for 2004 amounted to €5.57 million, of which €500,000 went to companies in the east Cork area. EI works with just under 750 client companies in County Cork, which, according to the Forfás Annual Employment Survey 2004, employ a total of 19,617 people. This reflects an increase of 122 jobs on the 2003 figure. As part of its role in regional development, Enterprise Ireland's regional office in Cork works with other regional organisations and agencies in the county to develop the business infrastructure and to influence the conditions in which organic growth in the region is established and sustained.

Enterprise Ireland works on an ongoing basis with Ballyhoura Development Group. Funding was provided for the group for a food enterprise centre on the industrial estate in Mitchelstown under the community enterprise centre scheme 2002. Ballyhoura Development Group obtained approval for this new food business incubator to be co-funded through the business expansion scheme in December 2004 and the project is at planning stage. A major study is also being conducted in the Mitchelstown area to chart the way forward socially and economically for the town and Enterprise Ireland has supported that initiative.

Yesterday I announced the establishment by Dairygold Co-operative of a dedicated €15 million research and development facility in Mitchelstown. The bulk of the funding will be provided by Dairygold and significant funding amounting to €4 million will be advanced by Enterprise Ireland, which will focus on functional food research and the development of new products for the consumer foods sector. This will be a significant multi-billion euro sector going forward. This proposal represents a major step in the company's research and development capability, helping it to reduce its dependence on commodity products. It will greatly assist the company in its objective of becoming a leading producer of higher margin, added value, chilled food projects and functional food and ingredients.

[Mr. Martin.]

The research and development facility will lead to the creation of high quality employment for 15 graduates in food sciences, three of which will be to PhD level, with the remaining 12 to masters and BSc levels. The development will double Dairygold's research and development staff from 15 to 30. Ultimately, the centre will have capacity for a total of 50 personnel. It is expected this will be reached post-2007. The new centre will incorporate a highly specialised pilot plant facility. The aim is to ensure the maximum potential is derived from applied research both in terms of new business establishment and technology transfer. This will be facilitated through Enterprise Ireland's links with third level institutions and industry, including Moorepark in Fermoy.

As a result of Enterprise Ireland investment in research and development in the Kepak plant in Watergrasshill, on 13 June 2005 I announced the company's plans for a major expansion into heat and serve added value range of meat products. This includes beef, pork, chicken, lamb and turkey and is targeted at the food service and

retail markets. The proposed €25 million funding includes fixed asset investment as well as marketing, research and development and HRD investment. The planned investment will result in an increase in sales of €55 million and employment by 155, bringing the total projected jobs on site to 450.

I will address the issues raised by the Deputy with Enterprise Ireland. However, investment in research and development is the key for the future success not only of the food industry but of the economy generally. The number of value added products must be increased. Whatever are the issues regarding other sectors of Dairygold or decisions made by the company, they should not be used to attack a bona fide and interesting development in investment in research and development at the plant.

Mr. N. O'Keeffe: That organisation has wrecked the pig industry and it does not know where it is going.

The Dáil adjourned at 10.35 p.m. until 10.30 a.m. on Wednesday, 22 June 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 29, inclusive, answered orally.

Questions Nos. 30 to 50, inclusive, resubmitted.

Questions Nos. 51 to 56, inclusive, answered orally.

Hospital Services.

57. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children the status of the provision of radiotherapy services for the south-east; and if she will make a statement on the matter. [20899/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Government is committed to making the full range of cancer services available and accessible to cancer patients throughout Ireland. To this end, we will provide considerable investment in radiation oncology facilities in the coming years.

The Government's policy on radiation oncology is based on the Report on the Development of Radiation Oncology Services in Ireland. It is important to build teams of highly expert clinicians working together to deliver top quality cancer care, including radiotherapy, to cancer patients. The Government is therefore determined to ensure access by cancer patients throughout the country to high quality radiation oncology in line with best international standards. The immediate developments at Cork and Galway have resulted in the provision of an additional five linear accelerators. Two additional linear accelerators are being provided at Cork University Hospital, CUH. The first of these linear accelerators was fully commissioned in March and the second is expected to be commissioned by the autumn. Two additional consultant radiation oncologists will be appointed at CUH with sessional commitments to the south-eastern and the mid-western areas. The new radiotherapy department at University College Hospital Galway began treating patients in March. These developments will significantly improve access to radiotherapy for patients in the south-east and throughout the country.

The report recommends that there should be two radiotherapy treatment centres located in the eastern area. The international panel established to advise on the optimum locations for these centres has submitted its advice to me. I will make my decision in relation to this matter shortly, having heard many valid points of view on it from interested and committed parties all

of whom share our priority to build radiotherapy services through top class clinical networks.

The national radiation oncology co-ordinating group is currently developing a national telesynergy network for radiation oncology services. Arrangements are being made to install this technology at Waterford Regional Hospital. This will improve linkages with Cork University Hospital and St. Luke's Hospital, Dublin and reduce patient and consultant travel time.

In relation to the Deputy's part of the country, I will be meeting the Minister for Health of Northern Ireland, Mr. Shaun Woodward, MP, shortly and I have asked that North-South co-operation on cancer services be put on the agenda. The Government is as committed to delivering safe and effective cancers services for the people of Donegal and Waterford as we are for people in every county.

Hospital Staff.

58. **Mr. Broughan** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the concern expressed at the recent INO conference in Killarney that the health and safety of patients and staff in hospitals and long-term units for the elderly was being put at risk due to a failure to address dangerously low staffing levels; the steps being taken to address this situation and to ensure that adequate staff numbers are provided; and if she will make a statement on the matter. [20818/05]

Tánaiste and Minister for Health and Children (Ms Harney): Clearly safe and effective delivery of services is of primary concern to me. I do not accept the Deputy's assertion that staffing levels in hospitals and long-term care units for the care of the elderly settings are at dangerously low levels. I am aware for example that the Irish ratio of nurses to the population is much higher than the ratio found in other developed countries. Work currently being carried out for my Department by FÁS suggests that we have 12.2 working nurses per 1,000 people, about 50% more than the EU average of 8.5. The Government has increased the number of nurses — whole-time equivalents — by 7,000 since 1999.

I fully support the principle that an appropriate level of service should be provided to patients across the country based on need. However, patients' needs vary considerably depending on the particular care being provided, the acuity of patients or their level of dependency. The Health Service Executive and the National Hospitals Office will need reliable evidence to establish best practice in the range of settings provided by the health services.

These matters must be dealt with through the correct deployment of staff, through appropriate skill mix and by making sure that the legislation is in place to provide proper regulation.

The deployment of staff is a matter for the Health Service Executive. However, this is a major policy issue in which my Department will

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also take a keen interest. The National Hospitals Office has already begun the process of reviewing all services at each hospital to ensure that they are staffed appropriately to deliver safe and good quality care. The Health and Safety Authority, HSA, has acknowledged that the hospitals are fully engaged in the process of addressing health and safety in their accident and emergency units. The HSA has also made clear its intention to carry out safety audits on other health care settings and I welcome this.

I accept that there are concerns about services for older people and I share these concerns. That is why I have made a commitment that the Social Services Inspectorate is to be established on a statutory basis and legislation to give effect to this will be published later this year. The inspectorate will be charged with the inspection of both public and private nursing homes and will be responsible for reporting on standards of care in such homes. It is planned to extend the brief of the Social Services Inspectorate to include residential services for older people and people with a disability.

The staff levels set for nursing homes are in accordance with the Nursing Homes Regulations 1993. However, having regard to the level of public concern currently about the registration and inspection of the nursing home sector, it is imperative that immediate action is taken to ensure that current systems and processes are as robust as they possibly can be within the context of the current regulations. Responsibility for the inspection and registration of the nursing home section has been assigned to a senior manager, within the national primary, community and continuing care directorate of the Health Service Executive from 15 June 2005. Steps are being taken to evaluate current procedures, and to agree and oversee the implementation of a national standardised inspection process and provide a progress report by 5 September 2005. A review has already commenced in the HSE-eastern region and this will be included in the national evaluation. Any recommendations arising from this in respect of the amendment of legislation or regulation will be addressed.

In addition, my Department is urgently reviewing the operation of the Health (Nursing Homes) Act 1990 and regulations made under the Act to strengthen the powers available to the Health Service Executive. This will be a wide-ranging review which will have the rights of the patient as the centre of its work. Again it is my intention to have this Bill published later on this year so that we can have an early debate with all stakeholders on a new framework for all patients in nursing homes.

Occupational Therapists.

59. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children further to Question No. 123 of 31 May 2005, if her Department has made any arrangements to assist the 75 new occu-

pational therapy trainees in finding a work placement; if all these students who began the course in the 2003-04 academic year were successful in finding a work placement position; and if she will make a statement on the matter. [20931/05]

Tánaiste and Minister for Health and Children

(Ms Harney): In recent years there has been a considerable expansion in training places for three therapy professions — speech and language, physiotherapy and occupational therapy — in line with the report commissioned by my Department from Dr. Peter Bacon and Associates on Current and Future Demand Conditions in the Labour Market for Certain Professional Therapists. As the Deputy has said, this expansion includes an additional 75 training places in occupational therapy.

My Department established a national planning group in 2004 to develop a co-ordinated national approach on clinical placement provision. Following on from the work of this group, and building on earlier support provided in 2003, €2.427 million was provided by my Department in 2004 to support the provision of clinical placements for these three therapy professions. Focus has been on securing increased quality clinical placements for the additional training places and for the pre-existing places.

A national implementation group has recently been established by the Health Service Executive to progress the delivery of key actions identified by the national planning group and to make recommendations for appropriate adjustments and re-prioritisations, based on practical experience derived from putting the framework into effect. My Department is co-chairing this implementation group with the Health Service Executive in the initial stages.

As my Department does not have an operational function in regard to the organisation of clinical placements for individual students, the Health Service Executive — which has responsibility for this matter — has therefore been asked to respond directly to the Deputy in this regard.

Hospital Staff.

60. **Ms Enright** asked the Tánaiste and Minister for Health and Children the number of consultant rheumatologists in the public health services; if this figure is in line with international best practice; and if she will make a statement on the matter. [20886/05]

117. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children her plans to provide increased resources to tackle the serious delays experienced by arthritis sufferers in Dublin south-west; if rheumatology services will keep pace with demand; and if she will make a statement on the matter. [20750/05]

218. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children if a consultant rheumatologist will be appointed to Tallaght

Hospital; and if she will make a statement on the matter. [20769/05]

219. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the concerns in Dublin south-west regarding the long outpatients waiting list for rheumatology patients to see a consultant; if she will report on plans for action in the matter; and if she will make a statement on the matter. [20770/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 60, 117, 218 and 219 together.

The Rheumatology Manpower Report 2002 produced by the Irish Society of Rheumatology, ISR, identified deficits in the provision of rheumatology services nationally. The ISR report noted that the number of rheumatologists per head of population in Ireland was low in comparison with other European countries. At the time the ISR report was published there were 16 whole-time equivalent, WTE, consultant rheumatologists in place. According to the National Hospitals Office-Comhairle figures, there are now 21.5 WTE posts. This equates to a 33% increase in the number of posts in the space of three years.

The further expansion of rheumatology is now the responsibility of the Health Service Executive under the Health Act 2004. My Department will continue to support the executive in its efforts to improve the delivery of rheumatology services.

Rheumatology services in the Health Service Executive south-western area are currently provided at St. James's Hospital and at the Adelaide and Meath Hospital, Dublin incorporating the National Children's Hospital, AMINCH. The AMINCH historically had two sessions of a consultant rheumatology post shared with St. James's. However this arrangement ceased on the replacement of one of the two full-time rheumatologist posts in St. James's leaving the AMINCH without a formal service for a short period.

In recognition of the need for the service and growing waiting lists for appointments, the former Eastern Regional Health Authority approved the appointment of a new consultant rheumatologist and support staff for the AMINCH in November of 2004. Interviews for the post took place at the end of April 2005 and my Department has been informed that the successful candidate is due to commence in December 2005. A locum consultant is currently in place at the hospital pending the appointment of the permanent post holder. This new post will be shared between the AMINCH and Naas General Hospital where an outpatient and ward consultation service will be provided for those living in the area.

EU Directives.

61. **Mr. Sargent** asked the Tánaiste and Minister for Health and Children the progress made to date in implementing the European working

time directive for junior doctors; and if she will make a statement on the matter. [20946/05]

73. **Mr. English** asked the Tánaiste and Minister for Health and Children if the NCHD working hours are now compliant with the requirements of the European working time directive; if her Department has been informed or alerted to any actions taken or any fines imposed on health employers for any breaches of the directive; and if she will make a statement on the matter. [20884/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 61 and 73 together.

The working hours of doctors in training are regulated by way of the European Communities (Organisation of Working Time) (Activities of Doctors in Training) Regulations 2004, which came into operation on 1 August 2004.

Employers and the Irish Medical Organisation, IMO, have been engaged over a lengthy period in discussions under the auspices of the Labour Relations Commission, LRC, in order to advance proposals to effect a reduction in the working hours of non-consultant hospital doctors, NCHDs. While some progress has been made, much remains to be resolved. The LRC has requested that both parties refrain from engaging in any form of unilateral action for the duration of the negotiation process. As a result, health employers have not acted unilaterally in order to achieve full compliance with the European working time directive, EWTD.

My Department has no knowledge of any actions taken or fines imposed on any health employer in the State for breaches of the directive in respect of NCHDs. In many hospitals, the introduction of new rosters would facilitate significant progress towards EWTD compliance while maintaining safe patient care and existing levels of service. However, health employers, in response to the request of the LRC, are at present awaiting agreement at national level before proceeding.

The ability of the Health Service Executive, HSE, to effectively implement the EWTD for the benefit of all NCHDs is dependent on the full co-operation of the IMO at both national and local level. In that regard, agreement was reached with the IMO in late 2004 to the establishment of nine pilot sites. The work by the local implementation groups at these sites is progressing with a view to developing plans for the full implementation of the directive.

Each local group includes consultants, local representatives of training bodies, NCHDs, nurses, management and other grades. Arising from their work, action can be taken when the industrial relations issues have been resolved.

The groups recently completed a comprehensive data gathering exercise on hospital activity, based on a similar UK "Hospital at Night" project. Over 50,000 clinical tasks were captured in the exercise. This data will help to determine how

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to reorganise services over a 24-hour day to maintain high quality patient care and provide appropriate training opportunities while achieving EWTD compliance. An analysis of the data is currently being conducted by the University of York and a report will be presented to all parties in the negotiations on 6 July 2005, at a meeting chaired by the LRC.

A national implementation group chaired by Dr. Cillian Twomey is being established under the auspices of the LRC. The group's membership includes nominees from the HSE, the IMO, the Irish Hospital Consultants Association, the Postgraduate Medical and Dental Board, the Medical Council, the postgraduate medical training colleges, representatives of nurses and other health care professions and officials from the Department of Health and Children. This national group will co-ordinate the work of the nine local groups, issue agreed guidance on EWTD implementation and assist in the development of local implementation plans.

Further negotiations on issues relating to industrial relations matters are continuing in the LRC, aided and informed by the information compiled by the local groups. I am hopeful that early progress can be made in resolving outstanding issues so that full implementation of the directive's requirements can proceed without further delay.

Question No. 62 answered with Question No. 56.

Accident and Emergency Services.

63. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children the progress to date on the provision of the nursing home beds as laid out in her ten point plan to alleviate the accident and emergency crisis; and if she will make a statement on the matter. [20888/05]

87. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children if the funding for the ten point plan to alleviate the accident and emergency crisis is now €63 million and not €70 million as previously announced; and if she will make a statement on the matter. [20889/05]

164. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children the progress to date on the implementation of the ten point plan to alleviate the accident and emergency crisis; and if she will make a statement on the matter. [20887/05]

170. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the measures implemented to date in regard to the package of measures announced by her in the Estimates to improve accident and emergency services; the timetable for the implementation of each other planned measure; if she is satisfied with the rate of progress in view of the serious problems that continue to be experienced in

many accident and emergency departments; and if she will make a statement on the matter. [20840/05]

191. **Ms McManus** asked the Tánaiste and Minister for Health and Children the measures implemented to date in regard to the package of measures announced by her in the Estimates to improve accident and emergency services; the timetable for the implementation of each other planned measure; if she is satisfied with the rate of progress in view of the serious problems that continue to be experienced in many accident and emergency departments; and if she will make a statement on the matter. [21026/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 63, 87, 164, 170 and 191 together.

The Health Service Executive is advancing the implementation of a series of measures to improve the delivery of accident and emergency services funded from the €70 million current funding that was made available in the Estimates for 2005. Some of the specific projects now approved include: a new accident and emergency unit at St. James's Hospital Dublin; a new 25 bed accident and emergency admissions unit for the Mater Hospital; the completion of an accident and emergency unit in Portlaoise; a minor injury unit and a chest pain unit at Waterford Regional Hospital; a minor injury unit at St John's Hospital, Limerick; and a medical assessment unit and soft tissue trauma clinic at Cork University Hospital.

A detailed process mapping exercise is being conducted in advance of final decisions being taken on the provision of acute medical units at Tallaght, St. Vincent's and Beaumont hospitals. Tenders to undertake this exercise at ten hospitals nationally have been received by the HSE and are being evaluated at present. This hospital-by-hospital work to improve procedures in order to speed up patient services at accident and emergency departments has proved successful in the UK.

In relation to the provision of more appropriate care for older people who have completed the acute phase of their treatment, the following steps have been taken: 74 public intermediate-long stay beds are to be opened; 38 beds have been contracted for high dependency patients in the eastern region, to date a total of ten patients have been transferred from acute hospitals in the region; an initial 65 intermediate care beds were sourced under the tendering process for the eastern region and to date 95 patients has been discharged through those beds; in Cork, 30 intermediate beds were sourced under the tendering process and to date 36 patients have been discharged to these beds; 87 older people and eight young chronic disabled persons have been discharged through home-care supports; and an additional six palliative care beds have been commissioned in Blackrock Hospice.

Other measures under way include the following: a national audit of cleanliness in hospitals, to be undertaken by external consultants, will take place in July and August this year; funding has been provided to hospitals in the HSE-southern area for direct access to private diagnostic services; and in relation to broader range of GP direct access diagnostic services it has been agreed that the HSE will explore entering into local arrangements with the private sector to match capacity with needs.

In addition to these approvals, the HSE has asked each hospital network to: undertake a detailed analysis of patient throughput in each hospital; review existing practices to match staffing and other resources to peak patient attendance times; ensure efficient bed management and discharge planning to improve throughput; and promptly implement accident and emergency escalation plans when there is a significant surge in demand for accident and emergency services.

Hospital Services.

64. **Mr. McCormack** asked the Tánaiste and Minister for Health and Children her views on reports that women in the north-west choose to have mastectomies due to the fact that they cannot face the long distances and travel for cancer care; and if she will make a statement on the matter. [20897/05]

Tánaiste and Minister for Health and Children (Ms Harney): I would be saddened if any woman would choose to have a mastectomy rather than travelling to receive the best care available.

Patients in the north-west requiring radiation oncology are currently being referred to the recently commissioned radiation oncology department at University College Hospital Galway, UCHG, and also to St. Luke's Hospital, Dublin. A consultant radiation oncologist with significant sessional commitments to the north-western area has recently been appointed to UCHG. In addition, further discussions are scheduled to take place later this month between the HSE north-western area and Belfast City Hospital in regard to access to radiation oncology services for patients in the north-west — mainly Donegal. I will be meeting the Northern Ireland Minister for Health and Children on 5 July in Dublin to discuss this and other matters. My Department has asked the parliamentary affairs division of the Health Service Executive to advise the Deputy of progress on these discussions. The state of the art facility at Belfast City Hospital is scheduled to open in early 2006.

Insurance Industry.

65. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children if she has given the go-ahead for the introduction of risk equalisation in the health insurance market; when risk equalis-

ation will be in operation; and if she will make a statement on the matter. [20852/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Insurance Authority submitted its report on 29 April last in respect of the period July to December 2004. The authority's report recommended the commencement of risk equalisation transfers. I subsequently wrote to insurers with a proposed determination. However, this determination, under the terms of the Health Insurance Acts, is subject to a statutory representation process. Given that the statutory process assigns specific functions to me as Minister, it would be inappropriate to make any further comments at this time.

66. **Mr. Broughan** asked the Tánaiste and Minister for Health and Children the position in regard to negotiations with hospital consultants regarding the indemnity scheme; if the Government is planning legal action against the Medical Defence Union in regard to historic liabilities; and if she will make a statement on the matter. [20817/05]

Tánaiste and Minister for Health and Children (Ms Harney): I am happy to be able to report that almost all of the issues which needed to be resolved with consultants arising from the establishment of the clinical indemnity scheme, CIS, have now been dealt with.

The only remaining issue is a demand from the consultants that the caps placed on the limits of indemnity which consultants need to purchase to cover private practice not covered by the CIS should be halved. Most consultants currently need to purchase indemnity cover for the first €1 million of each and every claim against them. Consultant obstetricians purchase cover for the first €500,000 of each and every claim with an aggregate limit of indemnity of €1.5 million in any one year. I am satisfied that these limits put in place in February 2004 struck a reasonable balance between the amount of risk which consultants should bear compared to that taken on by the State. This view was endorsed by the Labour Court last December. However, the Labour Court also recommended that an independent actuarial review of the caps should be undertaken at the end of 2005. To that end the firm of Lane, Clark and Peacock, consulting actuaries to my Department and to the CIS, has been asked to assess the adequacy of the existing caps and to report on the implications of including claims against consultant neurosurgeons and consultant orthopaedic surgeons who undertake spinal surgery in the lower €500,000 cap. I expect to have their report before the end of July.

Earlier this year the Government indicated that it would consider supporting individual consultants who had been left without cover by the Medical Defence Union in challenging these decisions by the MDU. Last month I instructed

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the Chief State Solicitor's office to apply to the High Court for an order joining the MDU as third party in proceedings between a health board and a former consultant member of the MDU where the MDU had withdrawn assistance. The court granted the order sought and formal notice of this has now been served on the MDU. A similar order was recently granted in respect of a second consultant obstetrician who had been refused assistance by the MDU. I understand that similar applications on behalf of a further group of consultants are at an advanced stage of preparation.

Cancer Screening Programme.

67. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the steps she is taking to introduce a prostate screening programme; and if she will make a statement on the matter. [20693/05]

70. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Health and Children the increase in rates of prostate cancer here; the steps taken to ensure that fewer deaths occur from prostate cancer; and if she will make a statement on the matter. [20944/05]

95. **Mr. Costello** asked the Tánaiste and Minister for Health and Children the steps she is taking to address the serious rise in the incidence of prostate cancer; if she has plans for the introduction of a national screening service to combat prostate cancer; and if she will make a statement on the matter. [20861/05]

135. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if she will consider introducing PSA screening following recent reports that there has been a major rise in the number of cases of prostate cancer here in recent years; and if she will make a statement on the matter. [20891/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 67, 70, 95 and 135 together.

The most recent report from the National Cancer Registry, *Cancer in Ireland 1994-2001*, highlights an annual percentage change in the age standardised rate of prostate cancer of 6.5% over the period. During the period 1994 to 2000, prostate cancer incidence rates increased in the Republic of Ireland but not in Northern Ireland, while mortality from prostate cancer did not change in either region. The findings have stimulated a cross-Border investigation by the registry into prostate cancer incidence and screening. The new project aims to explore the reasons for these different trends.

A new national cancer strategy is currently being finalised by the National Cancer Forum, a multidisciplinary group of experts in oncology. As part of this work, the forum has reviewed all

issues relating to screening, including examining specific diseases such as prostate and colorectal cancer. The forum has also developed criteria against which all future screening programmes will be assessed.

In regard to screening for prostate cancer, I understand that the forum will recommend that there is currently insufficient evidence to recommend the introduction of a population based prostate screening programme in this country. This issue should be reassessed when the results are available from randomised control trials currently being conducted internationally.

This position is consistent with the recommendations adopted by the European Union which advocate the introduction of cancer screening programmes which have demonstrated their efficacy having regard to professional expertise and priority setting for health care resources. The proposals do not provide for specific recommendations in respect of screening for prostate cancer.

Appropriate treatment for men diagnosed with prostate cancer is available at major hospitals throughout the country. Any man who has concerns in relation to prostate cancer should contact his GP who will, where appropriate, refer him to the appropriate services in his area.

Organ Retention.

68. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children the terms of reference of the report she has commissioned from Dr. Deirdre Madden on post-mortem practices in hospitals here and the retention of human organs without the consent of relatives; when the report will be completed; if it is intended to introduce legislation to regulate organ retention and transplants; and if she will make a statement on the matter. [20844/05]

Tánaiste and Minister for Health and Children (Ms Harney): On 3 May last, the Government approved the appointment of Dr. Deirdre Madden, BL., to complete a report on post mortem practice and organ retention by 21 December 2005. Dr. Madden has been reading herself into the brief over the last few weeks. I will be meeting her shortly to finalise her terms of reference, which I will then present to Government for approval.

Ireland does not currently have specific legislation governing organ procurement and transplantation. The European Commission is currently considering the question of a directive in respect of organ transplantation, including the issue of consent, and proposes to conduct a thorough scientific evaluation of the situation. It will present a report on its analysis to the Council of the European Union. It is hoped that this will provide the framework for the development of legislation in this area.

In the meantime, the Department will undertake an analysis of the possible legislative needs

governing donor procurement and transplantation, with particular reference to the existing legal framework in other jurisdictions.

Hospital Accommodation.

69. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the reason the 850 beds in CNUs have not been delivered; if this is no longer a Government commitment; and if she will make a statement on the matter. [20919/05]

137. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the position with regard to the provision of the 850 community nursing unit beds, announced in July 2002, and which were intended to provide step down facilities for elderly patients and thus relieve pressure on acute hospital beds; the reason no progress has been made on this initiative since that announcement; and if she will make a statement on the matter. [20841/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 69 and 137 together.

Work has been under way in my Department on the proposal to deliver 850 community nursing unit beds through a public private partnership, PPP, and the work that has been done so far has helped to clarify a number of issues. My Department has been examining public private partnerships, PPP, and other procurement options in line with Government policy with a view to finding the approach that will deliver additional long stay beds and provide the best services and value for money to the Exchequer.

In this regard there have been discussions between my Department and the Department of Finance on an initiative which is based on entering into a medium-term service level agreement with the private sector to deliver the additional long stay beds required to relieve pressure on the acute hospitals and community care programme.

I am pursuing this initiative with the Minister for Finance as a matter of high priority with a view to agreeing that the proposal be developed further to evaluate its cost effectiveness.

Question No. 70 answered with Question No. 67.

Nursing Home Sector.

71. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the number of prosecutions taken by health boards against nursing homes for each of the years 2000, 2001, 2002, 2003, 2004 and 2005 to date; the number of successful prosecutions for each of these years; the names of the nursing homes and their proprietors who were successfully prosecuted; and if she will make a statement on the matter. [20869/05]

204. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the number of prosecutions taken by health boards against nursing homes for each of the years 2000, 2001, 2002, 2003, 2004 and 2005 to date; the number of successful prosecutions for each of the above years; the list of names of the nursing homes and their proprietors who were successfully prosecuted; and if she will make a statement on the matter. [20661/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 71 and 204 together.

The information requested by the Deputy is not normally collated in the Department. Accordingly, the Department has requested this information from the national director of primary, community and continuing care of the Health Service Executive and will forward it to the Deputy.

National Treatment Purchase Fund.

72. **Mr. Ring** asked the Tánaiste and Minister for Health and Children her views on recent reports that persons are taking out loans from credit unions to pay for medical treatments and surgery; and if she will make a statement on the matter. [20921/05]

Tánaiste and Minister for Health and Children (Ms Harney): Arrangements for public hospital services were introduced in June 1991. These determined that everyone in the country, regardless of income is entitled to public hospital and public consultant services subject only to modest statutory charges. Medical card holders are exempt from these charges. Any person can also opt to be the private patient of both the consultant and the hospital. In these circumstances the patient, regardless of whether he or she is a medical card holder, is liable for the costs of such treatment. Neither the Department of Health and Children nor the Health Service Executive is in a position to provide financial assistance in these circumstances. The position regarding consultant fees for privately arranged health care is that the level of fees is a private matter between the consultants concerned and those patients in receipt of their services.

However, the introduction of the national treatment purchase fund has ensured treatment being made available for 30,000 public patients so far who might otherwise have felt they had no option but to arrange for private treatment. I would encourage any public patient who is waiting for elective surgery for more than three months to contact the NTPF first to see if treatment can be arranged before taking out loans that may be difficult to repay in their financial circumstances.

Question No. 73 answered with Question No. 61.

Medical Cards.

74. **Mr. Howlin** asked the Tánaiste and Minister for Health and Children her plans to allow families to write off child care costs when being assessed for eligibility for medical cards; her estimate of the number of persons or families which benefit from such a move; if her attention has been drawn to the fact that income levels for medical cards are so low that few of those holding medical cards can avail of child care; and if she will make a statement on the matter. [20833/05]

Tánaiste and Minister for Health and Children (Ms Harney): The assessment of eligibility for medical cards is a function of the Health Service Executive. Reasonable child care expenses will be taken into account in revised eligibility assessment guidelines for medical cards due to be issued shortly. These guidelines will be publicised by the HSE in the coming week.

It is difficult to precisely estimate the number of persons who will benefit from this initiative but a working figure of 18,000-20,000 persons is currently assumed.

The inclusion of reasonable child care expenses is part of a number of significant improvements to the eligibility assessment system that will be implemented shortly by the executive. These include: assessments will be based on disposable income; reasonable rent and mortgage costs allowed in full; and reasonable costs of travel to work allowed in full.

The eligibility assessment system will be kept under continuous review to ensure that this is targeted to meet the need of persons-families on low incomes.

Private Hospital Facilities.

75. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children her proposals to provide lands at public hospitals to private interests to construct private hospitals; and if she will make a statement on the matter. [20932/05]

151. **Dr. Upton** asked the Tánaiste and Minister for Health and Children her proposals for new guidelines for the development of private hospitals on the grounds of public facilities; and if she will make a statement on the matter. [20856/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 75 and 151 together.

My Department engaged a consultancy firm to provide advice on an assessment framework which should be applied to proposals for developing private hospitals on public hospital sites.

I am currently considering the advice from the consultants and related policy issues regarding the development of private hospital facilities on

public hospital sites and increasing capacity in the public hospitals for public patients.

Hospital Accommodation.

76. **Ms Enright** asked the Tánaiste and Minister for Health and Children if her Department has allocated money to upgrade St. Bricin's Hospital; if so, the amount her Department has allocated; and if she will make a statement on the matter. [20885/05]

130. **Ms Burton** asked the Tánaiste and Minister for Health and Children the position regarding the proposal that St. Bricin's Military Hospital be used to help relieve pressure on the Mater Hospital; her views on whether this proposal is still feasible (details supplied); and if she will make a statement on the matter. [20816/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 76 and 130 together.

Representatives from my Department and the Health Service Executive have made a number of site visits to St. Bricin's Military Hospital to review the facilities and to consider the feasibility of the hospital being utilised for public health purposes. Following detailed consideration, the view is that St. Bricin's is not suitable for use as an acute facility. Further options in regard to the utilisation of St. Bricin's are being considered and my Department will continue to liaise with the executive and with the Department of Defence on the matter.

National Treatment Purchase Fund.

77. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the cost of each main surgical procedure under the national treatment purchase scheme; the average cost of each such procedure carried out in the public hospital sector; and if she will make a statement on the matter. [20858/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department does not maintain data on the average cost of the specific operations arranged by the national treatment purchase fund, NTPF. My Department has, therefore, asked the chief executive of the NTPF to reply directly to the Deputy with regard to the specific information requested.

Hospital Accommodation.

78. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children the number of beds provided to date, in regard to the commitment given in the national health strategy to provide an additional 3,000 hospital beds; the hospitals in which they have been provided; the projected number that will be provided before the end of 2005; the number of beds lost since 1997 in each such hospital; and if she will make a statement on the matter. [20843/05]

127. **Mr. Boyle** asked the Tánaiste and Minister for Health and Children the progress made to date in dealing with acute bed capacity problems; the cost of dealing with this problem; and if she will make a statement on the matter. [20939/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 78 and 127 together.

On foot of the commitment in the health strategy, funding has been provided to open an additional 900 inpatient beds and day places in acute hospitals. Health agencies have informed my Department that at 17 June 2005, 780 beds were in place. The Health Service Executive has informed my Department that the remaining 120 beds-places will come on stream during 2005. My Department will provide details separately to the Deputy.

There has been no overall diminution in the number of acute hospital beds since 1997. It is important to note that the numbers of beds available in any hospital may fluctuate over time depending on service demands and other factors such as seasonal closures and refurbishment.

In addition, extra beds will be provided in the new acute medical units which I announced as part of the accident and emergency services package on the publication of the Estimates for 2005.

Care of the Elderly.

79. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when she will publish proposals on the financing of long-term care of the elderly to fulfil action 42 of the national health strategy; and if she will make a statement on the matter. [20913/05]

139. **Mr. Noonan** asked the Tánaiste and Minister for Health and Children the reason actions 36 and 42 of the national health strategy have not been fulfilled; and if she will make a statement on the matter. [20915/05]

154. **Mr. Noonan** asked the Tánaiste and Minister for Health and Children when she will deliver legislation for clear statutory provisions on entitlement to health services to fulfil action 36 of the national health strategy; and if she will make a statement on the matter. [20914/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 79, 139 and 154 together.

In line with action 36 of the health strategy, my Department has commenced work on a new legislative framework for eligibility for health and personal social services. The aim is to produce a clear set of statutory provisions that ensure equity and transparency. This is a very complex task but my Department is working to prepare proposals without delay.

With regard to action 42, following the publication of the Mercer report on the future financing of long-term care in Ireland, a working group

chaired by the Department of the Taoiseach and comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs has been established.

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. It is hoped that this group will report to both the Tánaiste and Minister for Social and Family Affairs in the near future.

Health Service Reform.

80. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the status of the Hanly report; if it is her intention to implement it in full or in part; if she has measured the potential negative impact on certain hospitals throughout the country; and if she will make a statement on the matter. [20928/05]

173. **Mr. Quinn** asked the Tánaiste and Minister for Health and Children if the Government plans to implement the recommendations of the Hanly report; and if she will make a statement on the matter. [20845/05]

205. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if she will reverse the Government's health policy based on the Hanly report; if she will examine other alternatives and halt the implementation of the hospital reforms; and if she will make a statement on the matter. [20666/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 80, 173 and 205 together.

The report of the National Task Force on Medical Staffing — the Hanly report — makes important proposals for reducing the working hours of non-consultant hospital doctors, NCHDs, in line with the European working time directive and highlights the need to implement changes in medical staffing to ensure safety and quality of patient care.

My Department is working closely with the Health Service Executive and other health agencies with a view to achieving the required reductions in the working hours of junior doctors. Negotiations with the Irish Medical Organisation in this regard are continuing. Local implementation groups have been established in nine hospitals as part of an agreed process and a detailed hospital activity analysis is under way which will inform reforms in this area.

The report recommends a significant increase in the total number of consultants, working in a consultant-provided, team-based system, so that patients can receive faster access to senior clinical decision making. While consultant contract negotiations are delayed pending resolution of issues related to medical indemnity arrangements, sig-

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nificant preparatory work has been undertaken within my Department in partnership with the Health Service Executive in preparation for the commencement of negotiations.

The implications of the report for postgraduate medical education and training are being examined by the medical education and training group that was originally established as part of the National Task Force on Medical Staffing.

In regard to the organisation of hospital services, I consider that the National Hospitals Office is best placed to build on the recommendations of the report in this area. The priority is to ensure that patients, wherever they live, have equitable and rapid access to high quality hospital care.

Water Fluoridation.

81. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the steps she is taking to address continuing concerns regarding the possible health impact of the fluoridation of water supplies; and if she will make a statement on the matter. [20860/05]

Tánaiste and Minister for Health and Children (Ms Harney): Fluoridation of public water supplies as a public health measure is accepted as being one of the most effective methods of ensuring against tooth decay. The World Health Organisation, WHO, recommends fluoridation of public water supplies and has stated that “fluoridation of water supplies, where possible, is the most effective public health measure for the prevention of dental decay”. The WHO has also stated that “people of all ages, including the elderly, benefit from community water fluoridation”.

The recently completed survey of oral health, covering the whole island of Ireland, shows that fluoridation of public water supplies continues to be a highly effective public health measure. It has contributed significantly to a major reduction in the incidence of dental decay in the Republic of Ireland.

As the Deputy is aware, a forum on fluoridation was established to review the fluoridation of public piped water supplies in Ireland. The forum report’s main conclusion was that the fluoridation of public piped water supplies should continue as a public health measure.

In all, the report of the forum on fluoridation made 33 recommendations covering a broad range of topics such as research, public awareness, policy and technical aspects of fluoridation and the establishment of an expert body to oversee the implementation of the recommendations.

The Irish expert body on fluorides and health held its inaugural meeting in April 2004. The terms of reference of the expert body are: to oversee the implementation of the recommendations of the forum on fluoridation; to advise the

Minister and evaluate ongoing research — including new emerging issues — on all aspects of fluoride and its delivery methods as an established health technology and as required; and to report to the Minister on matters of concern at his/her request or on its own initiative.

The expert body has broad representation, including from the areas of public health medicine, engineering, management, environmental protection, environmental health, dentistry and health promotion. I am pleased to inform the Deputy that the body has a strong consumer input in terms of members of the public and representatives of consumer interests, in addition to the necessary scientific, managerial and public health inputs. The expert body will oversee the implementation of the wide-ranging recommendations of the forum and advise me on all aspects of fluoride going forward.

Cystic Fibrosis Services.

82. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the measures she will bring forward to further assist persons with cystic fibrosis; and if she will make a statement on the matter. [20933/05]

179. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children her proposals to help cystic fibrosis sufferers to enjoy a better treatment service than currently exists; if her attention has been drawn to the fact that there are only 3.3 fully dedicated cystic fibrosis consultants in the country running a service that demands at least 29 such consultants; if her attention has further been drawn to the fact that cystic fibrosis patients need very clean environments to reduce the risk of infection when hospitalised; the extra services she proposes to deliver in the next 12 months in this regard; and if she will make a statement on the matter. [21346/05]

180. **Mr. Boyle** asked the Tánaiste and Minister for Health and Children if she will allocate the necessary funding to address the immediate, short-term and long-term requirements of cystic fibrosis services here, if the HSE working group confirms the findings of the Pollock report; and if she will make a statement on the matter. [21348/05]

181. **Mr. Boyle** asked the Tánaiste and Minister for Health and Children if she will put forward a special case to allow the permanent recruitment of staff, in spite of the employment ceiling cap, if the HSE working group endorses the findings of the Pollock report; and if she will make a statement on the matter. [21349/05]

182. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children if she will meet with representatives of the Cystic Fibrosis Association; and if she will make a statement on the matter. [21350/05]

183. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children if the safety of cystic fibrosis patients is being compromised due to inadequate staffing and facilities; if this conflicts with her speeches promoting the importance of patient safety issues; and if she will make a statement on the matter. [21351/05]

184. **Mr. Sargent** asked the Tánaiste and Minister for Health and Children if she will consider public private partnerships as an option to fast-track the provision of internationally acceptable services for cystic fibrosis patients; and if she will make a statement on the matter. [21352/05]

185. **Mr. Sargent** asked the Tánaiste and Minister for Health and Children the action she would take if a hospital were to deny access to a cystic fibrosis patient in hospital care due to overcrowding and the risk of exposure to cross infection; and if she will make a statement on the matter. [21353/05]

186. **Mr. Cuffe** asked the Tánaiste and Minister for Health and Children when she will receive the recommendations of the HSE working group on the Pollock report; and if she will make a statement on the matter. [21354/05]

187. **Mr. Cuffe** asked the Tánaiste and Minister for Health and Children if she will give a commitment to provide adequate funding for the resourcing of services to address the needs of cystic fibrosis patients and ensure that the funding is stable and not at risk from other pressures; and if she will make a statement on the matter. [21355/05]

188. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Health and Children if she will address the inadequate staffing levels for cystic fibrosis services as identified in the recently commissioned independent report; and if she will make a statement on the matter. [21356/05]

189. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children if beds for cystic fibrosis patients will be in single rooms to reduce the risk of cross-infection as recommended in the recently commissioned independent report; her plans to ensure that such facilities come on stream without further delay; and if she will make a statement on the matter. [21357/05]

247. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children her plans to provide additional staffing resources to cystic fibrosis units; and if she will make a statement on the matter. [21012/05]

248. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children her plans to provide additional cystic fibrosis units nationwide; and if she will make a statement on the matter. [21013/05]

249. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children her plans to

develop adult services for persons with cystic fibrosis; and if she will make a statement on the matter. [21014/05]

250. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children her plans to develop child services for persons with cystic fibrosis; and if she will make a statement on the matter. [21015/05]

257. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the action she intends to take to ensure that the facilities highlighted in the commissioned independent report, that is, that beds for cystic fibrosis patients should be in single rooms to reduce the risk of cross-infection will come on line without further delay. [21037/05]

258. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if the current staffing level for cystic fibrosis will be addressed as a matter of urgency. [21038/05]

259. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will provide adequate funding for the resourcing of services to address the needs of cystic fibrosis patients. [21039/05]

260. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children when she will receive the recommendations from the HSE working group with regard to cystic fibrosis patients requirements. [21040/05]

261. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children her views on the reaction there would be if a hospital denied access to a cystic fibrosis patient due to overcrowding and the risk of exposure to cross infection. [21041/05]

262. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will consider public and private partnerships as an option to fast track the provision of international acceptable services for cystic fibrosis patients. [21042/05]

263. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children her views on whether the safety of cystic fibrosis patients is being compromised due to inadequate staffing and facilities. [21043/05]

264. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will meet the representatives of the Cystic Fibrosis Association; and if so, when. [21044/05]

265. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will put forward a special case to allow the permanent recruitment of staff in spite of the employment ceiling cap, if the HSE working group endorses the findings of the Pollock report. [21045/05]

266. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if the AHSE working group confirms the findings of the Pollock report, if she will allocate the necessary funding to address the immediate short-term and long-term requirements that will address the existing cystic fibrosis services here. [21046/05]

268. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children when she expects to receive the recommendations of the HSE Working Group on Cystic Fibrosis services here; if, in the event of the working group endorsing the findings of the Pollock report into such services she will allocate the necessary funding to address the immediate short and long-term requirements to address the enormous gaps in current services; if she will lift the employment ceiling cap to allow for the recruitment and appointment of the required permanent staff to address the staffing shortfall; if she will consider public and private partnerships with a view to fast-tracking the provision of internationally accepted services for cystic fibrosis patients; when she will meet representatives of the Cystic Fibrosis Association of Ireland; and if she will make a statement on the matter. [21051/05]

275. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children when she will receive the recommendations from the HSE working group on cystic fibrosis services here; if the resources including finance and staffing required to implement the recommendations of the report will be made available as a matter of urgency; and if she will make a statement on the matter. [21127/05]

276. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if she will meet with representatives of the Cystic Fibrosis Association; and if she will make a statement on the matter. [21138/05]

277. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if the safety of cystic fibrosis patients is being compromised due to inadequate staffing and facilities in hospitals; and if she will make a statement on the matter. [21139/05]

278. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals in regard to public and private partnerships being used to fast-track the provision of internationally acceptable services for cystic fibrosis patients; and if she will make a statement on the matter. [21140/05]

279. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children when she expects to receive the recommendations of the HSE working group on cystic fibrosis services here; and if she will make a statement on the matter. [21141/05]

280. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to provide adequate funding to provide the services and address the needs of cystic fibrosis patients; and if she will make a statement on the matter. [21142/05]

281. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to address the seriously inadequate current staffing levels for cystic fibrosis patients; and if she will make a statement on the matter. [21143/05]

284. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she will give a commitment to adequately fund urgently needed services required by cystic fibrosis sufferers; and if she will make a statement on the matter. [21257/05]

285. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she will give a commitment to the provision of single rooms for cystic fibrosis patients to reduce risk of cross infection; if and when such facilities will be available; and if she will make a statement on the matter. [21258/05]

286. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when she expects to receive recommendations from HSE working group relating to the Pollock report; if and when same will be implemented; and if she will make a statement on the matter. [21259/05]

287. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to any hospital which has denied access to a cystic fibrosis sufferer to hospital care due to overcrowding and exposure to infection; her plans to address this issue in early course; and if she will make a statement on the matter. [21260/05]

288. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she is prepared to consider public and private partnerships as an option to fast track provision of services for cystic fibrosis patients; and if she will make a statement on the matter. [21261/05]

289. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children her views on whether the health of cystic fibrosis sufferers is being compromised due to inadequate staffing and facilities; her proposals to address this issue; and if she will make a statement on the matter. [21262/05]

290. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when she will meet with representatives of the Cystic Fibrosis Association, in view of the previous requests from representatives to both her and her predecessor; and if she will make a statement on the matter. [21263/05]

291. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if, in the event of the adoption of the findings of the Pollock report by the HSE she will allow the recruitment of permanent medical staff, notwithstanding the recent embargo. [21264/05]

292. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she will allocate necessary funding to address immediate short and long term requirements for cystic fibrosis sufferers; and if she will make a statement on the matter. [21265/05]

319. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the action she will take to ensure that cystic fibrosis patients will be in single rooms to reduce the risk of cross infection. [21298/05]

320. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when she will receive the recommendations from the HSE working group; if she will give a commitment for adequate funding for the resourcing of services to address the needs of cystic fibrosis patients; and if the situation of inadequate staffing levels for cystic fibrosis patients will be addressed as a matter of urgency. [21299/05]

321. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the way in which she would react if a hospital were to deny hospital care to a cystic fibrosis patient due to overcrowding and the risk of exposure to cross infection. [21300/05]

322. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when she will meet with representatives of the Cystic Fibrosis Association; her views on whether the safety of cystic fibrosis patients is being compromised due to inadequate staffing and facilities; and if she will consider public-private partnerships as an option to fact track the provision of internationally acceptable services for cystic fibrosis patients. [21301/05]

323. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if the HSE working group confirms the Pollack report; if she will allocate the necessary funding to address the immediate short and long-term requirements of cystic fibrosis services here which currently are below basic international standards; if she will put forward a special case that will allow the permanent requirement of staff, in spite of the employment ceiling cap, if the HSE working group endorses the findings of the Pollack report. [21302/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 82, 179 to 189, inclusive, 247 to 250, inclusive, 257 to 266, inclusive, 268, 275 to 281, inclusive, 284 to 292, inclusive, and 319 to 323, inclusive, together.

I have seen the Report which the Cystic Fibrosis Association of Ireland commissioned from Dr. Ronnie Pollock. The report confirms

that Ireland has the highest incidence of cystic fibrosis in the world. It reviewed existing hospital services for people with cystic fibrosis in the context of accepted international standards and concluded that the services available for persons with cystic fibrosis in this country are not of the standard that they should be.

The report provides an assessment of need for current and future cystic fibrosis patients. It makes recommendations with regard to the numbers and categories of staff who are appropriate for a modern, multidisciplinary cystic fibrosis service. Following publication of the report, the Health Service Executive, at the request of the Cystic Fibrosis Association, established a working group to review the current configuration and delivery of services to persons with cystic fibrosis in Ireland, both in hospitals and in the community. The working group is also to make recommendations for the reconfiguration, improvement and development of those services.

The working group is multidisciplinary in its composition and includes representation from the Cystic Fibrosis Association. It held its first meeting in early April and I understand that it hopes to complete its work over the next few months. The Pollock report is one of a number of reports relating to cystic fibrosis services being considered by the group. The work of the group will result in an agreed proposal for the development and reconfiguration of services for cystic fibrosis patients in Ireland.

I will be glad to meet with the Cystic Fibrosis Association and the HSE to discuss the development and reconfiguration of services for persons with cystic fibrosis when the working group has finalised its proposals.

Health Service Funding.

83. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the amount that each health board spent over its budget for 2004 before the boards were dissolved in December 2004; and if she will make a statement on the matter. [20917/05]

Tánaiste and Minister for Health and Children (Ms Harney): The 2004 revised determinations for all health boards, after adjustment is made for the national PPARS project, totalled €8,169.398 million. The net expenditure reported by health boards for 2004, per the unaudited annual financial statements, AFS, is €8,195.792 million.

Under the 1996 accountability legislation, health boards were required to transfer a deficit or a surplus for the preceding year to the following year. The cumulative surplus brought forward by health boards at 31 December 2003 totalled €30.786 million. Accordingly, health boards included a surplus or deficit, whichever was appropriate, in their planned spending for 2004. This gave a total available spending level for 2004 of €8,200.184 million. When this is compared to

[Ms Harney.]

the net non-capital expenditure of €8,195.792 million reported in the unaudited Annual Financial Statements for 2004, the overall position for all

health boards at end 2004 is a cumulative surplus of €4.392 million.

The position in respect of each health board is set out in the following table.

Health Board/ Authority	Surplus/ (Deficit) brought forward at 31/12/2003	2004 Final Determination	Net Non-Capital Expenditure 2004 per unaudited AFS	Surplus/ (Deficit) for 2004	Cumulative Surplus/(Deficit) at 31/12/2004
	€m	€m	€m	€m	€m
ERHA	1.616	3,433.600	3,430.321	3.279	4.895
Midland	(0.505)	438.531	439.625	(1.094)	(1.599)
Mid Western	0.000	591.390	593.357	(1.967)	(1.967)
North Eastern	3.341	565.230	569.301	(4.071)	(0.730)
North Western	0.773	508.439	510.060	(1.621)	(0.848)
South Eastern	8.532	736.985	739.829	(2.844)	5.688
Southern	0.165	1,091.113	1,091.629	(0.516)	(0.351)
Western	16.864	804.110	821.670	(17.560)	(0.696)
Total	30.786	8,169.398	8,195.792	(26.394)	4.392

Health Service Staff.

84. **Mr. Coveney** asked the Tánaiste and Minister for Health and Children the progress to date on the recruitment of the chief executive of the HSE; and if she will make a statement on the matter. [20874/05]

128. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the steps being taken to find a chief executive for the HSE; her views on whether the decision of the second candidate appointed to turn down the post may represent a vote of no confidence in her and in the new health structures; and if she will make a statement on the matter. [20835/05]

174. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the reason it has not been possible to recruit a chief executive for the Health Service Executive; the reason for the refusal of a person (details supplied) to take up the post; the amount the recruitment has cost the taxpayer to date; and if she will make a statement on the matter. [20936/05]

190. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the reason it has not been possible to recruit a chief executive for the Health Service Executive; the reason for the refusal of a person (details supplied) to take up the post; the cost of the recruitment to the taxpayer to date; and if she will make a statement on the matter. [20981/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 84, 128, 174 and 190 together.

The Deputy may be aware that I have appointed Professor Brendan Drumm as the first chief executive of the Health Service Executive, following his recommendation by the board of the executive. Professor Drumm will take up duty on 15 August 2005 and, in the meantime, Mr. Kevin Kelly will remain as interim chief executive.

The final transition from the previous health board structure to the single, unified, national health service took place on 15 June 2005 as planned when the executive's national directors took over full operational responsibility from the chief officers of the former health boards. The transition to one single, streamlined structure, under one management, has been completed and we are at the beginning of an important new phase in the health reform programme.

The filling of the position of chief executive required two separate recruitment campaigns and I am advised by the executive that total recruitment costs came to €186,352.92.

Infectious Diseases.

85. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if her Department has records of correspondence from any acute hospital or health board regarding the implementation of guidelines of 1995 to control the spread of MRSA; and if she will make a statement on the matter. [20929/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department undertook a search of the available files dealing with the issue of MRSA as a result of the Deputy's question. From this initial search of the files it was not possible in the time available to identify any correspondence on file from any acute hospital or health board specifically regarding the implementation of the 1995 guidelines on the control of MRSA in health care settings.

Effective infection control measures, including environmental cleanliness and hand hygiene, are central to the control of HAIs including drug-resistant organisms such as MRSA. Improving the standards of cleanliness in hospitals is a priority. One of the specific actions identified in the ten point plan to improve the delivery of accident and emergency services refers to the need to address this particular issue.

In order to address the issue of antimicrobial resistance, including MRSA, the Strategy for the Control of Antimicrobial Resistance in Ireland, SARI, was launched by the Department of Health and Children in June 2001 and it sets out national policy in this area. Since then, approximately €20 million in funding has been made available under the strategy. This SARI funding is in addition to normal hospital funding arrangements in regard to infection control.

A SARI infection control sub-committee has updated the 1995 national guidelines for the control and prevention of MRSA in hospitals and in the community. The key recommendations cover such areas as environmental cleanliness, bed occupancy levels, isolation facilities, hand hygiene, appropriate antibiotic use and protocols for the screening and detection of MRSA. These guidelines are currently with the Health Service Executive for finalisation and are expected to be published in the coming weeks.

Effective infection control measures, including environmental cleanliness and hand hygiene, are central to the control of HAIs including drug-resistant organisms such as MRSA. The SARI infection control sub-committee released national guidelines for hand hygiene in health care settings during 2004. These guidelines have been widely circulated by the Health Protection Surveillance Centre and are available on the HPSC's website.

The prevention and control of hospital acquired infections is a priority for me and for the Health Service Executive. The director of the National Hospitals Office has engaged external consultants to carry out an independent hygiene audit of hospitals this summer. The results of the audit will be made public and will ensure that the issue of hygiene is taken more seriously by hospitals than it has been heretofore.

Every hospital in the country will know that the public will have access to the results of the hygiene audit and this will encourage hospitals to perform better to tackle MRSA and help to ensure that the matter is taken more seriously. I am not happy with the standard of hygiene in hospitals and it is one of the first matters with which I asked the new National Hospitals Office to deal. I am determined that our hospitals are run to the highest possible standards. There is no excuse for low standards when huge money is being spent on cleaning programmes involving both in-house cleaning and outside contracts.

We need an all out national effort in regard to MRSA. Anything that requires to be done will be done, either by way of reporting, getting correct data published and changing practices in hospitals. We will also be making money available for public awareness campaigns targeted at people visiting hospitals so that they are fully informed about best hygiene practices.

Health Service Capital Funding.

86. **Ms Shortall** asked the Tánaiste and Minister for Health and Children the capital projects in the health area for which funding has been provided and which are expected to commence in 2005; if any further such capital allocations will be made during 2005; and if she will make a statement on the matter. [20854/05]

105. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children when she will announce the allocation of capital funding in the health services for 2005; and if she will make a statement on the matter. [20903/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 86 and 105 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. The total capital provision for the health service, as announced earlier this year as part of the overall public capital programme, is just over €584 million.

Capital funding for the health service is now largely provided through the Health Service Executive in line with the capital investment framework 2005-09. This amounts to €564 million in 2005. I am pleased to inform the House that I have this morning written to the HSE to convey my agreement to allow for the progression of its capital programme in 2005.

The capital provision for my Department in the current year amounts to €20 million. This relates to direct funding by my Department for a small number of agencies such as BreastCheck, the Health Research Board, HIQA and the Adoption Board.

Question No. 87 answered with Question No. 63.

Health Service Staff.

88. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the identity of the national directors and assistant directors of the HSE; if all of these positions have been filled; the positions these directors held prior to their post in the HSE; and if she will make a statement on the matter. [20876/05]

161. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the number of senior positions in the HSE which have yet to be filled; the areas in which vacancies exist; the areas in which vacancies are pending; if she is satisfied with the recruitment procedures within the HSE; and if she will make a statement on the matter. [20838/05]

237. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the names of the directors of services who were initially appointed by the HSE and who have resigned, vacated or left their positions; and the details of the severance packages that were made available to them. [20956/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 88, 161 and 237 together.

The Deputies' questions relate to matters which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have these matters investigated and to have replies issued directly to the Deputies.

The position with regard to recruitment procedures is that, under section 22 of the Health Act 2004, employees of the executive must now be recruited in accordance with the Public Service Management (Recruitment and Appointments) Act 2004.

Pension Provisions.

89. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children when the matters that remain outstanding and which are preventing the payment of a pension to retired former temporary part-time nurses will be resolved (details supplied); and if she will make a statement on the matter. [20784/05]

Tánaiste and Minister for Health and Children (Ms Harney): First, I should state that the superannuation arrangements for retired employees are the responsibility of the Health Service Executive. However, I have made inquiries with the superannuation department of the HSE — shared services — eastern region. I understand that letters have recently issued to both persons concerned, setting out the options available to them. In each case the persons involved have an option to join either the local government superannuation scheme or opt for an entitlement to a gratuity to a non-pensionable person. In both cases, all the calculations have been completed and once responses are received as to which option they wish to choose, benefits will be processed immediately by the HSE.

Blood Transfusion Service.

90. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if she is satisfied that the Irish Blood Transfusion Service has sufficient resources to ensure an adequate and safe supply of blood products to hospitals here; and if she will make a statement on the matter. [20911/05]

175. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the steps she intends to take to ensure a steady supply of blood in view of the recent forced cancellation of certain pro-

cedures due to a shortage of blood; and if she will make a statement on the matter. [20859/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 90 and 175 together.

I am satisfied that the Irish Blood Transfusion Service, IBTS, has adequate financial resources at its disposal.

The recent blood shortage was not related to funding but was due to increasing demands on the blood supply and more stringent controls and testing. Since 2001 the IBTS has introduced a series of measures to minimise the threat posed by vCJD. These measures include the exclusion from donating of people who have spent one year or more in the UK between 1980 and 1996 and anybody who has received a transfusion either in Ireland or abroad from 1 January 1980. This has resulted in a loss of 20% of existing donors.

In the first five months of 2005, 4,000 fewer donors attended blood clinics throughout Ireland as compared to 2004. During this period the IBTS undertook intensive local advertising, through print media and local radio, text messaging donors, telephoning donors and sending additional notification of clinic locations. Despite this heightened level of activity, maintaining the blood supply proved difficult. Accordingly, on 9 June, the IBTS was forced to request hospitals to defer elective surgery requiring blood transfusions to allow the blood stocks build up to an appropriate level. An intensive advertising campaign was made for blood donations. This is the first time that such an appeal has had to be made since 2002.

Thankfully, the response to the appeal has been excellent and stocks have now been restored to acceptable levels. The IBTS informed hospitals on 13 June that blood supplies would resume as normal on 14 June. Stock levels for the week beginning 20 June remain at an acceptable level and the IBTS will continue its intensive advertising campaign in the coming months to ensure that this position continues.

Primary Health Care Strategy.

91. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Health and Children the reason so little progress has been made in implementing the Government's primary health care strategy; and if she will make a statement on the matter. [20945/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Strategy, Primary Care: A New Direction, provides a template for the development of primary care over a period of ten to 15 years. Considerable work has been undertaken by my Department and the former health boards to advance implementation.

There are three broad approaches required to enable the primary care strategy to be

implemented. These are: revenue and capital investment by the State in order to deliver additional services in primary care; the substantial reorganisation of the resources already within the health services; and a structured role for the private sector in the development of facilities and possibly also the delivery of services.

An initial ten primary care teams have been developed, with funding to enable existing staff resources within the public system to be augmented with additional health professionals. These teams are intended to demonstrate the primary care model in action and also to enable practical experience to be gained of the process involved in developing a primary care team and providing an expanded range of services.

Work has already been undertaken by the former health boards to map out the proposed numbers, locations and configurations of future primary care teams and networks and the resource requirements associated with these. The Health Service Executive must complete this task to provide a firm basis for the future organisation of resources within primary care, and incorporating the significant numbers of staff and contractors already involved in the delivery of primary care services.

Work is almost complete on a strategy and action plan on information and communications technology, ICT, for primary care. This will provide a basis for the development of ICT systems which support interdisciplinary primary care and which also facilitate the delivery of care in an integrated way across all sectors within the health service.

All of the investment needed to enable the implementation of the strategy need not involve the public sector. Many primary care services are already delivered by private and non-State contractors. I am committed to developing policy which will stimulate private sector investment in developing facilities and services. My Department is considering how this agenda can be advanced so as to harness the undoubted potential within the non-State sector and so enable and support the delivery of integrated primary care services in line with national policy.

Nursing Home Inspections.

92. **Mr. Hogan** asked the Tánaiste and Minister for Health and Children if, as recommended by the Ombudsman, she will make all nursing home inspectors reports available to the general public as a matter of routine; and if she will make a statement on the matter. [20890/05]

166. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if she has any intention of removing the requirement whereby a person can only access information regarding nursing home inspections through the Freedom of Information Act 1997; and if she will make a statement on the matter. [20870/05]

243. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she has directly or indirectly issued instructions to public or private nursing homes restricting the information available to public representatives; if her attention has been drawn to a reluctance on the part of some officers of the Health Service Executive to provide information sought on the grounds of confidentiality; the way in which it is expected to provide a semblance of transparency or accountability in view of the lack of any structure, such as with the health boards, whereby Members of the Oireachtas had an opportunity to monitor policy as it is applied to their constituency or constituents; and if she will make a statement on the matter. [21000/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 92, 166 and 243 together.

I wish to advise the Deputy that no instructions have been issued by my colleague, the Tánaiste and Minister for Health and Children, or by the Department in regard to restricting the release of information to public representatives on public and private nursing homes.

The Government is aware of the strong public interest in increasing the openness and transparency of the process of investigation of complaints by public bodies, particularly where the complaints concern the provision of care for older or vulnerable people. The Health Service Executive has now made a policy decision that with immediate effect the reports of all completed inspections of nursing homes should be made available to members of the public on request subject to legislation on Freedom of Information and Data Protection.

As the Deputy will no doubt be aware, access to certain records may be denied on the basis that disclosure of the information sought could involve the release of personal information on staff members or residents of the home. The Executive has decided that following a review and the standardisation of inspection report formats and consultation with key stakeholders, that it will publish all future reports on the its website subject of course to compliance with legislation in relation to the release of information.

In the circumstances it is proposed to change the requirement whereby a person can only access information regarding nursing home inspections through the Freedom of Information Act, 1997.

Hospital Services.

93. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the progress to date on talks between the HSE and health authorities in Northern Ireland regarding the provision of access for patients in the north-west to radiotherapy facilities in Belfast; and if she will make a statement on the matter. [20882/05]

101. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children the status of the provision of radiotherapy services for the north west; and if she will make a statement on the matter. [20898/05]

144. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children her views on the Hollywood report; if this is now Government policy; and if she will make a statement on the matter. [20900/05]

171. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children when she will announce the two radiotherapy centres for the eastern regions; and if she will make a statement on the matter. [20901/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 93, 101, 144 and 171 together.

The Government is committed to making the full range of cancer services available and accessible to cancer patients throughout Ireland. To this end, we will provide considerable investment in radiation oncology facilities in the coming years.

The Government's policy on radiation oncology is based on the report on the development of radiation oncology services in Ireland. It is important to build teams of highly expert clinicians working together to deliver top quality cancer care, including radiotherapy, to cancer patients. The Government is therefore determined to ensure access by cancer patients throughout the country to high quality radiation oncology in line with best international standards.

The immediate developments in Cork and Galway have resulted in the provision of an additional five linear accelerators. Two additional linear accelerators are being provided at the supra-regional centre at Cork University Hospital, CUH. The first of these linear accelerators was fully commissioned in March and the second is expected to be commissioned by the autumn. Two additional consultant radiation oncologists will be appointed at CUH with sessional commitments to the south-eastern and the mid-western areas.

Patients in the north-west are currently being referred for radiation oncology treatment to the recently commissioned radiation oncology department at University College Hospital Galway, UCHG, and also to St. Luke's Hospital, Dublin. A consultant radiation oncologist with significant sessional commitments to the north-western area has recently been appointed to UCHG.

I will be meeting the Minister for Health for Northern Ireland, Mr. Shaun Woodward, MP, shortly and I have asked that North-South co-operation on cancer services be put on the agenda. In addition, further discussions are scheduled to take place later this month between the HSE north-western area and Belfast City Hospital in regard to access to radiation oncology services for patients in the north-west — mainly

Donegal. My Department has asked the parliamentary affairs division of the Health Service Executive to advise the Deputies of progress on these discussions. The state of the art facility at Belfast City Hospital is scheduled to open in early 2006. The Government is as committed to delivering safe and effective services for people of the north-west as we are for people in every region.

Hospital Charges.

94. **Ms Burton** asked the Tánaiste and Minister for Health and Children when the regulations providing for the imposition of charges on those in long-term care will be published and enacted; if she will list those who will be covered; the reason for the delay in producing the regulations (details supplied); and if she will make a statement on the matter. [20814/05]

Tánaiste and Minister for Health and Children (Ms Harney): I, and my colleague, the Minister for Finance, signed the Health (Charges for In-Patient Services) Regulations 2005 on 14 June last, and these regulations reinstate charges for inpatient services and put them on a sound legal basis for the first time in 29 years. The regulations were laid before the Houses of the Oireachtas on 16 June.

These regulations provide for the levying of a charge in respect of the maintenance of persons in receipt of inpatient services. Section 51 of the Health Act 1970 defines inpatient services as meaning "institutional services provided for persons while maintained in a hospital, convalescent home or home for persons suffering from physical or mental disability or in accommodation ancillary thereto".

The regulations, in keeping with section 53 of the Health Act 1970, as amended, have provided for two different classes of persons on whom charges can be levied.

Class 1, the first class, refers to people in receipt of inpatient services on premises where nursing care is provided on a 24 hour basis on those premises. In this case, a weekly charge can be levied of €120 or the weekly income of that person less €35, whichever is the lesser. Class 2, the second class, refers to people in receipt of inpatient services on premises where nursing care is not provided on a 24 hour basis on those premises. In this situation, a weekly charge can be levied of €90, or the weekly income of that person less €55 or 60% of the weekly income of that person, whichever is the lesser.

Section 53 of the Health Act 1970, as amended by the Health (Amendment) Act 2005, provides, *inter alia*, that the HSE may reduce or waive a charge imposed if it is of the opinion that, having regard to the financial circumstances of that person, it is necessary to do so in order to avoid undue financial hardship in relation to that person. This section also allows for the levying of a charge where inpatient services have been provided for a period of not less than 30 days or for

periods aggregating not less than 30 days within the previous 12 months. It also ensures that the weekly rate shall not exceed 80% of the maximum of the weekly rate of the old age non-contributory pension payable at the time.

Question No. 95 answered with Question No. 67.

Health Service Staff.

96. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the total number of personnel now employed in the delivery of the health services; the number of consultants, medical staff, nursing staff and others; the extent to which these numbers have been increased in each category in the past eight years; the extent to which delivery of service is currently failing to meet demand; her proposals to address the issue; and if she will make a statement on the matter. [20927/05]

310. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which personnel in the health services have increased in the past seven years; the number of orthodontists or other front line health workers employed in the same period; and if she will make a statement on the matter. [21283/05]

311. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of persons currently employed in the health service at consultant, medical, nursing and administration levels; the number of persons on contract in each discipline; and if she will make a statement on the matter. [21284/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 96, 310 and 311 together.

The latest available employment data for the health services is in respect of year end 2004. The information requested by the Deputy on health service staff, including employment growth in each of the grade categories from end 1997 up to that date, is set out in the table below. However, some caution should be exercised in comparing employment growth between grade categories owing to some changes in their composition over the period.

Between 1997 and year end 2004, there was an increase in the level of employment of 30,882, or 45.5%, excluding home helps, in wholetime equivalent terms. In this context, comparing employment levels at end-December 2004 to those at end-1997, there were 40.9% — plus 2,037 — more medical-dental personnel, 116% — plus 6,892 — more health and social care professionals and 25.5% — plus 6,967 — more nurses employed in the health services in wholetime equivalent, WTE, terms.

The health service employment return does not gather information on the number of staff employed in the health services on a contract basis. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

The significantly increased staffing levels over the last eight years reflect the substantial service developments which have occurred, particularly in the areas of child protection and intellectual disability services. There have also been significant increases in staffing levels in acute hospitals arising from the national cancer strategy and the cardiovascular strategy. Resources must be targeted where most required and I have consistently stressed that, in the management of health service employment levels, front-line service delivery must be safeguarded.

Health Service Staffing at 31 December¹.

Grade Category	1997	1998	2004	Increase 1997-2004	Increase 1998-2004
Medical/Dental	4,976	5,153	7,013	2,037	1,860
<i>of which Consultants</i>	1,308	1,319	1,871	563	552
Nursing	27,346	26,611	34,313	6,967	7,702
Health and Social Care Professionals ²	5,938	6,390	12,830	6,892	6,439
Management/ Administrative ³	8,844	9,480	16,157	7,313	6,676
General Support Staff and Other Patient and Client Care	20,737	22,005	28,410	7,673	6,406
Total	67,841	69,640	98,723	30,882	29,083

Source: Health Service Personnel Census at 31 December.

Notes:

¹ Excludes Home Helps

² The professionalisation of Child Care Workers/House Parents resulted in grade category shift of these grades from Other Patient Care to Health and Social Care Professionals in 2001-2002. This change together with other changes of a less substantial nature have resulted in making direct comparisons over extended periods unreliable for these categories.

³ Includes all management/administrative and clerical personnel. The Management/Administrative Category includes — staff who are of direct service to the public and include Consultant's Secretaries, Out-Patient Departmental Personnel, Medical Records Personnel, Telephonists and other staff who are engaged in front-line duties together with staff in the following categories Payroll, Human Resource Management (including training), Service Managers, IT Staff, General Management Support and Legislative and Information Requirements.

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Orthodontists	1997	1998	2004	Increase 1997-2004	Increase 1998-2004
Consultant/Orthodontist	9	9	12	3	3
Specialist in Orthodontics	0	0	25	25	25
Total	9	9	37	28	28

Care of the Elderly.

97. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children the number of the 1,370 additional assessment and rehabilitation beds which have been delivered, as promised in the national health strategy 2001; and if she will make a statement on the matter. [20879/05]

100. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the number of the 600 additional day hospital beds with facilities encompassing specialist areas such as falls, osteoporosis treatment, fracture prevention, Parkinson's disease, stroke prevention, heart failure and continence promotion clinics, as promised in the national health strategy 2001, which have been delivered; and if she will make a statement on the matter. [20878/05]

153. **Mr. Deasy** asked the Tánaiste and Minister for Health and Children the number of commitments laid out in the national health strategy in relation to services for the elderly that have been achieved; and if she will make a statement on the matter. [20877/05]

162. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the number of the 700 day care places for the elderly which have been delivered, as promised in the national health strategy 2001; and if she will make a statement on the matter. [20880/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 97, 100, 153 and 162 together.

The National Health Strategy, Quality and Fairness: A Health System for You was launched in 2001 by the former Minister for Health and Children, Deputy Martin. The strategy is centred on a whole system approach to tackling health in Ireland and it goes beyond the traditional concept of health services. It is about developing a system in which best health and social well-being are valued and supported. The strategy sets out a blueprint to guide policy makers and service providers in the planning and delivery of health services over a seven to ten year period. It set national goals for better health for everyone, fair access, responsive and appropriate care delivery and high performance.

There have been many reforms to our health services since the publication of the strategy, the most notable being the enactment of the Health Act 2004 which transferred responsibility for the

management and delivery of health and personal social services to the Health Service Executive.

The strategy outlined a number of action points in regard to services for older people and the executive is continuing to implement these. The Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have details of the specific services for older people being delivered now to be collated and to reply directly to the Deputy.

I would like to highlight to the Deputy a number of developments since the publication of the strategy as follows: from 2002 to 2004, approximately €121 million in additional revenue funding was allocated to services for older people; in 2005, a total of €15.228 million in additional funding was allocated to services for older people for a variety of services, including nursing home subvention, home care grants, elder abuse and the home help service; and a working group comprising all stakeholders was established by the Department to review the operation and administration of the nursing home subvention scheme following on from the publication of the O'Shea report on the scheme. This review was launched simultaneously with the Department of Social and Family Affairs' report on the financing of long-term care in 2003. An interdepartmental group, comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs and chaired by the Department of the Taoiseach, was then established in January to identify the policy options for a financially sustainable system of long-term care. This group is due to report to the Tánaiste and Minister for Social and Family Affairs this summer. Home care grant schemes have been piloted in a number of areas as an alternative to long-term residential care to assist older people living at home in the community. Older people who are being discharged from the acute hospital system and those living in the community are being targeted under these schemes. Funding of €2 million has been allocated in 2005 to the Health Service Executive for the scheme.

The ten point plan aimed at improving the delivery of accident and emergency services announced by the Tánaiste is being implemented now. Additional revenue funding of €70 million has been made available to the Health Service Executive, HSE, in 2005 for these initiatives, which include measures to facilitate the discharge of patients from acute hospital beds to a more

appropriate setting. Under this plan there are three specific proposals relating to services for older people: an additional 500 older people are to receive intermediate care for up to six weeks in the private sector, 100 high dependency patients are to be transferred from acute hospitals to private nursing home care; and the home care package scheme is to be expanded to support 500 additional older people who have been discharged from the acute hospital sector to their own home.

Cancer Screening Programme.

98. **Mr. Sherlock** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the call made by the National Council for Ageing and Older People for the extension of the BreastCheck service to women of 65 and over; if she intends to respond to the call; and if she will make a statement on the matter. [20848/05]

160. **Mr. Rabbitte** asked the Tánaiste and Minister for Health and Children her proposals to continue the rollout of BreastCheck; the proportion of the population currently covered; when the service will be available in all areas of the country and to all women; and if she will make a statement on the matter. [20847/05]

169. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children the position regarding the provision of the national BreastCheck screening programme in County Kerry; and if she will make a statement on the matter. [20905/05]

253. **Ms McManus** asked the Tánaiste and Minister for Health and Children the expected dates for the expansion of the BreastCheck mobile units in Kerry, Limerick, Tipperary, Clare, Mayo, Galway, Sligo, Leitrim and Donegal; and if she will make a statement on the matter. [21030/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 98, 160, 169 and 253 together.

The national breast screening programme commenced in 2000 and covers the eastern, midland, north-eastern and parts of the south-eastern regions of the country. There are approximately 160,000 women in the target age group in these regions.

New facilities for the expansion of BreastCheck to the remaining regions are included in the health capital investment framework 2005-09. My Department recently gave approval to BreastCheck to advertise for the appointment of a design team to work up detailed plans for the design and construction of two clinical units, one at the South Infirmary/Victoria Hospital, Cork and the other at University College Hospital, Galway. The selection process for the design team is well advanced.

BreastCheck anticipates that the shortlisting, interviews and fee negotiations will be complete by the end of July 2005. Discussions on manpower requirements are currently taking place involving BreastCheck, the Health Service Executive and my Department. I am confident that the target date of 2007 for the commencement of the national roll-out will be met.

There are approximately 130,000 women in the target age group in the remaining regions. The national expansion will ensure that all women in the relevant age group in every county throughout the country will have access to breast screening and follow-up treatment where appropriate.

Following the national rollout and when the programme is sufficiently developed and quality assured, consideration will be given to extending the upper age limit. Any woman, irrespective of her age or residence, who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic services in her area.

Hospital Waiting Lists.

99. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children her views on reports that the waiting lists for diabetes sufferers in Beaumont Hospital have claimed four lives; and if she will make a statement on the matter. [20894/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 100 answered with Question No. 97.

Question No. 101 answered with Question No. 93.

Nursing Home Standards.

102. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if it is a standard procedure that, prior to a public patient being placed by a regional health office into a nursing home, the regional health office checks the relevant nursing home inspector's reports; if there is a legal obligation on regional health offices to do this; and if she will make a statement on the matter. [20868/05]

203. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if it is a standard procedure that, prior to a public patient being placed by a regional health office into a nursing home, the regional health office checks the rel-

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evant nursing home inspectors reports; if there is a legal obligation on regional health offices to do this; and if she will make a statement on the matter. [20660/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 102 and 203 together.

I wish to advise the Deputy that there is no legal obligation on the Health Service Executive to check the inspection reports of a private nursing home prior to placing a patient in that facility. However, the HSE when considering placing a person in such a facility, would have regard to the standards of care provided there. In this regard the results of inspection reports would be taken into account when assessing the suitability of such establishments.

The Department is currently reviewing the Health (Nursing Homes) Act 1990 and regulations made under the Act to strengthen the powers available to the HSE. This will be a wide-ranging review which will have the rights of patients at its centre and the issues raised by the Deputy will be taken into account as part of the review. It is the intention to have this Bill published later on this year.

Ambulance Service.

103. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children when a 24 hour ambulance will be located in the Mulranny, Achill and Ballycroy area of Mayo; if her attention has been drawn to the fact that lives are being lost and put in jeopardy due to the considerable time which elapses before an ambulance arrives to take ill persons to hospital; when it is likely that an ambulance base will be provided in this area; and if she will make a statement on the matter. [20576/05]

167. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the action she is taking to improve the ambulance service in the west; and if she will make a statement on the matter. [20694/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 103 and 167 together.

The Deputies' questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004.

I am advised by the HSE that its western area emergency ambulance service provides a service to a population of over 350,000 people from ten stations spread throughout the catchment area. There has been significant expansion of the service in recent years. For example, ten additional crews have been put in place; the number of 24-hour bases has increased from

three to five, while the overall hours of operation across all bases have increased significantly.

In 2004 the HSE, western area, purchased six new high specification ambulances. In addition, two new rapid response vehicles were introduced as back up to the new fleet. Facilities have also been improved at ambulance stations in Ballina, Boyle, Clifden and Roscommon.

The HSE, western area, has proposals for the establishment of additional stations in Tuam, west Roscommon and in the Achill-Mulranny area. The question of progressing these proposals is a matter to be addressed by the Health Service Executive in the context of the capital investment framework 2005-09.

Hospital Services.

104. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the progress she has made to improve neurosurgical services; and if she will make a statement on the matter. [20920/05]

Tánaiste and Minister for Health and Children (Ms Harney): At the request of the Department of Health and Children, a committee was established by the former Comhairle na nOspidéal, currently the National Hospitals Office/Comhairle, to review the existing arrangements for the provision of neurosurgical services and consultant staffing nationally, and following consultation with the interests concerned, to make recommendations on the future organisation and development of neurosurgical services. The review will take into account the national-regional character of current neurosurgical services and focus on updating the recommendations outlined in the 1989 and 1991 Comhairle reports, taking into consideration recent advances in the neurosurgery-neuroscience group of specialties.

My Department has been informed that this committee is in the process of completing its report.

Question No. 105 answered with Question No. 86.

Assisted Human Reproduction.

106. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children her views on the report of the Commission on Assisted Human Reproduction; if it is intended to implement the recommendations contained in the report; and if she will make a statement on the matter. [20851/05]

Tánaiste and Minister for Health and Children (Ms Harney): I was pleased to receive the commission's report on 12 May 2005. As I indicated at that time, the Government has decided to refer the report to the Oireachtas Joint Committee on Health and Children. This will allow for further public and political consideration of the complex

issues involved. Following this process, the Government will, on the basis of the commission's report and the report of the Oireachtas committee, make decisions on the regulation of assisted human reproduction in Ireland.

Plastic Surgery Procedures.

107. **Mr. Cuffe** asked the Tánaiste and Minister for Health and Children if she is satisfied that the standards applied to private plastic surgery are sufficiently high; the checks that are carried out on these clinics; if she intends to introduce rigorous standards; and if she will make a statement on the matter. [20940/05]

Tánaiste and Minister for Health and Children (Ms Harney): Under the Medical Practitioners Act 1978, the Medical Council is charged with responsibility for the registration of medical practitioners and the regulation of their activities. The function of the Medical Council is to protect the public through implementing appropriate standards and controls on the medical profession. All doctors practising medicine in Ireland must be registered with the Medical Council.

The establishment and operation of acute hospitals, public or private, has never been subject to statutory registration or licensing in this country. My Department is considering the need for the introduction of such provisions.

Persons who avail of the services of doctors performing plastic surgery should endeavour to seek the services of reputable providers. When invasive procedures are being arranged, persons would be strongly advised to check that the services are provided by a medical practitioner who is appropriately registered with the Medical Council. In addition, before agreeing to undergo any procedure, persons should ascertain the level of follow-up medical support which will be available to them after the surgery has been completed.

The Medical Council produces a guide to ethical conduct and behaviour in accordance with section 69(2) of the Medical Practitioners Act. This publication includes guidance for doctors on the required standard for practice premises and standards in regard to centres of health care. The council is in a position to consider alleged breaches of the guide in respect of doctors who are registered with it. Where a concern arises about the professional activity of a registered medical practitioner, the Medical Council has the power to investigate the circumstances of the complaint, and, if a *prima facie* case exists, to conduct an inquiry. Where a finding of professional misconduct or unfitness to practise is made against a doctor, the council has the authority to suspend, limit or revoke the registration of that individual.

As the Deputy will be aware, a new Medical Practitioners Act is currently being drafted by Parliamentary Counsel in order to substantially

update the provisions of the 1978 legislation. Among the many changes I propose to introduce are a clear compulsory requirement for registration for all medical practitioners, changes to the fitness to practice process, the introduction of a mandatory scheme of competence assurance for all doctors practising independently and a much increased public profile for the council. I also intend to significantly increase the non-medical representation on the council in order to best ensure that public safety and protection is given the highest possible priority by the council as it develops in the coming years.

It is my belief that these and other new provisions of the Bill should afford greater protection to the public. I hope to be in a position to publish the Bill before the end of the year.

Questions Nos. 108 and 109 answered with Question No. 56.

Task Force on Alcohol.

110. **Mr. Cuffe** asked the Tánaiste and Minister for Health and Children the progress made to date in implementing the recommendations of the task force on alcohol; the reason more progress has not been made to date; and if she will make a statement on the matter. [20941/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The strategic task force on alcohol published two reports in May 2002 and September 2004. A total of 100 recommendations are made which have implications across a number of Departments. In April this year the Government authorised an Tánaiste to implement the recommendations which fall within the remit of the Department of Health and Children. Other Ministers were also authorised to implement the recommendations relevant to their Department.

Significant progress has been made across Departments in implementing the task force's recommendations since the publication of the first report. I have arranged to have a summary document forwarded to the Deputy outlining details of the progress made.

Further to the Government decision supporting the second report of the strategic task force on alcohol, it is proposed to establish a working group to help mobilise the stakeholders through social partnership to achieve further targeted and measurable reductions in alcohol related harm.

Nursing Home Standards.

111. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children the steps that have been taken arising from the shocking conditions in the Leas Cross nursing home disclosed in the "Prime Time Investigates" programme on RTE; the steps which have been taken to determine whether similar conditions exist in other nursing homes; if, in view of serious public con-

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cern at conditions in some nursing homes, she will expedite the introduction of legislation to provide for an independent system of inspection of nursing homes; and if she will make a statement on the matter. [20820/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Government is extremely concerned at the situation in Leas Cross nursing home. It is unacceptable that older people should be subjected to the type of environment portrayed by the "Prime Time" programme.

I wish to inform the House that the Health Service Executive appointed: a director of nursing to oversee its operation; a team of support clinicians, including a senior nurse manager, drawn from the HSE; a team of occupational therapists, to assess all patients in regard to seating, mobility and other related areas; a team of dieticians to assess the dietetic needs of all patients; and an independent investigating team to inquire into the allegations highlighted on the "Prime Time" programme.

The director of nursing, who now manages the delivery of care in Leas Cross, keeps HSE senior management informed on a daily basis about service delivery issues.

However, the HSE having reviewed the standards of patient care at the home, has decided to move public patients to alternative nursing home care more appropriate to their needs as it is of the opinion that these patients are not being appropriately cared for at the home. The HSE is also advising the families of other residents of the home that they would be well advised to consider seeking alternative accommodation for their relatives. In addition, the HSE is considering applying to the courts to have the home de-registered as it is of the opinion that the home is in breach of some of the conditions of its registration as a private nursing home and is not in a position to provide appropriate care to its residents.

The HSE has also initiated a review of the current approach to nursing home inspections. This review will examine issues such as preparation work undertaken, assessment tools used, methodologies employed during inspections, guidelines dealing with announced and unannounced visits, and procedures to assess the quality of care. The reviewer has been asked to provide a report to the HSE outlining his findings, including any actions which should be taken to improve the quality of the inspection process and to identify any other issues that need to be addressed for the future.

It is the intention of the HSE, that, following this review all completed inspection forms will be published on the HSE website for public information. However, with immediate effect the reports of all completed inspections of nursing homes should be made available to members of

the public on request subject to the freedom of information legislation.

As already announced, the social services inspectorate is to be established on a statutory basis. Legislation to give effect to this will be published later this year. The inspectorate will be charged with the inspection of both public and private nursing homes and will be responsible for reporting on standards of care in such homes.

In addition, the Department of Health and Children is urgently reviewing the operation of the Health (Nursing Homes) Act 1990 and regulations made under the Act to see which powers available to the Health Service Executive need to be strengthened.

Medical Cards.

112. **Mr. M. Higgins** asked the Tánaiste and Minister for Health and Children if it is intended to withhold pay increases due to general practitioners as a result of their decision not to co-operate with the issuing of the general practitioner-only card; her views on whether this decision may lead to industrial action and consequent disruption of services to patients; and if she will make a statement on the matter. [20831/05]

115. **Mr. M. Higgins** asked the Tánaiste and Minister for Health and Children the discussions she has had with the IMO regarding the introduction of the promised doctor-only card; her plans for further discussions; the number of such cards issued to date; when the full complement will be issued; and if she will make a statement on the matter. [20829/05]

134. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Health and Children her plans to introduce the doctor-only medical card; and if she will make a statement on the matter. [20922/05]

136. **Mr. Costello** asked the Tánaiste and Minister for Health and Children the number of medical cards issued as of June 1997, June 2002 and 30 September 2004 and the latest date for which figures are available; if the Government intends to honour the pledge in An Agreed Programme for Government to extend eligibility to bring in another 200,000 persons and the commitment given on the publication of the Estimates for 2005 that 30,000 additional medical cards would be issued from 1 January 2005; the number of the promised 30,000 new medical cards that have been issued since that date; and if she will make a statement on the matter. [20827/05]

143. **Mr. Howlin** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the call made by a person (details supplied) for the scrapping of plans to introduce the general practitioner-only card and for the Government instead to honour its commitment to provide an additional 200,000 full medical cards;

her views on this call; and if she will make a statement on the matter. [20832/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 112, 115, 134, 136 and 143 together.

Date	Number of medical cards	Number of persons covered by medical cards	% of population	Population
June 1997	740,451	1,244,459	34.37	3,621,035 (1996 census)
June 2002	783,612	1,207,096	30.81	3,917,336 (2002 census of population (preliminary))
September 2004	768,895	1,151,106	29.39	3,917,203 (2002 census)
June 2005	772,869	1,147,007	28.36	4,043,800 (official estimate of population at September 2004)

Generally the reduction in recent years in the number of medical cards may be attributed to the increase in the number of people in employment and also the improved economic situation nationally. Additionally, during 2003 and 2004, health boards undertook a review of medical card databases in which approximately 104,000 medical cards records were removed. Normal reviews of databases lead to deletions of medical card records as a result of duplicate entries, change of address, cases where the medical card holder is deceased or ineligibility results due to changed circumstances. Periodic reviews of medical card databases are undertaken by the Health Service Executive, HSE, to ensure their continued accuracy.

In 2005 funding was provided to allow the HSE provide an additional 30,000 people with full medical cards and also to extend free access to general practitioner services under the general medical services, GMS, scheme to up to a further 200,000 persons. The reason for this initiative was to ensure that as many people as possible, particularly those on low income and with children, would be free from the worry of costs associated with accessing general practitioner services for themselves and their children.

The HSE has put in place the necessary administrative arrangements for the introduction of the “GP visit” cards and have been requested to put in place mechanisms to ensure that targets are met. It is intended that a public information campaign will be undertaken which will indicate the process to be followed by applicants to obtain application forms and to have their eligibility assessed by the HSE. It is envisaged that the general practitioners services available to “GP visit” card holders will be the same as those available to patients with full eligibility under the GMS scheme. The Labour Relations Commission last night issued a comprehensive recommendation for settling a range of issues between the Department of Health and Children, the HSE and the Irish Medical Organisation, IMO, including issues surrounding the introduction of the “GP visit” card. I welcome the recommendation and I am hopeful that it will be accepted by the IMO so

The number of medical cards issued and number of persons covered by a medical card for the dates requested are set out in the following table.

that the “GP visit” card initiative can be implemented without further delay.

Parliamentary Questions.

113. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the arrangements in place to ensure that Deputies receive replies to parliamentary questions that are referred by her to the HSE; the average time taken to reply to a question referred to the HSE; and if she will make a statement on the matter. [20857/05]

Tánaiste and Minister for Health and Children (Ms Harney): Since the establishment of the Health Service Executive, the chief officers, that is, the former health board CEOs, in each of its administrative areas have continued to deal with parliamentary questions in accordance with the arrangements which previously operated under the health boards. This arrangement was calculated to avoid any erosion in the accountability — as regards the timeliness or quality of replies — arising under the parliamentary question system since the health boards were abolished.

The interim CEO of the executive has assured me that, following the transfer of responsibilities from the chief officers to the national directors on 15 June 2005, similar arrangements have been made in each administrative area so that parliamentary questions will continue to be dealt with in an appropriate manner.

The executive recently established a parliamentary affairs division. A key function of this division involves the making of arrangements to respond to queries raised in parliamentary questions that are appropriate for direct reply by the executive, having regard to its object and functions under the Health Act 2004.

The parliamentary affairs division monitors, throughout the executive’s national directorates and administrative areas, the timeliness of replies and follows up immediately where a reply has not issued within 20 working days of receipt of the referral. The subject matter of questions can differ greatly in terms of their complexity and the extent of the detail sought. This can impact on the length of time required to assemble the information in order to reply to the query raised. The

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executive informs me that, on average, 75% of all replies are issued within the timeframe referred to.

As stated in the executive's service plan for 2005, this is a priority area of work for its corporate affairs directorate. I am satisfied that, in the organisational arrangements currently being made to complete the transition to the unitary system, due importance and attention is being given by the executive to enhancing its capacity to respond in an efficient and timely manner to requests for information from Members of the Oireachtas.

Hospital Accommodation.

114. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children the position regarding the proposed community nursing unit at Kerry general hospital, Tralee, County Kerry; and if she will make a statement on the matter. [20904/05]

222. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children when funding will be made available for the Community hospital, Tralee. [20782/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 114 and 222 together.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 115 answered with Question No. 112.

Nursing Home Inspections.

116. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children the number of meetings her Department has held with the social services inspectorate since 2001, specifically in relation to the extension of the SSI to cover nursing home inspections; the progress to date on those meetings; and if she will make a statement on the matter. [20871/05]

Minister of State at the Department of Health and Children (Mr. S. Power): As the Deputy will no doubt be aware, the Government has decided to establish the social services inspectorate on a statutory basis and legislation to give effect to this will be published later on this year. The inspectorate will be charged with the inspection of both public and private nursing homes and will be responsible for reporting on standards of care in such homes. It is planned to extend the brief of the inspectorate to include residential services for older people and people with a disability.

Officials of the Department had a preliminary meeting with the Social Services Inspectorate following the publication of the O'Shea report on the nursing home subvention scheme and having regard to the commitment in the national health strategy to extend the inspectorate's remit to cover long-stay care for older people.

Question No. 117 answered with Question No. 60.

Nursing Home Charges.

118. **Ms McManus** asked the Tánaiste and Minister for Health and Children the latest information available to her Department regarding the extent of the potential cost to the Exchequer of the illegal charges for nursing home care; the decisions made to date by the Government committee considering the question of repayments; if a decision has been made regarding whether the Statute of Limitations will apply; when the legislation will be published; and if she will make a statement on the matter. [20812/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Government has agreed the key elements of a scheme for the repayment of long-stay charges for publicly funded long-term residential care. All those who were charged and are alive and the estates of all those who were charged and died in the six years prior to 9 December 2004 will have the charges repaid in full. It is estimated that the scheme will cost approximately €1 billion. The decision to limit payments to the estates of those who died in the past six years reflects the reference in the Supreme Court judgment to the Statute of Limitations. The repayments will include both the actual charge paid and an amount to take account of inflation, using the consumer price index.

I intend to bring legislation to provide a clear legal framework for the scheme before the Oireachtas in the autumn. The legislation will include appropriate safeguards to prevent exploitation of those who receive repayments and are not in a position to manage their own financial affairs.

Alternative Medicine.

119. **Ms Shortall** asked the Tánaiste and Minister for Health and Children when she expects to receive the report of the national expert group considering ways of strengthening the regulatory environment for alternative therapies; and if she will make a statement on the matter. [20853/05]

Tánaiste and Minister for Health and Children (Ms Harney): The national working group on the regulation of complementary therapists was established by my predecessor in May 2003 to advise, as indicated by the Deputy, on future measures for strengthening the regulatory environment for complementary therapists. The group was expected to report by the end of this year. In view of the urgency I attach to this matter,

however, I asked that the work of the group be expedited. I understand that the report will now be finalised within the next few months.

My approach to the most appropriate framework to be put in place to regulate the activities of complementary therapists will be informed by the group's recommendations. In the meantime, my Department, in consultation with the relevant experts, is developing key messages for the guidance of the public in this matter.

Water Fluoridation.

120. **Mr. Sargent** asked the Tánaiste and Minister for Health and Children the reason, despite repeated promises, questions to the water fluoridation forum from a person (details supplied) have not yet been answered; and if she will make a statement on the matter. [20947/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Forum on Fluoridation was established to review the fluoridation of public piped water supplies in Ireland. The forum took an evidence based approach to its examination of water fluoridation.

The Deputy should be aware that the forum addressed in the body of its report the "50 reasons to oppose fluoridation" raised by the person concerned. The forum comprehensively examined the benefits and risks of fluoridation, including alleged adverse general health effects of fluoridation. The forum concluded that human health is not adversely affected when fluoride is present in drinking water at one part fluoride per million parts of water; this is based on measured scientific results and the most reliable scientific evidence.

A comprehensive response to the questions referred to by the Deputy was published on my Department's website on the 4 May 2005.

Health Service Staff.

121. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children the number of nurses from the Philippines working in health services here; the percentage of the total number of nurses they represent; the efforts made to date to attract nurses from abroad to work in the health service here; and if she will make a statement on the matter. [20943/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy

Nursing Home Standards.

122. **Mr. Coveney** asked the Tánaiste and Mini-

ster for Health and Children if the promised legislation to extend the Social Services Inspectorate will also include national standards for all long-term residential care for elderly persons; and if she will make a statement on the matter. [20873/05]

129. **Mr. Connaughton** asked the Minister for Health and Children if she has any intention of introducing national standards for community and long-term residential care of older persons; and if she will make a statement on the matter. [20872/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 122 and 129 together.

I wish to advise the Deputy that it is the intention of the Department to put in place a more robust regulatory system as quickly as possible to protect vulnerable older people and to provide for the highest possible standards of care for older people in long-stay facilities.

This process has begun by firstly reviewing the Health (Nursing Homes) Act 1990 and regulations made under the Act with a view to strengthening the powers available to the regulatory authorities. Second, the social services inspectorate will be established on a statutory basis and it is intended to extend its remit to include residential facilities for older people, both public and private. The inspectorate will be independent of the Health Service Executive and the Department. Legislation to give effect to these changes will be brought before the Oireachtas later this year.

In addition, the HSE has been working on a common national approach to the inspection of nursing homes. The Irish Health Services Accreditation Board has also commenced work on examining the development of accreditation standards for residential care for older people, both public and private. In this regard it is developing a pilot programme which includes both public long-stay units and private nursing homes.

Nursing Home Care.

123. **Mr. McEntee** asked the Tánaiste and Minister for Health and Children the reason elderly patients with medical cards in nursing homes are being discriminated against by not making a superior product for dressing bed sores such as hydrocolloid dressings, gauze swabs and sterile dressing packs, available on the GMS; and if she will make a statement on the matter. [20895/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter inves-

[Ms Harney.]

tigated and to have a reply issued directly to the Deputy.

Hospitals Building Programme.

124. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children when she will announce the capital development works for Wexford General Hospital for extra beds, a new accident and emergency department, a new out-patients department, and increased funding for extra staffing for high pressured areas such as obstetrics; and if she will make a statement on the matter. [20906/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme.

I am pleased to inform the House that I have this morning written to the HSE to convey my agreement to allow for the progression of its capital programme in 2005.

Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 125 answered with Question No. 56.

Nursing Home Subventions.

126. **Mr. Neville** asked the Tánaiste and Minister for Health and Children if medical card holders in private nursing homes are entitled to incontinence wear; and if she will make a statement on the matter. [20912/05]

159. **Mr. English** asked the Tánaiste and Minister for Health and Children if medical card holders in private nursing homes are entitled to incontinence wear; if incontinence wear is made available to all medical card holders in private nursing homes by all regional health offices; and if she will make a statement on the matter. [20883/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 126 and 159 together.

Incontinence products are not available through the usual general medical services arrangements in place for the provision of drugs and non-drug items to medical card holders in the community.

Article 16.1 of the Nursing Homes (Subvention) Regulations 1993 provides that individuals resident in private nursing homes who are in receipt of a subvention from the health board may not be charged extra for any service which is considered to be essential to their maintenance in the home and common practice in most nursing homes. Such services include bed and board, nursing care appropriate to the level

of dependency of the person and incontinence wear.

On 26 February 2001, on the instructions of the then Minister for Health and Children, Deputy Martin, a letter issued to the former health boards-Eastern Regional Health Authority requesting that the necessary arrangements be put in place so that all medical card holders in receipt of subvention be supplied with incontinence wear on the same basis as if they were living in the community. This letter was not a direction pursuant to a statutory authority, there was no legal obligation on any of the health boards to implement the contents of the letter, each board could decide at its discretion how and if it would respond to the request, any board which decided to respond to the request could decide on the date to do so, and that boards could rely on article 16 of the regulations in relation to the supply of incontinence wear by nursing home proprietors if they chose to do so. Arrangements are currently in place in the majority of areas for the supply of incontinence wear to medical card holders in private nursing homes.

From 2003 additional funding was allocated towards the nursing home subvention scheme to assist with the costs of supplying incontinence wear to patients in private nursing homes who are in receipt of a subvention under the nursing home subvention scheme. This funding also assists with costs associated in managing the scheme and providing training and education in relation to incontinence issues.

Question No. 127 answered with Question No. 78.

Question No. 128 answered with Question No. 84.

Question No. 129 answered with Question No. 122.

Question No. 130 answered with Question No. 76.

Health Services.

131. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the progress to date on the establishment of the promised 32 local health offices; the locations of these proposed offices; the interim arrangements until these offices are established; and if she will make a statement on the matter. [20875/05]

Tánaiste and Minister for Health and Children (Ms Harney): Primary community and continuing care will be delivered primarily through local health offices or LHOs based on the existing 32 community care areas. The information sought by the Deputy regarding the location of these offices is set out in the following table.

I am advised by the HSE that, at present, there is a general manager assigned with responsibility for managing all community-based services from these community care offices. The HSE has advised that the appointment of the 32 LHO managers, and the establishment of a manage-

ment structure and processes that support the primary community and continuing care service delivery across LHOs, is an immediate priority. The HSE recruitment process to appoint the 32

LHO managers is well advanced and it is intended that all LHO managers will be in their posts by 1 September 2005.

Local health offices

Regional health office A — Galway.

Community Care Area	Address
Donegal	Isaac Butt Building, Ballybofey, County Donegal
Sligo/Leitrim	Sligo — Markievicz House, Sligo. Leitrim — Leitrim Road, Carrick on Shannon, County Leitrim
Roscommon	Community Care Offices, Roscommon
Mayo	County Clinic, Castlebar, County Mayo
Galway	Community Care Offices, Newcastle Road, Galway
Clare	Tobartaoscain, Ennis, County Clare
Limerick	St. Joseph's Hospital, Mulgrave Street, Limerick
North Tipperary/East Limerick	Kenyon Street, Nenagh, County Tipperary

Regional health office B — Kells.

Community Care Area	Address
Louth	Community Care Centre, Dublin Road, Dundalk
Meath	County Clinic, Navan
Cavan/Monaghan	Community Services Centre, Lisdarn, Cavan
North Dublin Area 6	Community Care Services Area 6, Rathdown Road, Dublin 7
North Dublin Area 7	Community Care Services Area 7, 193 Richmond Road, Dublin 3
North Dublin Area 8	Community Care Services Area 8, Cromcastle Road, Coolock, Dublin 8

Regional health office C — Cork.

Community Care Area	Address
West Cork	Coolnagarrane, Skibbereen, County Cork
Nth Cork	Gouldshill House, Mallow, Cork
Nth Lee	Abbeycourt House, Georges Quay, Cork
Sth Lee	Abbeycourt House, Georges Quay, Cork
Kerry	19/19 Denny Street, Tralee, County Kerry
Carlow/Kilkenny	Kilkenny — Local Offices, James' Green, Kilkenny. Carlow — Local Offices, Athy Road, Carlow
Wexford	Local Offices, Grogan's Road, Wexford
Waterford	Local Offices, Cork Road, Waterford
South Tipperary	Community Care Services, Lacken, Dublin Road, Kilkenny

Regional health office D — Tullamore.

Community Care Area	Address
South Dublin Area 1	Community Care Services Area 1, Tivoli Road, Dún Laoghaire
South Dublin Area 2	Community Care Services Area 2, Vergemount Hall, Clonskeagh, Dublin 6
South Dublin Area 3	Community Care Services Area 3, Lord Edward Street, Dublin 2
South Dublin Area 4	Community Care Services Area 4, Old County Road, Crumlin, Dublin 12
South Dublin Area 5	Community Care Services Area 5, Cherry Orchard Hospital, Ballyfermot, Dublin 10
Wicklow	Community Care Services Area 10, Glenside Road, County Wicklow
Kildare	Community Care Services Area 9, Poplar House, Poplar Square, County Kildare
Laois/Offaly	Laois — Health Centre, Dublin Road, Portlaoise, County Laois. Offaly — Health Centre, Arden Road, Tullamore, County Offaly
Longford/Westmeath	Westmeath — Health Centre, Longford Road, Mullingar. Longford — Health Centre, Dublin Road, Longford

Pension Provisions.

132. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children the reason for an inordinate delay within the HSE, northern area, in paying out pensions entitlements and lump sum gratuities to nurses retiring from the service; and her views on whether a delay of up to 22 weeks is unacceptable. [20892/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospitals Building Programme.

133. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that the HSE has by letter of 25 May 2005 confirmed that approval has been sought from her Department to proceed with the tendering process for the provision of the residential and day service complex for 66 residents in St. Joseph's service at St. Ita's Hospital, Portrane; and the reason for the delay in approving same (details supplied). [20893/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): According to inquiries made of the Health Service Executive, the current position with regard to St. Ita's is that this project has been incorporated by it in the capital investment framework 2005-2009. My Department has sought greater clarity with respect to certain non capital issues associated with this project. I understand that the Health Service Executive will submit these details to my Department in the near future.

Question No. 134 answered with Question No. 112.

Question No. 135 answered with Question No. 67.

Question No. 136 answered with Question No. 112.

Question No. 137 answered with Question No. 69.

Health Services Staff.

138. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the extent to which the Department of Health and Children is in excess of the employment target level which the Government set in budget 2002; and if she will make a statement on the matter. [18401/05]

Tánaiste and Minister for Health and Children (Ms Harney): Employment levels for the health service have been adjusted since 2002 in line with

Government policy on public sector employment and service developments. The 2005 employment ceiling is 97,550. The latest available employment returns for the health services are in respect of end-2004 and are set out in the following table. The outturn, excluding home helps, at that date was 98,723 whole time equivalents or WTEs.

I am awaiting detailed proposals from the Health Service Executive regarding compliance with approved employment levels consistent with safeguarding front line service delivery and achieving an appropriate balance between clinical and non-clinical employment levels in the health service. The need to achieve compliance with approved employment levels has also been underlined by my Department in direct discussions with the HSE's senior management team in the context of the finalisation of the executive's national service plan for 2005.

Health Service Staffing at 31/12/2004.¹

	Number
Medical/Dental	7,013
<i>of which Consultants</i>	1,871
Nursing	34,313
Health and Social Care Professionals	12,830
Management/administration ²	16,157
General Support Staff	13,857
Other Patient and Client Care	14,553
Total	98,723

Source: Health Service Personnel Census at 31 December.

Notes:

¹Excludes Home Helps.

²Includes all management/administrative and clerical personnel. The Management/Administrative Category includes — staff who are of direct service to the public and include Consultants Secretaries, Out-Patient Departmental Personnel, Medical Records Personnel, Telephonists and other staff who are engaged in front-line duties together with staff in the following categories Payroll, Human Resource Management (including training), Service Managers, IT Staff, General Management Support and Legislative and Information Requirements.

Question No. 139 answered with Question No. 79.

Question No. 140 answered with Question No. 56.

General Practitioner.

141. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the progress to date on introducing an out of hours general practitioner co-operative service; and if she will make a statement on the matter. [20925/05]

Tánaiste and Minister for Health and Children (Ms Harney): Funding for full out of hours co-operatives commenced in 2000. Between 2000 and 2004 a total of €72.882 million was allocated to the Health Service Executive for out of hours co-operatives nationally, and in 2005, €31.98 million has been included in its baseline funding,

which includes €5.6 million additional funding. These figures do not include the fees of the participating doctors.

All areas of the Health Service Executive have expanded their out of hours co-operatives and services since 2003. Co-operatives are now found in part of all areas of the Health Service Executive, providing coverage in part of all of the 26 counties. Decisions with regard to the geographical areas to be covered by co-operatives and any developments or expansions are for each area of the Health Service Executive to make, having regard to the service needs and the strategic, financial and other issues involved.

Hospitals Building Programme.

142. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the number of new facilities that have opened following the allocation of funding announced; and if she will make a statement on the matter. [20923/05]

Tánaiste and Minister for Health and Children (Ms Harney): I take it that the Deputy is referring to the announcement made by the previous Minister for Health and Children, Deputy Martin, on 15 September 2004, approving the commissioning of a number of new units in acute and non-acute hospitals throughout the country which have been funded under the national development plan.

New units in the following locations have opened since September 2004: new hospital block at Connolly Hospital, Blanchardstown; two additional theatres/day units at Our Lady's children's hospital, Crumlin; new units at St. James's Hospital, Dublin; 12-bedded assessment unit at Midland Regional Hospital, Tullamore; acute psychiatric unit at Midland Regional Hospital, Portlaoise; new accident and emergency unit at Cork University Hospital; additional linear accelerators for radiotherapy unit at Cork University Hospital (partially commissioned); new radiotherapy unit at University College Hospital, Galway; orthopaedic unit at Mayo General Hospital; new accident and emergency unit at Roscommon County Hospital; and a Wexford day hospital for the elderly.

The Health Service Executive has informed my Department that the remaining units will come on stream during 2005.

Question No. 143 answered with Question No. 112.

Question No. 144 answered with Question No. 93.

Medical Inquiries.

145. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children the expected completion date of the inquiry to be chaired by Judge Maureen Harding-Clarke into the activities of a person (details supplied); if her attention has been drawn to the call made by a number of victims for the establishment of a redress board; if she intends to act on this suggestion. [20824/05]

207. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children when she will receive the pending report on the Lourdes Hospital inquiry; and if a copy of the report will be made available to Patient Focus before it enters the public domain. [20680/05]

272. **Mr. Glennon** asked the Tánaiste and Minister for Health and Children if she has received the report into the Lourdes Hospital inquiry; and if, in view of the personal nature of the inquiry, an advance copy of the report will be given to the members of the Patient Focus group to enable the victims privately to examine it. [21061/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 145, 207 and 272 together.

My Department is advised that the work of the Inquiry is at an advanced stage and will be completed shortly. I have received a request from Patient Focus, a group representing a number of former patients of the person referred to by the Deputy, for an advance copy of the report prior to publication, and I would hope to be in a position to meet this request.

Last March, I also met with representatives of this group and advised it that I would have to await the report of the Lourdes Hospital inquiry before consulting with Government on its request for the establishment of a redress board. I intend to meet with the group again following completion of the inquiry.

Irish Blood Transfusion Service.

146. **Mr. Allen** asked the Tánaiste and Minister for Health and Children if the promised improvements to the Irish Blood Transfusion Service in Cork have been implemented; and if she will make a statement on the matter. [20909/05]

Tánaiste and Minister for Health and Children (Ms Harney): In 2004 the Irish Blood Transfusion Service invested over €3 million in an interim accommodation solution for the Cork centre and refurbished the existing premises which has ensured compliance with good manufacturing practice or GPM standards. As the House was informed last April, there is provision in the Department's capital programme to allow for the appointment of a design team and commencement of the planning process for a new Cork centre.

Child Care Services.

147. **Mr. Boyle** asked the Tánaiste and Minister for Health and Children if she plans to act on the findings of the recent report by the Special Residential Services Board; and if she will make a statement on the matter. [17134/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I assume the Deputy is referring to the report of the research commissioned by the Special Residential Services Board on the impact of placement in special care unit settings on the wellbeing of young people and their families. The research was conducted between 2001 and 2003 in two special care Units,

[Mr. B. Lenihan.]

Ballydowd in Dublin and Gleann Alann in Cork. The operation of these units is the responsibility of the Health Service Executive under the Health Act 2004.

Special care is a relatively new development in the Irish child care system. Special care units provide a secure environment for a small number of non-offending young people in need of special care or protection. Placement in special care requires a court order of detention. While the core qualitative sample in the study is small, the research is useful. The report indicates that the approach in special care-focused therapy, purposeful care and high quality education facilities and programmes is having a positive impact on children.

The Special Residential Services Board is also cognisant that the research covers the period 2001-2003 and that the child care services including special care services have developed significantly since then. It is the HSE's intention to centralise the management of special care. This will address issues such as consistency of approach and continuity of care which are identified by the report. The issues which are key to the successful provision of special care include training of staff and staff mix in terms of gender, age and experience; professional understanding on the part of staff on the presenting behaviour of the child and how to address that behaviour; the quality of care plans and the continuity of service provision in terms of throughcare and aftercare; an atmosphere of respect and involvement that relates to the child and his/her family, and good quality leadership and management of the unit and collaborative working with the broader services and disciplines.

Question No. 148 answered with Question No. 56.

Hospital Waiting Lists.

149. **Dr. Upton** asked the Tánaiste and Minister for Health and Children when publication of full hospital waiting lists will be resumed; the latest information available to the national treatment purchase fund in respect of the number of patients waiting more than three months, six months, 12 months and 24 months; and if she will make a statement on the matter. [20855/05]

Tánaiste and Minister for Health and Children (Ms Harney): Responsibility for the collection and reporting of waiting lists and waiting times now falls within the remit of the national treatment purchase fund. My Department has asked the chief executive of the fund to respond to the Deputy regarding the latest information available to the fund in respect of the number of patients waiting for treatment.

A new, on-line, national patient treatment register is being developed by the fund which will allow for more accurate identification of waiting lists, and more importantly, waiting times. It is

intended that the register will be implemented on a phased basis during 2005.

Up to the end of May 2005, some 30,000 patients have had treatment arranged for them. In most instances, anyone waiting more than three months will be facilitated by the fund.

Hospital Accommodation.

150. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if contracts have been signed for the provision of all 500 short term nursing home beds for patients who no longer need acute care; the locations for these beds; when they will become available; and if she will make a statement on the matter. [20842/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to reply directly to the Deputy with the information requested.

Question No. 151 answered with Question No. 75.

National Cancer Strategy.

152. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children when she will publish the new cancer strategy; and if she will make a statement on the matter. [20924/05]

Tánaiste and Minister for Health and Children (Ms Harney): The national cancer forum is currently finalising a new national cancer strategy. The strategy has been developed in consultation with the major stakeholders, professional and voluntary groups and the general public, and will have regard to the multi-faceted aspects of cancer control. The strategy will set out the key priorities for the development of cancer services over the coming years and will make recommendations regarding a balanced organisation of cancer services nationally, with defined roles for hospitals in the delivery of cancer care. It is anticipated that this work will be completed in the autumn.

Question No. 153 answered with Question No. 97.

Question No. 154 answered with Question No. 79.

Health Services.

155. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the areas in which the additional funding for disability services announced in the 2005 budget has been spent; and if she will make a statement on the matter. [20916/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The additional revenue funding of €70 million provided in 2005 for services for people with disabilities will provide a broad range of new and enhanced services including residential, respite and day services; home support and personal assistance services; multidisciplinary support services; aids and appliances; additional beds at the Central Mental Hospital; child and adolescent psychiatric treatment services; and additional community-based adult mental health teams and community residential places. The capital funding of €60 million is being used to provide the infrastructural supports for the above developments.

The management and delivery of health and personal social services are the responsibility of the Health Service Executive under the Health Act 2004. The executive has informed my Department that it has completed its examination of the proposals for new and enhanced services which it received from the various areas around the country and that the agreed developments will be put in place as quickly as possible.

Nursing Home Charges.

156. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the number of additional cases for the repayment of illegal nursing home charges that have been taken against her Department or the HSE since the Supreme Court decision of 16 February 2005; and if she will make a statement on the matter. [20918/05]

Tánaiste and Minister for Health and Children (Ms Harney): There are currently 42 cases being taken relating to nursing home charges in publicly funded long-term residential care. I intend to bring legislation before the Oireachtas in the autumn which will provide a clear legal framework for a repayments scheme for those who were unlawfully charged. This will ensure that repayments are made as promptly as possible. The scheme will also allow for repayments to be made to the estates of all those who were charged but who died in the six years prior to 9 December 2004.

Care of the Elderly.

157. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to concerns that the failure to provide adequate funding for the supports necessary for older persons to remain in their own homes is increasingly forcing many of them into nursing homes; if her attention has further been drawn to the significant reduction in the number of home help hours in different parts of the country and the substantial waiting lists for the home care grant; if she will provide additional funding for both of these services; if she will publish the total hours for home help services in 2002, 2003 and 2004 in respect of each county; and if she will make a statement on the matter. [20849/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The policy of the Government is to maintain older people in dignity and independence at home, in accordance with their wishes. To this end, home care grant schemes have been piloted in a number of areas as an alternative to long-term residential care to assist older people living at home in their communities. Older people who are being discharged from the acute hospital system and those living in the community are being targeted under these schemes. Funding of €2 million has been allocated to the Health Service Executive for the scheme in 2005. This is in keeping with a key recommendation of the review of the nursing home subvention scheme, namely that the health services develop a home-based subvention system for older people as an alternative to long-term care.

An interdepartmental group chaired by the Department of the Taoiseach and comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs has been established to consider the future financing of long-term care. 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 is due to report to the Tánaiste and Minister for Social and Family Affairs this summer.

In addition, the total increase in expenditure on the home help service across all health board areas from 2000 to 2004 was approximately 94%. Additional funding of €5 million was allocated in 2005 to the home help service to support older people living in the community, bringing funding for the service in 2005 to over €131 million.

I also wish to advise the Deputy that €70 million has been made available to the HSE in 2005 for the ten point plan to relieve ongoing pressure on acute hospital beds and accident and emergency services. Under the plan, the home care package scheme is to be expanded to support 500 additional older people who have been discharged from the acute hospital sector to their own homes.

The issues of waiting lists for the home care grant and home help hours relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to have this matter investigated and to reply directly to the Deputy.

Pharmacy Regulations.

158. **Mr. Rabbitte** asked the Tánaiste and Minister for Health and Children the position regarding her consideration of the report of the phar-

[Mr. Rabbitte.]

macy review group; if her attention has been drawn to the call made by the Pharmaceutical Society of Ireland for the urgent introduction of legislation to regulate pharmacies and pharmacists; and if she will make a statement on the matter. [20846/05]

Tánaiste and Minister for Health and Children (Ms Harney): I have given the complex issues raised in the pharmacy review group report careful consideration. I am also aware of the position of the Pharmaceutical Society of Ireland regarding current pharmacy legislation.

A memorandum for Government outlining plans to consolidate and update the existing legislation to provide for the safe and effective delivery of pharmaceutical services to all citizens, in a comprehensive, manageable and robust legislative framework, incorporating recommendations from the pharmacy review group, as necessary, has been submitted to Government.

Question No. 159 answered with Question No. 126.

Question No. 160 answered with Question No. 98.

Question No. 161 answered with Question No. 88.

Question No. 162 answered with Question No. 97.

Nursing Home Accommodation.

163. **Ms C. Murphy** asked the Tánaiste and Minister for Health and Children the number of public nursing home beds which are available in County Kildare; the locations of same; the number which are occupied; the extent of the waiting list; her plans to expand the number of beds available; and if she will make a statement on the matter. [20785/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive, HSE, under the Health Act 2004. According to the HSE, there is a total of 381 public nursing home beds in County Kildare. There are 190 beds in St. Vincent's, Athy, 78 in Baltinglass District Hospital, 20 in Drogheda Memorial Hospital, seven in St. Brigid's Hospice, 38 in Maynooth community nursing unit and 48 in Peamount Hospital. All but ten of the 381 beds are occupied. Currently there are 131 people on the waiting lists for public extended-care beds in County Kildare. The Health Service Executive is planning to open a further seven beds in St. Vincent's Hospital and six in Maynooth in due course.

Question No. 164 answered with Question No. 63.

Grant Payments.

165. **Mr. Sherlock** asked the Tánaiste and Minister for Health and Children the number of persons who have been approved for the home care grant but who are still waiting to receive payment, by health region; the total budget for the scheme in 2005; and if she will make a statement on the matter. [20850/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to have the matter investigated and to reply directly to the Deputy.

Question No. 166 answered with Question No. 92.

Question No. 167 answered with Question No. 103.

Health Services.

168. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the oncologists of Ireland report on radiotherapy services; her views on the report and its findings; and if she will make a statement on the matter. [20902/05]

Tánaiste and Minister for Health and Children (Ms Harney): I presume the report referred to by the Deputy is the submission made by the Irish Society of Medical Oncologists to the National Cancer Forum. It was discussed by the forum at its meeting in May 2003. The National Cancer Forum is the national advisory body on cancer services. It is a multidisciplinary group of experts and includes representatives of all modalities of cancer care. The report on the development of radiation oncology services in Ireland, known as the Hollywood report, was discussed and unanimously endorsed by the forum at its meeting on 17 September 2004 as the framework for the future development of radiation oncology services.

Question No. 169 answered with Question No. 98.

Question No. 170 answered with Question No. 63.

Question No. 171 answered with Question No. 93.

Health Service Reform.

172. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the total amount paid to date in severance packages for chief executive officers of the former health boards; the total likely cost to the State of these packages; if severance packages have been

agreed for other senior staff of the former health boards; if so, the likely cost to the State; and if she will make a statement on the matter. [20839/05]

306. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the total cost of the recently announced package in respect of management of the health services; and if she will make a statement on the matter. [21279/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 172 and 306 together.

I presume both Deputies are referring to the arrangements available to former health board chief executive officers retiring from the Health Service Executive by 1 July 2005. These arrangements are available to chief executive officers on the basis of their unique position within the context of the transition to the new health service structures and their leading role in facilitating the transfer of accountability and a safe passage to the new structures. The arrangements contain three elements. First, payment of their severance terms, including pension, lump sum and severance pay as provided for under section 78 of the local government superannuation scheme, of which they are members. The amount due to each individual varies depending on salary and service. Second, an *ex-gratia* payment, the net amount to be equivalent to six months' salary. The estimated total cost of this element of the package is €650,000. Third, a retraining grant of up to €10,000 to be paid on the basis of vouched expenditure.

No payments under these arrangements have been made to date. Severance packages have not been agreed for other senior staff of former health boards.

Question No. 173 answered with Question No. 80.

Question No. 174 answered with Question No. 84.

Question No. 175 answered with Question No. 90.

Health Service Staff.

176. **Mr. McEntee** asked the Tánaiste and Minister for Health and Children if she plans to lift the cap on medical staffing levels; and if she will make a statement on the matter. [20926/05]

Tánaiste and Minister for Health and Children (Ms Harney): The 2005 employment ceiling for the health service is 97,550 in whole time equivalent terms. Within this national ceiling, there is no specific cap on the number of medical personnel which may be employed. It is a matter for the Health Service Executive, as part of its management of the employment ceiling, to determine the appropriate staffing mix required to deliver its service plan priorities.

Since the end of 1997 there has been a 41% increase in the number of medical and dental personnel working in the health services, bringing the total number to 7,031 — an increase of 2,037 — whole time equivalents at the end of 2004.

Departmental Budget.

177. **Mr. Lowry** asked the Taoiseach the amount of unspent money returned by his Department to the Department of Finance each year since 1997; the total Departmental budget for each year since 1997; the projects for which this money was originally earmarked; and if he will make a statement on the matter. [20594/05]

The Taoiseach: The information the Deputy has requested is published every year in the appropriation account, which forms part of the annual report of the Comptroller and Auditor General. The detailed breakdown of the savings each year, together with an explanation of the variation from the Estimate provision is contained in Note 5 of the appropriation account.

The following table gives details for each year from 1997 to 2004. In general, savings that occur across the administrative subheads, A1 to A7, are not linked to specific projects. In many instances, they represent savings on administrative costs or a contingency against the possibility of legal costs being awarded in a particular year by a tribunal of inquiry.

The Department is able to carry forward savings within the administrative subheads under the terms of the administrative budget agreement.

	Total Estimate		Savings		Details of Savings	
	£	€	£	€	(‘000)	
					£	
1997	14,859,000	18,867,038	2,112,053	2,681,754	223	Subhead A1 — Salaries, Wages & Allowances
					42	Subhead A2 — Travel & Subsistence
					121	Subhead A6 — Office Premises Expenses
					164	Subhead D1 — Grants under Section 2 of the Irish Sailors and Soldiers Land Trust Act 1988
					11	Subhead E — Forum for Peace & Reconciliation
					18	Subhead I — EU Presidency
					1,474	Subhead L — Tribunal (Dunnes Payments)
					96	Subhead M — Information Society Commission
					76	Subhead N — National Partnership Centre
					5	Subhead T — All Party Committee on SMI

[Ms Harney.]

	Total Estimate		Savings		Details of Savings	
	£	€	£	€	(‘000) £	
1998	20,301,000	25,776,953	3,666,507	4,655,504	43	Subhead A2 — Travel & Subsistence
					56	Subhead A4 — Postal & Telecommunications Services
					37	Subhead A6 — Office Premises Expenses
					192	Subhead A7 — Consultancy Services
					766	Subhead C — Grants under Section 2 of the Irish Sailors and Soldiers Land Trust Act 1988
					78	Subhead D — Forum for Peace & Reconciliation
					80	Subhead F — All Party Committee on the Constitution
					159	Subhead H — National Partnership Centre
					123	Subhead I — National Economic & Social Forum
					1,383	Subhead J — Tribunal (Dunnes Payments)
					472	Subhead L — Moriarty Tribunal
					36	Subhead M — All Party Committee on SMI
					865	Subhead O — Northern Ireland Agreements
1999	32,233,000	40,927,467	12,335,755	15,663,178	113	Subhead A2 — Travel & Subsistence
					277	Subhead A5 — Office Machinery and other Office Supplies
					87	Subhead A6 — Office Premises Expenses
					353	Subhead A7 — Consultancy Services
					86	Subhead C — Grants under Section 2 of the Irish Sailors and Soldiers Land Trust Act 1988
					80	Subhead D — Forum for Peace & Reconciliation
					148	Subhead E — Commemoration Initiatives
					26	Subhead F — All Party Committee on the Constitution
					29	Subhead G — Information Society Commission
					50	Subhead I — National Economic & Social Forum
					2,965	Subhead L — Moriarty Tribunal
					29	Subhead M — All Party Committee on SMI
					8,095	Subhead N — Millennium Celebrations
2000	85,294,000	108,301,040	27,946,229	35,484,391	317	Subhead A5 — Office Machinery and other Office Supplies
					281	Subhead A7 — Consultancy Services
					238	Subhead C — Grants under Section 2 of the Irish Sailors and Soldiers Land Trust Act 1988
					80	Subhead D — Forum for Peace & Reconciliation
					55	Subhead E — Commemoration Initiatives
					59	Subhead G — Information Society Commission
					245	Subhead H — National Partnership Centre
					897	Subhead J — Tribunal (Dunnes Payments)
					6,290	Subhead L — Moriarty Tribunal
					43	Subhead M — All Party Committee on SMI
					10,212	Subhead N — Millennium Celebrations
					15	Subhead O — Independent Commission of Inquiry
					1,777	Subhead P — Multi Media Developments
					7,503	Subhead Q — Sports Campus Ireland
2001	28,472,000	36,151,983	4,916,232	6,242,327	355	Subhead A7 — Consultancy Services
					138	Subhead C — Grants under Section 2 of the Irish Sailors and Soldiers Land Trust Act 1988

	Total Estimate		Savings		Details of Savings	
	£	€	£	€	(‘000) €	
2002		35,949,000		7,546,428	324	Subhead G1 — Information Society Commission
					180	Subhead G2 — Information Society Awareness
					107	Subhead H — National Centre for Partnership and Performance
					200	Subhead J — Tribunal (Dunnes Payments)
					965	Subhead L — Moriarty Tribunal
					2,081	Subhead N — Millennium Celebrations
					62	Subhead O — Independent Commission of Inquiry
					64	Subhead R — National Economic & Social Development Office
					135	Subhead A4 — Postal & Telecommunications Services
					180	Subhead A7 — Consultancy Services
					807	Subhead A8 — Information Society — eCabinet & other initiatives
					19	Subhead D — Forum for Peace & Reconciliation
					129	Subhead F — All Party Committee on the Constitution
					202	Subhead G — Information Society Commission
					1,261	Subhead J — Tribunal (Dunnes Payments)
2003		25,808,000		1,153,394	3,551	Subhead K — Moriarty Tribunal
					624	Subhead L — Millennium Celebrations
					74	Subhead M — Independent Commission of Inquiry
					280	Subhead A6 — Office Premises Expenses
					99	Subhead A7 — Consultancy Services
					400	Subhead A8 — Information Society — eCabinet & other initiatives
					28	Subhead C — Grants under Section 2 of the Irish Sailors and Soldiers Land Trust Act 1988
					11	Subhead E — Commemoration Initiatives
					64	Subhead G — Information Society Commission
					251	Subhead J — Tribunal (Dunnes Payments)
2004*		37,585,000		8,760,730	223	Subhead K — Moriarty Tribunal
					158	Subhead M — National Economic and Social Development Office
					351	Subhead A6 — Office Premises Expenses
					228	Subhead A8 — Information Society — eCabinet & other initiatives
					127	Subhead A9 — EU Presidency
					1	Subhead C — Grants under Section 2 of the Irish Sailors and Soldiers Land Trust Act 1988
					50	Subhead D — Forum for Peace & Reconciliation
					215	Subhead G — Information Society Commission
					250	Subhead J — Tribunal (Dunnes Payments)
					6,714	Subhead K — Moriarty Tribunal
					209	Subhead N — National Forum on Europe

*The figures for 2004 are provisional pending completion of the audit of the appropriation account by the Office of the Comptroller and Auditor General.

Note: The total for the savings under each subhead in a year will not add up to the same total as the overall savings figure. This is because details of savings under certain % thresholds are not recorded in the appropriation account and also because there may be small overruns on other subheads which will reduce the overall figure.

Northern Ireland Issues.

178. **Mr. Kenny** asked the Taoiseach the number of formal and informal meetings he has

held with the president of Sinn Féin, Mr. Adams, since January 2005; the date and location of each meeting; and if he will make a statement on the matter. [20776/05]

The Taoiseach: Since January 2005, I have had ongoing contacts with all political parties in Northern Ireland. I often meet political parties and others involved with the situation in Northern Ireland when they are in Dublin. It is a very helpful part of the process. I have made it absolutely clear that the Government will maintain dialogue with Sinn Féin and that is what I have continued to do. As I informed the Dáil on 14 June, in addition to the well-publicised meetings on 25 January 2005 and 16 March 2005, I had meetings with Gerry Adams prior to, during and after the elections in Northern Ireland.

Questions Nos. 179 to 189, inclusive, answered with No. 82.

Question No. 190 answered with Question No. 84.

Question No. 191 answered with Question No. 63.

Hospitals Building Programme.

192. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children when a formal announcement will be made in respect of the allocation of capital funding to Our Lady's Hospital, Cashel, County Tipperary; and if she will make a statement on the matter. [20596/05]

193. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children when phase two of the development of Our Lady's Hospital, Cashel, County Tipperary will commence. [20597/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 192 and 193 together.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme.

I am pleased to inform the House that I have this morning written to the HSE to convey my agreement to allow for the progression of its capital programme in 2005.

Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

194. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will work closely on the issue of the subvention for a person (details supplied) and if she will give them the maximum support. [20603/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the

responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Cancer Screening Programme.

195. **Mr. Noonan** asked the Tánaiste and Minister for Health and Children when BreastCheck will be extended to Limerick and the mid-west region; if the Health Service Executive will be instructed to enter into a contact arrangement with Barrington's Hospital private clinic for the use of their mammographer by public patients; and if she will make a statement on the matter. [20614/05]

Tánaiste and Minister for Health and Children (Ms Harney): New facilities for the national expansion of BreastCheck are included in the health capital investment framework 2005 to 2009. My Department recently gave approval to BreastCheck to advertise for the appointment of a design team to work up detailed plans for the design and construction of two clinical units, one at the South Infirmary-Victoria Hospital, Cork and the other at University College Hospital, Galway. The catchment area of these centres will include Limerick and the mid-west region. The selection process for the design team is well advanced. BreastCheck anticipates that the shortlisting, interviews and fee negotiations will be complete by the end of July 2005. Discussions on manpower requirements are currently taking place involving BreastCheck, the Health Service Executive and my Department. I am confident that the target date of 2007 for the commencement of the national roll-out will be met.

I understand that discussions are shortly to take place between BreastCheck and Barrington's Hospital medical centre concerning the centre's wish to provide mammography services as part of a population based screening programme. The provision of mammography tests outside of a population based screening programme is the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the Executive to arrange to have this matter examined and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

196. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason an appointment has not been arranged in the case of a person (details supplied) in County Kilkenny; and if the appointment will be expedited. [20620/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility

of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Health Services.

197. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason for the delay in providing a bath chair to a person (details supplied) in County Kilkenny; and if a decision on the case will be expedited in view of this persons medical circumstances. [20626/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Grant Payments.

198. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason for the delay in paying €5,000 to a centre (details supplied) in County Carlow; and if payment of the grant will be expedited. [20627/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

199. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason for the delay in arranging an EMG at Waterford Regional Hospital for a person (details supplied) in County Kilkenny; and if an early appointment will be expedited. [20639/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Hospitals Building Programme.

200. **Mr. J. Higgins** asked the Tánaiste and

Minister for Health and Children the date for the commencement of the design process for an in-patient child and adolescent psychiatric unit in Limerick, in view of the fact that it has been five years since the establishment of this unit was recommended. [20649/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme.

Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

201. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the latest statistics available on funding provided by this Government towards cancer treatment and care here; the regional breakdown of these figures; and if she will make a statement on the matter. [20650/05]

Tánaiste and Minister for Health and Children (Ms Harney): Since 2002 there has been a cumulative additional investment of approximately €620 million in the development of appropriate diagnostic, treatment and care services for people with cancer. This sum includes the following approximate funding which was made available to the former health authority-boards during the period:

HSE Area	Funding (€m)
Eastern Area	203.00
Midland Area	30.00
Mid-Western Area	53.00
North-Eastern Area	32.00
North-Western Area	41.00
South-Eastern Area	47.00
Southern Area	75.00
Western Area	71.00

This Government is committed to making the full range of cancer services available and accessible to cancer patients throughout Ireland in accordance with best international practice. To this end, we will continue to provide considerable investment in oncology services nationally in the coming years.

Housing Aid for the Elderly.

202. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the number of persons on waiting lists for special housing aid for the elderly in the mid-west region of the Health Service Executive. [20658/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for the provision of the housing aid scheme for the elderly, on behalf of the Department of Environment, Heritage and Local Government. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 203 answered with Question No. 102.

Question No. 204 answered with Question No. 71.

Question No. 205 answered with Question No. 80.

Health Services.

206. **Ms Enright** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that the South Eastern Health Board undertook in writing to pay fees for a person (details supplied) in County Laois at the commencement of a course and that it has now refused to continue to honour its commitment; and if she will make a statement on the matter. [20673/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 207 answered with Question No. 145.

208. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children if her Department issues guidelines for the means testing of applicants for home help services administered by the Health Service Executive; if so, the details of same; and if she will make a statement on the matter. [20685/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. The home help service is a discretionary service which is provided to support people in their own home. There are no guidelines issued by the Department on

means testing for the home help service. The Department communicated with the former chief officers of the health boards proposing that steps be taken to ensure that a consistent approach was adopted by the boards in relation to applications for a home help service. The Department will continue to liaise with the HSE on this matter.

209. **Mr. Ardagh** asked the Tánaiste and Minister for Health and Children if the resources for speech therapy for a person (details supplied) in Dublin 12 will be increased; and if she will extend the concept of the national treatment purchase fund to speech therapy services. [20700/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Speech and language therapy is not within the remit of the national treatment purchase fund, NTFP, and I do not propose to extend the remit of the NTFP into this area.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

210. **Ms Lynch** asked the Tánaiste and Minister for Health and Children when Government approval will be forthcoming to fulfil the written commitment to introduce a no fault compensation scheme for psychiatric nurses who are injured as a result of assaults at work; and if she will make a statement on the matter. [20703/05]

Tánaiste and Minister for Health and Children (Ms Harney): The report of the taskforce on assaults on psychiatric nurses was completed in 2003. In addition to quantifying the level of assaults and making recommendations in relation to prevention, the report contained proposals for a scheme of compensation for psychiatric nurses who have been seriously injured as a result of an assault by a patient in the workplace.

Government approval would be required for the introduction of any new State compensation scheme, which would be additional to the existing serious physical assaults scheme, last revised in 2001. The serious physical assaults scheme provides enhanced sick pay arrangements for nurses assaulted at work. Medical expenses are also refunded. In circumstances where a nurse is certified permanently unfit to resume duty they may be paid five sixths of full salary until retirement.

In late 2003 a draft memorandum for Government was circulated and, during the consultation process, complex legal and financial issues emerged in relation to aspects of the scheme proposed by the taskforce and their implications for the health service and the wider public service.

In March 2004 the Psychiatric Nurses Association and SIPTU were advised that serious concerns that had been raised in relation to the proposed scheme. Officials from my Department have been in ongoing consultation with the Department of Finance and the Office of the Attorney General, with a view to addressing the issues raised. I am sure the Deputy will appreciate that the issues involved are very complex and have far-reaching implications for the health service. I am in the process of consulting with my colleagues in Government on this issue and I expect to be in a position to provide more definite information shortly.

Medical Aids and Appliances.

211. **Mr. Haughey** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the high costs of inhalers for asthmatics; if inhalers will be made available on the medical card; and if she will make a statement on the matter. [20705/05]

Tánaiste and Minister for Health and Children (Ms Harney): There are schemes in operation that provide assistance towards the cost of approved drugs and medicines for people with significant ongoing medical expenses. People who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. Eligibility for a medical card is solely a matter for determination by the Health Service Executive. In determining eligibility, consideration is given to the applicant's financial circumstances. Income guidelines are used to assist in determining eligibility. Non-medical card holders can use the drugs payment scheme. Under this scheme, no individual or family unit pays more than €85 per calendar month towards the cost of approved prescribed medicines.

There are a range of products for the treatment of asthma, such as inhalers, on the common list of reimbursable products for the drug schemes.

Care of the Elderly.

212. **Mr. Haughey** asked the Tánaiste and Minister for Health and Children if she will review the provision of nursing home care, both public and private, for the elderly; if a uniform scheme will be introduced for the whole country to ensure equality and fairness for all residents from the point of view of payment for this service; if subvention rates will be increased; and if she will make a statement on the matter. [20706/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I wish to advise the Deputy that it is the intention of the Department to put in place a more robust regulatory system as quickly as possible to protect vulnerable older people and to provide for the highest possible standards of care for older people in long-stay facilities.

This process has begun by firstly reviewing the Health (Nursing Homes) Act, 1990 and regulations made under the Act with a view to strengthening the powers available to the regulat-

ory authorities. Secondly, the social services inspectorate will be established on a statutory basis and it is intended to extend its remit to include residential facilities for older people, both public and private. The inspectorate will be independent of the Health Service Executive and the Department. Legislation to give effect to these changes will be brought before the Oireachtas later this year.

An interdepartmental group, comprising senior officials from the Departments of Finance, Health and Children and Social and Family Affairs and chaired by the Department of the Taoiseach, was established in January 2005 to identify the policy options for a financially sustainable system of long-term care, including long-stay care for older people. The group is due to report to the Tánaiste and Minister for Social and Family Affairs this summer.

The nursing home subvention scheme was introduced in 1993 to assist people with the cost of private nursing home care and it was never intended to cover the entire cost of such care. At this stage it is not the intention to increase subvention rates.

Medical Cards.

213. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children if he will report on the income guidelines for couples in cases in which one person over 70 years of age has a medical card in their own name only and the other person is under 70 years of age; the way in which this figure is calculated; her estimate of the number of medical card holders who qualify for a medical card under these guidelines; and if she will make a statement on the matter. [20711/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004.

Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

214. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children if funding will be made available for shared services in County Clare (details supplied). [20729/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Suicide Incidence.

215. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the death rate by suicide per 100,000 population by health board/regional authority and county area from 2000 to 2003 inclusive. [20743/05]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested by the Deputy is provided in the following table.

Number of Deaths from Suicide per 100,000 Population by Health Board/Regional Authority and County, 2000 to 2003.

Health Board/Regional Authority and County	2000	2001	2002	2003*
<i>Eastern</i>				
Dublin	10.5	10.9	9.2	9.8
Kildare	13.1	7.6	12.8	10.6
Wicklow	8.2	8.0	13.1	9.4
Total Eastern	10.6	10.3	9.9	9.8
<i>Midland</i>				
Laois	10.7	12.2	10.2	6.7
Longford	9.8	19.5	12.9	6.4
Offaly	29.2	19.2	17.3	10.8
Westmeath	13.2	12.9	8.4	8.2
Total Midland	16.6	15.4	12.0	8.3
<i>Mid-Western</i>				
Clare	8.1	12.9	15.5	12.4
Limerick	18.8	9.3	17.1	13.5
Tipperary NR	15.1	16.6	18.0	22.7
Total Mid-Western	14.9	11.7	16.8	14.8
<i>North-Eastern</i>				
Cavan	12.8	16.2	17.7	14.0
Louth	13.3	7.0	13.8	15.4
Meath	8.8	14.7	14.2	7.9
Monaghan	21.2	3.8	7.6	15.1
Total North-Eastern	12.8	11.0	13.6	12.2
<i>North-Western</i>				
Donegal	9.7	11.1	14.5	10.1
Leitrim	15.8	23.5	27.1	11.5
Sligo	5.3	17.4	6.9	11.9
Total North-Western	9.2	14.2	14.0	10.7
<i>South-Eastern</i>				
Carlow	4.5	17.8	6.5	12.8
Kilkenny	21.8	19.0	13.7	13.5
Tipperary SR	14.2	16.6	13.9	15.0
Waterford	12.2	17.0	11.8	7.8
Wexford	20.6	16.7	14.6	19.3
Total South-Eastern	15.9	17.3	12.8	13.9
<i>Southern</i>				
Cork	15.4	22.7	13.8	14.1
Kerry	15.5	15.3	9.8	6.7
Total Southern	15.4	21.0	12.9	12.4

Health Board/Regional Authority and County	2000	2001	2002	2003*
<i>Western</i>				
Galway	10.0	11.3	12.4	9.9
Mayo	14.8	14.7	15.3	8.4
Roscommon	11.4	9.4	7.4	5.5
Total Western	11.7	12.1	12.6	8.8
Grand Total	12.8	13.5	12.2	11.2

*Provisional figures based on year of registration.
Source: Central Statistics Office.

Departmental Properties.

216. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children if the HSE is considering disposing of land in its ownership in Ardee, County Louth, which was recently offered for enterprise development; and if she will make a statement on the matter. [20766/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Subventions.

217. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the number and annual costs of patients from the former North Eastern Health Board area who have been subvented in Northern Ireland nursing homes in each year since 1998 inclusive; and if she will make a statement on the matter. [20767/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Questions Nos. 218 and 219 answered with Question No. 60.

220. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Kildare is not in receipt of the maximum amount of nursing home subvention and enhanced subvention; and if she will make a statement on the matter. [20771/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of

health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

221. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if she will investigate the possibility of alternative deployment for the staff of a special school (details supplied) operated by the Health Service Executive; if, alternatively, arrangements will be made with the Department of Education and Science for the staff to be re-employed within the education sector; and if she will make a statement on the matter. [20781/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 222 answered with Question 114.

Water Fluoridation.

223. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children her views on the delay in implementing an official recommendation made three years ago by the Health Research Board to reduce the fluoride limit in tap water; and if she will make a statement on the matter. [16346/05]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware, a forum on fluoridation was established to review the fluoridation of public piped water supplies in Ireland. The forum report's main conclusion was that the fluoridation of public piped water supplies should continue as a public health measure.

In all the report of the forum on fluoridation made 33 recommendations covering a broad range of topics such as research, public awareness, policy and technical aspects of fluoridation and the establishment of an expert body to oversee the implementation of the recommendations.

The Irish expert body on fluorides and health held its inaugural meeting in April 2004. The terms of reference of the expert body are as follows: to oversee the implementation of the recommendations of the forum on fluoridation; to advise the Minister and evaluate ongoing research — including new emerging issues — on all aspects of fluoride and its delivery methods as an established health technology and as required;

and to report to the Minister on matters of concern at his-her request or on its own initiative.

The expert body on fluorides and health is currently examining the regulations governing fluoridation of public piped water supplies with the aim of making proposals to me for the purposes of implementing the recommendation of the forum to reduce the level of fluoride in public piped water supplies. As part of this exercise the expert body is currently carrying out a census of public piped water supplies and when this work is complete the expert body will make recommendations to me in relation to the updating of the current regulations.

224. **Mr. Gilmore** asked the Tánaiste and Minister for Health and Children the number and locations of local authority water schemes which add fluoride to tap water; and if, in each case, legal authority for the addition of fluoride was ever sought or obtained; and if she will make a statement on the matter. [16347/05]

Tánaiste and Minister for Health and Children (Ms Harney): The statutory basis for the fluoridation of public piped water supplies is the Health (Fluoridation of Water Supplies) Act 1960 [No. 46 of 1960] and various regulations made under the Act. The Act provides for the making by health authorities of arrangements for the fluoridation of water supplied by sanitary authorities through pipes. The Act also provides that the amount of fluorine added to a water supply shall not exceed one part by weight of fluorine per million parts of water.

I am informed that the information sought by the Deputy is not routinely available. However, I also understand that the Irish expert body on fluorides and health is currently examining the regulations governing fluoridation of public piped water supplies and, as part of this exercise, is currently carrying out a census of public piped water supplies which will include the information sought by the Deputy. When this work is complete the expert body will make recommendations in relation to the updating of the current regulations.

General Register Office.

225. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children the timetable for the implementation of the Civil Registration Act 2004; and if she will make a statement on the matter. [17114/05]

226. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children the timetable for the decentralisation of the General Register Office from Dublin to Roscommon; if the Civil Registration Act 2004 will not be implemented until the decentralisation process is complete; and if she will make a statement on the matter. [17115/05]

227. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children the stage in the

[Mr. Penrose.]

decentralisation process at which the requirement that a civil marriage ceremony must take place in the office of a register of marriages be changed. [17116/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 225 to 227, inclusive, together.

An tArd Chláraitheoir (Registrar-General) is the person with statutory responsibility for the administration of the civil registration system in Ireland. I have made inquiries of the Registrar-General and the position is as set out below.

The General Register Office, GRO, with the exception of its public research facility, relocated to Roscommon on 11 April last. The GRO has moved into the new Government offices in Roscommon, which include a purpose-built high-technology archival storage facility. The public research facility remains in Joyce House, Dublin 2.

Considerable efforts have been ongoing to ensure the hand-over of sufficient skills and corporate knowledge to enable the new team to provide an efficient service from the new location and this has been a factor in progressing the civil registration modernisation programme, including the implementation of the Civil Registration Act 2004. I am glad to inform the Deputy, however, that the decentralisation has worked well and I would like to congratulate all the staff of the GRO, past and present, who worked hard to make the move a success.

The Civil Registration Service has been engaged in a major modernisation programme in recent years, including conversion of historic records to electronic format; implementation of a new computerised registration system; and organisational reform. This work, which is key to the implementation of the Civil Registration Act 2004, is being carried out in phases and the stage has been reached where it will soon be possible to begin commencing certain provisions of the Act.

In the course of the preparatory work towards commencement, legal advice was received to the effect that an amendment to the 2004 Act is required. The amendment is small and technical in nature and the amending legislation required will be brought before the Oireachtas at the earliest possible date.

The Civil Registration Act 2004 provides for the commencement of the various provisions of the Act on a gradual basis. It is hoped that Parts 1, 2, 3, 5 and 8 of the Act, which relate to the administration of the service and the registration of births, stillbirths and deaths, will be commenced shortly after the amending bill has been passed.

The new procedures for marriage are set out in Part 6 of the Act and include universal procedures for notification, solemnisation and registration of marriages, as well as a choice of venue for civil marriages. Before these provisions can be commenced, a substantial body of work needs

to be completed, including drafting and publication of regulations, guidelines and detailed procedures; establishment of a register of solemnisers in consultation with religious bodies; establishment of a register of approved venues for civil marriages; and the further development of the computer system to facilitate the administration of the new marriage provisions introduced by the Act.

The Registrar-General is unable to give a specific date for the implementation of the new marriage procedures but it is unlikely to be before the autumn of 2006. This timescale is dependent on the passage of the amending legislation referred to above. It is intended to give as much public notice as possible and a comprehensive public information campaign will be undertaken at the appropriate time.

Implementation of the other provisions, relating to registration of adoptions, divorces and civil nullity, will follow commencement of the marriage provisions.

Care of the Elderly.

228. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the recent study by the National Council on Aging and Older People which states that discrimination and ageism against older persons is rife in the health and social services systems; the action she plans to take in view of this report; if she will implement its recommendations; and if she will make a statement on the matter. [17118/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I welcome the publication of the report of the National Council on Aging and Older People, *Perceptions of Ageism in Health and Social Services in Ireland*. The report highlights the findings of research carried out in the ten former health boards during 2004 involving some 450 older people and 150 health and social services staff.

I understand that the study sought to investigate whether older Irish people experience ageism within health and social services and, if so, to ascertain the impact of this experience. Ageism refers to deeply rooted negative beliefs about older people and the ageing process, which may lead to age discrimination.

The Department is committed to promoting health ageing and to an age-friendly society. The Department is also committed to ensuring that older people, who have contributed to the development of our society, are treated with dignity and respect when receiving health care services.

The Health Service Executive has statutory responsibility for the provision of health care services throughout the country and must ensure that all the services it provides are age-friendly. The Department will be liaising with the HSE in relation to the recommendations in the report.

Health Services.

229. **Mr. Costello** asked the Tánaiste and Minister for Health and Children if, in view of the statement made at the Irish Centre for Human Rights in Galway on 7 March 2005 that the Government is not giving adequate financial support towards rape crisis and domestic violence services, she intends to increase such funding; and if she will make a statement on the matter. [16158/05]

Minister of State at the Department of Health and Children (Mr. S. Power): My Department does not directly fund or co-ordinate health and personal social services to victims of abuse. Moneys are made available each year, formerly through the health boards, and now through the Health Service Executive, for the provision of services to women victims of violence. In recent years there has been a substantial increase in funding so that now over €12 million is provided annually for the provision of such services. The distribution of this funding is now a matter for the Health Service Executive. I have asked the HSE, together with my Department, to carry out an analysis of the current level of service provision in this area and to report back to me as a matter of urgency.

Health Service Staff.

230. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children when the second moiety of payment will be made to retired psychiatric nurses in the western Health Service Executive area; and if she will make a statement on the matter. [20815/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

231. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children if there is automatic entitlement to a medical card for a person suffering from epilepsy and brittle bone disease; and if she will make a statement on the matter. [20819/05]

Tánaiste and Minister for Health and Children (Ms Harney): No group in society, other than persons aged 70 years and over, has automatic entitlement to a medical card. Determination of eligibility for medical cards is the responsibility of the Health Service Executive. Medical cards are issued to persons who, in the opinion of the Health Service Executive, are unable to provide general practitioner medical and surgical services

for themselves and their dependants without undue hardship.

The person in question should contact his/her local Health Service Executive and submit a completed medical card application form in order for his/her eligibility to be assessed. Persons suffering from epilepsy, who are not already medical card holders, may obtain without charge drugs and medicines for the treatment of that condition under the long-term illness scheme.

Health Service Reform.

232. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 201 of 7 October 2004, the progress to date on the merger of the catchment areas; and if she will make a statement on the matter. [20822/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Strategic Task Force on Alcohol.

233. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if her Department is represented on the strategic task force on alcohol and the inter-departmental group on alcohol. [18087/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The strategic task force on alcohol had membership from a wide range of bodies including representatives from Departments, health professionals, the Garda, non-governmental organisations and the drinks industry.

An inter-departmental group was established to progress the recommendations of the first report of the strategic task force. The Department of Health and Children was represented on both of these groups.

Medical Statistics.

234. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the number of persons under the age of 16 diagnosed with Crohn's disease or ulcerative colitis in 2004; and if she will make a statement on the matter. [20953/05]

235. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the number of persons between the ages of 16 and 25 diagnosed with Crohn's disease or ulcerative colitis in 2004; and if she will make a statement on the matter. [20954/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 234 and 235 together.

As Crohn's disease and ulcerative colitis are not notifiable diseases, there are no precise statistics available on the number of persons in Ireland suffering from these conditions.

Food Safety.

236. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children her plans to ban the use of monosodium glutamate in foods; and if she will make a statement on the matter. [20955/05]

Minister of State at the Department of Health and Children (Mr. S. Power): Monosodium glutamate, MSG, food additive No. E621, is the sodium salt of the amino acid glutamic acid, which occurs naturally in the body. As a substance added to food, its main function is as a flavour-enhancing agent, it is not used as a preservative. It is sold as a fine white crystal substance, similar in appearance to salt or sugar, which does not have a distinct taste of its own. Food additive uses of MSG include its incorporation into food and its use as a condiment. MSG has been authorised for use in all member states of the European Union including Ireland, under Directive No. 95/2/EC on food additives other than colours and sweeteners, following a rigorous safety assessment by the EU Scientific Committee on Food, SCF. It has also been evaluated by other national and international food safety organisations, including the Joint Expert Committee on Food Additives, JECFA, of the United Nations Food and Agriculture Organisation and the US Food and Drug Administration. These organisations have all placed MSG in the safest category of food ingredients and have allocated it no specific acceptable daily intake, ADI. A food additive is only allocated an ADI "not specified" when, on the basis of the available scientific data, the total intake of the substance following consumption of a typical diet will not represent a hazard to health. If an additive is deemed acceptable for food use, an acceptable daily intake, ADI, is normally set. The concept of the ADI was established by the Joint Expert Committee on Food Additives, JECFA, and is defined as, "an estimate of the amount of food additive, expressed on a body weight basis, that can be ingested daily over a lifetime without appreciable health risk". Directive 95/2/EC is implemented in Ireland by the European Union (Food Additives other than Colours and Sweeteners) Regulations, S.I. No. 613 of 2002.

The European Commission has carried out a survey of dietary food additive intake in the European Union, the results of which were reported in October 2001. Ireland took part in this survey, the Irish estimates of food additive intake being provided by the Irish universities nutrition alliance, at the request of the Food Safety Authority of Ireland. However, MSG was

not among the additives surveyed, since in a priority-setting exercise the Commission decided to exclude additives with ADIs "not specified" allocated by the SCF from the monitoring exercise on the basis that these did not represent a hazard to health. Reflecting the conclusion that MSG is placed in the safest category of food ingredients, the Food Safety Authority of Ireland does not plan any further survey of MSG in the near future.

The scientific data on MSG do not support the conclusion that many people are seriously allergic to this ingredient in food. Were this the case, MSG would not have been approved as a food additive in the European Union or have been allocated an ADI "not specified". It is however recognised that some individuals are sensitive to the presence of MSG, and may have mild and transitory reactions when they eat foods that contain large amounts of MSG, such as would be found in heavily flavour-enhanced foods. Because MSG is commonly used in Chinese cuisine, these reactions were initially referred to as "Chinese restaurant syndrome". This reaction can occur about 20 minutes after a food containing MSG is eaten. However, the cause of this syndrome remains in doubt. Foodstuffs such as pizza and lasagne or spaghetti contain more glutamate and sodium than Chinese meals made with added MSG, leading to the conclusion that glutamate cannot be the primary cause of reactions to Chinese foods.

The scientific data on MSG also do not support any restrictions on its use. Under the harmonised EU legislation on food additives other than colours and sweeteners, Ireland would have to provide specific justification for a restriction of use for foods placed on the Irish market, and the Food Safety Authority of Ireland does not consider that there are scientific grounds for such a restriction.

Question No. 237 answered with Question No. 88.

Health Service Reform.

238. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the status of the HeBE; if she will report on the need for such a body since the abolition of the health boards; the cost in 2003 and 2004 of running the HeBE; the number of staff employed; the details of the staff; and if she will make a statement on the matter. [20957/05]

Tánaiste and Minister for Health and Children (Ms Harney): Part 10 of the Health Act 2004 provides for the dissolution of certain health bodies and the transfer of their functions and employees to the Health Service Executive with effect from the executive's establishment day. The bodies specified under that part of the Act include the Health Boards Executive, HeBE. Under Statutory Instrument (S.I. No. 885 of 2004) made by me pursuant to the Act, the first day of January

2005 was appointed as the establishment day of the Health Service Executive. Accordingly, HeBE was dissolved and its functions transferred to the Health Service Executive on the establishment day.

The operations and activities of HeBE were incorporated into the project management unit of the Health Service Executive's change management and organisational development directorate.

Broadly, HeBE's annual expenditure was allocated between project expenditure and administration. The bulk of expenditure was incurred on projects. According to its published annual report for 2004, HeBE's total expenditure in 2004 amounted to approximately €15.6 million with the corresponding figure in 2003 being €6.1 million. Health Service Employment census data returned to my Department provides the following picture in relation to HeBE:

HeBE Employment Data (Wholetime Equivalent)	End December 2004	End March 2005
Total Employed	23.30	22.30

239. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children if she will report on the present positions of each of the health board chief executive officers who were *in situ* when the boards were dissolved, including the chief executive officer of the HeBE; and if the new positions are more highly remunerated than the chief executive officer positions. [20958/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the establishment of the Health Service Executive and the dissolution of the health boards and other specified bodies, including the Health Boards Executive. The Act also provided for the transfer of employees of specified bodies. To support the transition process, health board chief executive officers who had not taken up other positions within the new executive agreed to remain in post until 15 June 2005 as chief officers for their respective areas. Levels of remuneration remained the same for these chief officers.

Hospital Staff.

240. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of agency nurses employed by the HSE; the annual cost of these employees; and the way in which these costs compare with the cost of employing full-time nurses. [20959/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of

the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 241 answered with Question No. 56.

Health Services.

242. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the reason so many children are on long waiting lists for orthodontic treatment; and the further reason for the delays. [20961/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 243 answered with Question No. 92.

Care of the Elderly.

244. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of beds provided at the Maynooth Community Hospital for the elderly; the number currently occupied; the reason all beds are not offered for occupation; when they are likely to become available; and if she will make a statement on the matter. [21001/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

245. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if and when a respite or other bed is likely to be made available to a person (details supplied) in County Kildare; if her attention has been drawn to the need to meet such patients' requirements in view of the overcrowding in general hospitals; and if she will make a statement on the matter. [21002/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the

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Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply directly to the Deputy. The Tánaiste announced a ten point plan aimed at improving the delivery of accident and emergency services on the publication of the Estimates for 2005. Additional funding of €70 million has been made available to the Health Services Executive for these initiatives, which include measures to allow for the discharge of patients from acute beds to a more appropriate setting. Under this plan there are three specific proposals relating to services for older people: an additional 500 older people are to receive intermediate care for up to six weeks in the private sector; 100 high dependency patients are to be transferred from the acute hospitals to private nursing home care, and the home care package scheme is to be expanded to support 500 additional older people who have been discharged from the acute hospital sector to their own home.

Ambulance Service.

246. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the person who is responsible for providing essential transport for patients attending hospital appointments who do not have their own transport and cannot afford a taxi; and if she will make a statement on the matter. [21011/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Questions Nos. 247 to 250, inclusive, answered with Question No. 82.

Health Education.

251. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if she will initiate a high profile public education and awareness campaign to promote general awareness of medical alert bracelets; her views on such a campaign; the steps she will take to initiate such a campaign; the number of persons who for medical reasons must wear such bracelets; and if she will make a statement on the matter. [21016/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The health promotion unit conduct a number of public education media campaigns particularly in relation to lifestyle issues such as smoking, alcohol, nutrition, etc. These campaigns play a significant role in raising awareness among the general public of the

positive impact on health that can be made through behavioural change.

The health promotion unit has no plans to conduct a campaign on medical alert bracelets at this time. However, I have asked the unit to keep the matter under review.

Hospital Staff.

252. **Ms McManus** asked the Tánaiste and Minister for Health and Children when funding for a nursing post in neurology will be released; and if she will make a statement on the matter. [21029/05]

Tánaiste and Minister for Health and Children (Ms Harney): I met representatives of the Neurological Alliance in May. In the course of the meeting, the representatives indicated that pending the implementation of the recommendations of the Comhairle report on neurology and neurophysiology, the appointment of clinical nurse specialists would significantly improve the services available to patients with neurological disorders. Additional revenue funding was identified in the 2005 letters of determination for the development of prioritised services, including neurology, in a number of the Health Service Executive's regional areas.

Following my meeting with the Neurological Alliance, my Department wrote to the Director of the National Hospitals Office outlining the views of the alliance on the application of funding towards the enhancement of the clinical nurse specialist service in the discipline. The detailed application of the funding is a matter for the Health Service Executive. My Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 253 answered with Question No. 98.

Cancer Screening Programme.

254. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number of tenders to participate in the design teams for the new breast screening centres in Cork and Galway, received as of 12 June 2005; the expected duration for the short-listing of applicants for interview; and if she will make a statement on the matter. [21031/05]

Tánaiste and Minister for Health and Children (Ms Harney): BreastCheck has indicated it received 50 requests to participate in the procurement process, which will be carried out in accordance with EU procurement procedures using the restricted procedure. BreastCheck anticipates that the short-listing, interviews and fee negotiations will be completed by the end of July 2005.

Health Services.

255. **Ms Shortall** asked the Tánaiste and Mini-

ster for Health and Children the number of blood pressure monitors currently available for out-patient use at the Mater Public Hospital; the current waiting time for such a monitor; the cost of a blood pressure monitor; if she will make immediate funding available to the hospital for the purchase of additional blood pressure monitors; and if she will make a statement on the matter. [21032/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

256. **Mr. English** asked the Tánaiste and Minister for Health and Children the number of persons who are on waiting lists to see consultants at Our Lady's Hospital in Navan; the length of time each of the patients has been on the waiting list; the estimated time each will be on the list before seeing a consultant; and if she will make a statement on the matter. [21036/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Questions Nos. 257 to 266, inclusive, answered with Question No. 82.

Medical Cards.

267. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Wexford was refused dental treatment under his medical card; the option now available to this person; and if she will make a statement on the matter. [21050/05]

271. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) was refused dental treatment under his medical card; the options now available to this person; and if she will make a statement on the matter. [21054/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 267 and 271 together.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the

Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 268 answered with Question No. 82.

Hospital Staff.

269. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children if she will provide details of the specialist hospital services including consultant services, nurse specialists, physiotherapists, dieticians, social workers and psychologists available to cystic fibrosis patients in County Mayo; if she considers these staffing levels to be adequate; the plans she has to improve the services available to cystic fibrosis patients in County Mayo; and if she will make a statement on the matter. [21052/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Cystic Fibrosis Association of Ireland commissioned Dr. Ronnie Pollock to review existing hospital services for people with cystic fibrosis in the context of accepted international standards. The report concluded that the services available for persons with cystic fibrosis here are not of the standard that they should be. The report provides an assessment of need for current and future cystic fibrosis patients and makes recommendations regarding the numbers and categories of staff that are appropriate for a modern, multidisciplinary cystic fibrosis service.

Following publication of the report, the Health Service Executive, at the request of the Cystic Fibrosis Association, established a working group to review the current configuration and delivery of services to persons with cystic fibrosis in Ireland, both in hospitals and in the community. The working group will make recommendations for the reconfiguration, improvement and development of those services. The working group is multidisciplinary in its composition and includes representation from the Cystic Fibrosis Association. It held its first meeting in early April and I understand that it hopes to complete its work over the next few months. The Pollock report is one of a number of reports relating to cystic fibrosis services being considered by the group. The work of the group will result in an agreed proposal for the development and reconfiguration of services for cystic fibrosis patients in Ireland.

The Deputy's specific questions regarding the hospital services available to cystic fibrosis patients in County Mayo relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

International Legal Proceedings.

270. **Ms McManus** asked the Tánaiste and Minister for Health and Children the position regarding the Government's undertaking, following the publication of the Lindsay report, to consider the possibility of initiating legal action against US drugs firms who supplied contaminated blood products to Irish haemophiliacs; if the legal opinion sought from US lawyers has been received; the nature of the opinion provided; and if she will make a statement on the matter. [21053/05]

Tánaiste and Minister for Health and Children (Ms Harney): In July 2003 the Government was approached unilaterally by a firm of New York lawyers with the proposal that the Government could sue certain pharmaceutical companies in the United States arising from the manufacture of blood products that caused Hepatitis C and HIV infection to persons with haemophilia. Initial advice received from counsel appointed by the Attorney General raised serious concerns regarding the proposal. Following careful consideration of this advice, the Attorney General recommended that an independent opinion be obtained in the United States in respect of the proposed litigation. Arrangements to procure such advice are ongoing.

Question No. 271 answered with Question No. 267.

Question No. 272 answered with Question No. 145.

Health Services.

273. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if the pilot initiative in home care packages has been deemed a success; the budget which has been set out by her Department for the Health Service Executive to extend this facility in 2005; if her attention has been drawn to the fact that many urgent cases, including that of a person (details supplied) in Dublin 9, cannot be funded by the HSE; and if she will investigate the merit of extending this aspect of health policy. [21067/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Service Executive has been piloting home care grant schemes in a number of areas. These schemes have been targeted at supporting older people living in the community as an alternative to long-term residential care and older people who are being discharged from the acute hospital system. In the HSE eastern regional area, people have been discharged from acute hospitals under the Slán Abhaile and Home First pilot projects. In the HSE southern area, a similar project, Curam, has been piloted, while the Choice programme in the HSE north west area has been in operation for some time. A number of these pilots have been evaluated and the consensus is that they

have been successful in supporting older people at home.

Funding of €2 million has been allocated to the HSE in 2005 to develop the scheme further. In addition, funding of €113.75 million was allocated in 2004 for the home help service to support older people living in the community, with this funding being increased to €118.75 million in 2005. In addition, as part of the Tánaiste's ten point plan to relieve ongoing pressure on acute hospital beds and accident and emergency services, it is proposed that the home care package scheme be expanded to support 500 additional older people who have been discharged from the acute hospital sector to their own home.

Regarding the individual case raised by the Deputy, the question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

274. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called for an ENT outpatient appointment in Mayo General Hospital. [21092/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Questions Nos. 275 to 281, inclusive, answered with Question No. 82.

HAI Infections.

282. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children the reason she is not willing to meet victims and relatives of persons who have suffered from the MRSA superbug that is now rampant in hospitals; and if she will make a statement on the matter. [21148/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Irish Society for Clinical Microbiologists, ISCM, is a society of medical professionals with specific commitments to and expertise in infection control. The Deputy will wish to note I have made arrangements to meet the society to discuss avoidable hospital-acquired infection and that this meeting has been scheduled for Wednesday, 6 July. Following this meeting, I will meet the delegation representing vic-

tims and relatives of persons who have suffered from the MRSA superbug.

Health Services.

283. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children if she has received a service proposal from the mid-west region of Rehab Care for the provision of shared care services in County Clare; if she will provide resources to support the proposal; and if she will make a statement on the matter. [21169/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Questions Nos. 284 to 292, inclusive, answered with Question No. 82.

Care of the Elderly.

293. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of long stay beds available for the elderly, either in public or private nursing homes; and if she will make a statement on the matter. [21266/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

294. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when she intends to fill all the vacant positions in the health services in County Kildare; and if she will make a statement on the matter. [21267/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to human resource management issues which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

295. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which she intends to provide a full complement of

required staff at the various levels at Naas Hospital, County Kildare; and if she will make a statement on the matter. [21268/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

296. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of vacant health personnel posts in the various disciplines in County Kildare; her plans to fill these posts in accordance with best practice; and if she will make a statement on the matter. [21269/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to human resource management issues which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

297. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children her plans to extend or expand the scale of services available through the various health centres in County Kildare; and if she will make a statement on the matter. [21270/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

298. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children her plans or proposals to increase the scale and scope of services available through the various health centres with a view to relieving pressure on hospitals; and if she will make a statement on the matter. [21271/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has

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requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

299. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which European best practice standards in terms of medical staff per 1,000 of population is being achieved in the various disciplines; and if she will make a statement on the matter. [21272/05]

Tánaiste and Minister for Health and Children (Ms Harney): Based on figures supplied by the World Health Organisation, Ireland had, in 2003, 2.58 physicians per 1,000 of population. The EU average for 2003 was 3.45. However, the World Health Organisation has stated that international comparisons between countries should be made with caution. Health data recording and handling systems and practices vary between countries as does the availability and accuracy of data reported to the World Health Organisation.

The Deputy may be interested to know that Government policy has been to substantially increase the number of hospital consultants. In this context, it should be noted that the number of approved consultant posts has risen from 1,440 at 1 January 2000 to 1,947 at 1 January 2005, an increase of 507, 35%. This trend will be further increased throughout the next decade in line with the recommendations of the report of the national task force on medical staffing. This report recommended that the number of consultant posts be increased by approximately 1,800 posts by 2013 in order to improve patient care and ensure better patient access to 24-hour services.

Given the large numbers of staff employed and the unique nature of the services being delivered, a coherent, strategic approach to work force and human resource planning needs to be developed further. This should be aligned closely with strategic objectives and the service planning process. The Health Service Executive, having responsibility for the management and delivery of health and personal social services under the Health Act 2004, will be centrally involved in the development of an integrated workforce planning strategy for the health sector.

Hospitals Building Programme.

300. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when it is expected to start the next phase of the Naas Hospital development plan; and if she will make a statement on the matter. [21273/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health

Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

301. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of extra staff provided at accident and emergency departments in the various public hospitals in the country; and if she will make a statement on the matter. [21274/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to reply to the Deputy directly with the information requested.

Health Services.

302. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of school medical examinations carried out at primary and secondary level in each of the past five years; and if she will make a statement on the matter. [21275/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Accommodation.

303. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of extra hospital beds provided by way of step-down bed facilities during recent discussions on the issue; the locations at which they were provided with particular reference to the Dublin and Kildare areas; and if she will make a statement on the matter. [21276/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to reply directly to the Deputy with the information requested.

Health Services.

304. **Mr. Durkan** asked the Tánaiste and Mini-

ster for Health and Children the model it is intended to apply in respect of the running of the health services with particular reference to community care, general hospital services, special hospital services; and if she will make a statement on the matter. [21277/05]

Tánaiste and Minister for Health and Children (Ms Harney): Pursuant to the provisions of the Health Act 2004, the Health Service Executive was established to manage the Irish health service nationally with effect from 1 January 2005. The board is the governing body of the executive with authority to perform the functions of the executive. The executive's corporate headquarters is located at Oak House, Millennium Park, Naas, County Kildare.

The overall organisational structure of the executive is based around ten directorates. Two of these directorates, namely the national hospitals office directorate and the primary community and continuing care directorate, have responsibility for delivering the general hospital services, community care and special hospital services referred to in the Deputy's question.

The national hospitals office directorate is responsible for the provision of all acute hospital and ambulance pre-hospital emergency care services throughout the country. It is also responsible for approving the provision of specialised treatment to patients in countries outside the State. Hospital services will be delivered through ten hospital networks, with each having a network manager with responsibility for resource allocation, performance management and risk assessment and management.

The primary community and continuing care directorate is responsible for the planning, management and delivery of all primary, community and continuing care services, to maximise the health and well-being of the population. The directorate is responsible for primary care in addition to community-based health and personal social services and continuing care hospitals and services. At a local level, primary community and continuing care will be delivered primarily through local health offices located within the existing 32 community care areas, with a local manager in each office.

305. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the way in which it is intended to develop health policy in the future; if this is likely to be the prerogative of the Minister or the Health Service Executive; if in either circumstance it is intended that the Oireachtas will have any role to play; and if she will make a statement on the matter. [21278/05]

308. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which she intends the Health Service Executive to become accountable to the Oireachtas; and if she will make a statement on the matter. [21281/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 305 and 308 together.

The Minister for Health and Children is responsible for health policy and will continue to be accountable to the Oireachtas in that regard. The Health Service Executive, as the national body with statutory responsibility under the Health Act 2004 for the management and delivery of health and personal social services, will be involved in informing the making of policy by the Minister.

The Health Act 2004, which provided for the establishment of the Health Service Executive on a statutory basis, contains a number of provisions to ensure that the executive is accountable to the Oireachtas. Under the Act, the Minister for Health and Children is required to lay before the Houses of the Oireachtas the executive's corporate plan and service plan once he or she has approved it. The executive's audited financial statements, together with the Comptroller and Auditor General's report and its annual report, must also be laid before the Houses.

Under the Act, the chief executive officer is appointed the Accounting Officer for the executive. This provision required the establishment of a separate Vote for the executive for the purposes of the Comptroller and Auditor General Acts 1866 to 1998. This means that the CEO is accountable to the Committee of Public Accounts through the Comptroller and Auditor General for the appropriation accounts of the executive. The executive is also obliged to prepare a set of income and expenditure accounts for which it is accountable to the Dáil through the Committee of Public Accounts. As Accounting Officer, the CEO will be required to attend before the Committee of Public Accounts.

The Act also requires that the CEO attend before an Oireachtas committee to give an account of the general administration of the executive if requested to do so. Provision is also made in the legislation for the attendance of the chairperson or other employees to attend before the Oireachtas committees if requested to do so by the Chairperson of the committee.

There is also a provision in the Act for the making of regulations regarding the executive's dealings with Oireachtas members, including addressing the issue of supplying specific documents or information to members of the Oireachtas and dealing with correspondence from Oireachtas members. My Department is currently preparing the regulations required to give effect to that provision and I hope to have them in place shortly.

Question No. 306 answered with Question No. 172.

Health Services.

307. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she has issued instructions or authorised others to do so to withhold information regarding the health services which should be readily available to public representatives; and if she will make a statement on the matter. [21280/05]

Tánaiste and Minister for Health and Children (Ms Harney): I assure the Deputy that no instructions have been issued to withhold information regarding the health services which should be readily available to public representatives.

Question No. 308 answered with Question No. 305.

Health Service Staff.

309. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of agency nurses currently employed throughout the health services; and if she will make a statement on the matter. [21282/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Questions Nos. 310 and 311 answered with Question No. 96.

Health Services.

312. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the extent to which any investigation has taken place into circumstances surrounding the death of a person (details supplied) in county Kildare; and if she will make a statement on the matter. [21285/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Questions Nos. 313 and 314 answered with Question No. 56.

Health Services.

315. **Mr. Durkan** asked the Tánaiste and Mini-

ster for Health and Children the efforts which have been made to address the issue of orthodontic needs in view of the fact that the waiting lists have existed for several years; and if she will make a statement on the matter. [21288/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

316. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the reason many children awaiting orthodontic treatment have been recategorised to exclude them from waiting lists; and if she will make a statement on the matter. [21289/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

317. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the number of children awaiting orthodontic treatment; the number who have been forced to seek treatment elsewhere; and if she will make a statement on the matter. [21290/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Prescription Drugs.

318. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the number of prescriptions for benzodiazepines which have been written in the State in the past 12 months; the number of these which are repeat prescriptions; the number of persons in the State who are addicted to benzodiazepine; and if she will make a statement on the matter. [21297/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to

the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Questions Nos. 319 to 323, inclusive, answered with Question No. 82.

Tax Code.

324. **Mr. Bruton** asked the Minister for Finance the revenue to date raised by the non-indexation of capital gains tax; and the cost of restoring indexation of cost. [20598/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that capital gains tax returns do not require the amount of indexation relief being claimed to be separately identified or the amount of indexation relief that would be appropriate if it had not been abolished. Accordingly, the specific information requested by the Deputy is not available.

325. **Mr. Bruton** asked the Minister for Finance the cost of introducing indexation in stamp duty of thresholds and bands. [20599/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the estimated cost of introducing indexation in stamp duty thresholds for residential and non-residential property, as well as mortgages, would be €8 million in a full year based on the yield for the first four months of 2005. The estimated cost is based on the indexation of the existing stamp duty thresholds for property and mortgages in line with an estimated average inflation rate in consumer price index terms of 2.5% for 2005 as indicated in my budget statement of 1 December 2004.

326. **Mr. Bruton** asked the Minister for Finance the cost of introducing indexation in all of the income tax credits and cut-off points. [20600/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the cost to the Exchequer, estimated by reference to 2005 incomes, of indexation of credits and bands in line with an estimated average inflation rate of 2.5% for 2005 over 2004 is approximately €245 million.

This estimate is based on indexation of the main personal tax credits, namely, single, married, widowed, lone parent and home carer, and the applicable standard rate bands as well as the exemption limits. The estimate is provisional, is likely to be revised and is rounded to the nearest €5 million.

327. **Mr. Bruton** asked the Minister for Finance the estimated value of credits and cut-off points had they been indexed up in accordance with the consumer price index since 2002. [20601/05]

Minister for Finance (Mr. Cowen): It is assumed that the Deputy is referring to the main personal tax credits, the employee tax credit and the home carer tax credit, and the standard rate cut-off points associated with the main categories of earner.

Had indexation of these credits and standard rate cut-off points occurred as outlined by the Deputy, their values post-budget 2005 are set out in the following table.

Credit	€
Employee tax credit	715
Personal tax credit	1,648
Married tax credit	3,295
One parent family tax credit	1,648
Home carer credit	835
<i>Standard rate cut-off points</i>	
Single person	30,352
Married basic cut-off point	40,108
Additional non-transferable cut-off point for second married earner	20,596
One parent family (including widowed parents)	34,688

These calculations assume a consumer price inflation rate of 2.5% for 2005; 2.2% for 2004 and 3.5% for 2003, namely, a cumulative rate of inflation of 8.4%.

328. **Mr. Durkan** asked the Minister for Finance if a person (details supplied) in County Kildare will qualify for income tax relief in respect of the mother of their child and their other children; and if he will make a statement on the matter. [20611/05]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the taxpayer has been requested to clarify whether he is married to the person mentioned in the Deputy's question. In the event that they are not married, there are no provisions within the tax Acts under which they could be treated as if married to each other for tax purposes.

329. **Mr. Bruton** asked the Minister for Finance the estimated cost of providing a 20% tax credit on expenditure on child care; the additional cost if this relief were made refundable; and the projected take up and cost of child care underpinning his Department's estimate. [20616/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that figures are not available to estimate with any accuracy the cost of introducing a tax credit for expenditure on child care. However, in my reply to the Deputy's earlier parliamentary question on

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tax relief for child care expenses, answered on 10 February 2005, it is tentatively estimated that if a tax credit of €1,200 per annum per child, or the equivalent of an annual allowance of €6,000 at the standard rate of tax, was introduced for all children under six years of age, the cost to the Exchequer would be in the region of €223 million in a full year. The number of taxpayers likely to benefit from such a measure is estimated at 141,000.

The additional cost if such a relief were made refundable would depend on the amount of expenditure involved, the liability of individual taxpayers and the impact on economic behaviour of making the relief a refundable tax credit. It is not possible at this point to estimate the cost of such a measure with any degree of certainty.

Flood Relief Scheme.

330. **Mr. McGuinness** asked the Minister for Finance if he will have discussions with the residents of Riverside Drive, Kilkenny, regarding the type of boundary fence to be erected at this location as part of the flood relief scheme; if he will resolve the outstanding issues with the residents of Nore Terrace and Maudlin Street, Kilkenny, relating to the amenity area at Lacken Weir, Kilkenny, and agree to restore this green play area to the way it was before the scheme started; the timeframe for the removal of the remaining hoarding and completion of the landscaping at Dukesmeadows, Kilkenny; and if he will make a statement on the matter. [20624/05]

Minister of State at the Department of Finance (Mr. Parlon): I am advised by my officials in the Office of Public Works that fencing issues were discussed at a meeting with Kilkenny County Council officials in January 2005. The council advised that the pre-existing concrete fence along the boundary of the fill area and Riverside Drive was adequate. There are therefore no plans to change the nature of this fencing.

It is assumed that by “the amenity area at Lacken Weir” and agreement “to restore this green area to the way it was before the scheme started”, the Deputy is referring to an area in the county council grounds, adjacent to Maudlin Street. The contractor is to make good the area in question, namely, levelled, top soiled and seeded.

With reference to Maudlin Street Park, the contractor will complete minor works remaining such as installation of kerbs to the footpath, removal of ruts etc. in the coming weeks. My officials advise that the landscaping works

remaining in Dukesmeadows include the reinstatement and seeding of a strip of ground next to the roadside hoarding. Once this work is completed and the grass is established sufficiently, the hoarding will be removed, probably in early August.

Decentralisation Programme.

331. **Mr. Deasy** asked the Minister for Finance when it is expected that decentralisation of the Ordnance Survey office to Dungarvan, County Waterford, will take place; and if he will make a statement on the matter. [20665/05]

Minister for Finance (Mr. Cowen): In accordance with the Government’s decentralisation programme, Ordnance Survey Ireland, OSI, will decentralise 210 posts to Dungarvan. I am informed by the Office of Public Works the position on the decentralisation of OSI to Dungarvan is that a deal has been agreed on a site and contracts have been requested from the vendor.

OSI has prepared and submitted an implementation plan as requested by the decentralisation implementation group. The OSI was not included in the list of 15 priority moves identified in the November 2004 recommendations of the decentralisation implementation group but such remaining locations will be addressed in the next report of the group.

Tax Code.

332. **Mr. G. Murphy** asked the Minister for Finance if repayment of tax will issue to a person (details supplied) in County Cork; and if he will make a statement on the matter. [20695/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that a repayment in respect of the year ended 31 December 2004 issued to the taxpayer on 27 May 2005.

333. **Mr. Fleming** asked the Minister for Finance the details of the exemption from income tax of disability pensions paid under the army pensions Acts and any other exemptions from income tax of any other disability pension paid to other civil or public servants; and the details of the exemption from income tax of disability benefit and disability allowance granted by the Department of Social and Family Affairs. [20718/05]

Minister for Finance (Mr. Cowen): The tax treatment of the different types of income mentioned by the Deputy is as set out in the following table.

Nature of Income	Income Tax Status	Relevant legislation
Wound and Disability pensions payable under the Army Pensions Acts 1923-1980	Such part of the pension that is solely attributable to the wound or disability is exempt from income tax	Section 204 Taxes Consolidation Act 1997
Disability pensions payable to other civil or public servants	Taxable	Section 19 and 112 Taxes Consolidation Act 1997

Nature of Income	Income Tax Status	Relevant legislation
Disability Benefit payable by the Department of Social & Family Affairs	Disability Benefit payable for the first 36 days (6 weeks) in a year of assessment is exempt from income tax Disability Benefit payable in respect of qualifying children is exempt from income tax All other amounts payable in the relevant year are taxable	Section 126 Taxes Consolidation Act 1997
Disability Allowance payable by the Department of Social & Family Affairs	This is a means tested payment which in practice is not taxed	

334. **Mr. Connolly** asked the Minister for Finance his plans for the future of the 2% motor insurance Government levy; if he proposes to remove it at any time in the future; the function or purpose of this levy; and if he will make a statement on the matter. [20774/05]

Minister for Finance (Mr. Cowen): The 2% stamp duty, levied on non-life insurance premia, is part of the stamp duty system and applies to most categories of non-life insurance business, including motor insurance. It was introduced in the Finance Act 1982 at 1% and was subsequently increased to 2% in 1993. This is a modest levy compared with that in other EU member states, most of which have such a tax which is generally levied at a significantly higher rate than in Ireland, typically between 9% and 15%.

The purpose of this non-life levy is to broaden the stamp duty base, thereby raising additional revenue. It is a significant source of revenue to the Exchequer and yielded €97.7 million in 2004 across all relevant categories of insurance. It is not possible to ascertain what portion of this relates to motor insurance premia. I have no plans to reduce or remove it.

335. **Mr. Callanan** asked the Minister for Finance the total cost to the Exchequer of introducing a waiver for VRT on MPVs. [20775/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that according to their data the amount of VRT paid in 2004 in respect of multi-purpose vehicles, MPVs, was €20 million. That amount is based on the classification as entered by the customer and may not be accurate in all cases.

State Property.

336. **Mr. G. Murphy** asked the Minister for Finance the position regarding an application (details supplied) under section 30 of the State Property Act 1954; if the State owns the lands in question; if the State will produce a map showing the boundaries of the property it owns; and if these lands have been inspected recently on his behalf. [20794/05]

Minister of State at the Department of Finance (Mr. Parlon): There is a dispute as to ownership, and the Chief State Solicitor's office is endeavouring to establish ownership of the property.

Tax Code.

337. **Mr. Gilmore** asked the Minister for Finance the reason batteries which are used in mobility scooters do not qualify for a VAT refund; if he has plans to provide for such VAT refunds; and if he will make a statement on the matter. [20979/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that mobility scooters are subject to the zero rate of VAT. However, batteries, including those used in mobility scooters, are subject to the standard VAT rate of 21%.

While the Value-Added Tax (Refund of Tax Order) (No. 15) Order 1981, SI 428 of 1981, provides for repayment of VAT charged on certain qualifying goods, such as chair lifts and walk-in baths, used by disabled persons, the batteries in question do not come within the scope of the order. There would be practical difficulties in distinguishing the intended use of such batteries, which are capable of being used for purposes other than as parts or accessories for mobility scooters.

Decentralisation Programme.

338. **Ms Cooper-Flynn** asked the Minister for Finance the position regarding the decentralisation promised for Claremorris. [21112/05]

Minister of State at the Department of Finance (Mr. Parlon): Several sites have been shortlisted as possible property solutions for decentralisation to Claremorris. The process of evaluating those sites is at an advanced stage. When that process has been completed, formal negotiations will commence with the respective owners of the site. However, as yet no final decision has been made in respect of the location.

Tax Code.

339. **Ms McManus** asked the Minister for Finance if his attention has been drawn to the fact that the VAT on the sale of worms for environmental waste management purposes is at the exorbitant rate of 21%; if he will consider lowering the rate; and if he will make a statement on the matter. [21158/05]

Minister for Finance (Mr. Cowen): The position is that the VAT rating of goods and services is subject to the requirements of EU VAT law, with which Irish VAT law must comply. The sale

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of worms is liable to the standard VAT rate of 21%.

Member states can apply the reduced VAT rate only to those goods and services which are listed under annex H of the EU sixth VAT directive. As the sale or supply of worms is not an item listed under Annex H, it would not be possible to apply the reduced VAT rate to such products. In addition, it would not be possible to apply a zero rate to such goods, as EU law precludes the addition of any goods or services to those already liable at the zero VAT rate.

Flexible Work Practices.

340. **Mr. Gilmore** asked the Minister for Finance the details of the term-time scheme which currently operates in the Civil Service; if this scheme is available to persons employed under the secretarial assistant scheme for Members of Dáil Éireann; and if he will make a statement on the matter. [21309/05]

Minister for Finance (Mr. Cowen): The term-time scheme for civil servants allows staff to take either ten or 13 weeks unpaid leave from June until the end of August. The purpose of the scheme is to allow parents with children up to 18 years of age, or those acting *in loco parentis*, to match their working arrangements with the main summer holidays of their children. Staff who are primary carers are also eligible to take term-time leave to care for a person who resides with them and who has a disability which gives rise to the need for care on a continuing or frequent basis.

The term-time scheme is one of a wide range of family-friendly and work-life balance schemes available to civil servants. Requests for access to those schemes are facilitated as far as possible, subject to the operating requirements of Departments and offices not being adversely affected.

Term-time was negotiated and agreed with the representatives of the Civil Service staff unions at general council under the Civil Service conciliation and arbitration scheme and applies only to civil servants. As secretarial assistants are not party to the conciliation and arbitration scheme, they are not covered by the Civil Service term-time agreement.

Garda Stations.

341. **Mr. Timmins** asked the Minister for Finance his proposals to renovate Ashford Garda station in County Wicklow; if he has received proposals to demolish the building; if so, the persons from whom; the details of same; and if he will make a statement on the matter. [21317/05]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works are considering the future development of Ashford Garda station. A decision will be made in consultation with the Department of Justice, Equality and Law Reform and the Garda authorities.

Fisheries Protection.

342. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he has received any communication regarding a review (details supplied) and the person who would participate from an Irish perspective in same; his views on whether such a review would put pressure on the Government to change its current policy towards drift-netting. [20586/05]

343. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his views on a report presented by the International Council for the Exploration of the Sea to a meeting of the North Atlantic Salmon Conservation Organisation which demonstrates that Irish drift nets are intercepting 10% to 12% of salmon from rivers in Wales and southern England; and if he will make a statement on the matter. [20587/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I propose to take Questions Nos. 342 and 343 together.

In April 2004, the European Commission convened a meeting with Ireland and the United Kingdom to examine the management of the wild Atlantic salmon in Community waters and, in particular, to look at the situation with regard to their interceptory fisheries of mixed stocks of salmon inside the 12-mile limits.

The Department prepared a detailed submission on the Irish salmon management regime and presented it to the Commission at that meeting. I understand that the Commission fully acknowledged the management measures which the Irish Government has put in place in recent years for the protection and conservation of our wild salmon stocks. I also understand that the Commission confirmed, following this meeting, that member states have the right to regulate salmon fisheries within their own fishery zones up to 12 miles in the absence of any Community regulation.

Nevertheless, given the concerns that the Commission expressed about the nature of such mixed-stock fisheries, the Government agreed to work with the Commission and the United Kingdom authorities to achieve a proper Community regulation of the fisheries. To that end, the Commission was given permission by the Government to approach any experts within the relevant Irish State agencies with a view to helping it produce that report.

I am advised that in his opening remarks to this year's annual meeting of the North Atlantic Salmon Conservation Organisation, or NASCO, held recently in Vichy, France, the EU representative confirmed that the European Commission has now begun work on a report on interceptory fisheries on mixed stocks of wild Atlantic salmon in Community waters, which he stated is expected to be completed later this year. I understand that the representative further clarified that any

measures proposed for those fisheries as a result of the report would require a thorough debate within the European Union.

I am also advised that, at the same NASCO meeting, a representative from the International Council for the Exploration of the Sea, ICES, in his general presentation on wild Atlantic salmon stocks, confirmed that, while tagging studies have demonstrated that salmon from all parts of England and Wales are exploited in the Irish coastal fishery, the levels of exploitation have, however, varied between stocks from different regions and from year to year.

According to the ICES report, it therefore appears that exploitation of salmon from north-east England in the Irish fishery is negligible, that exploitation on stocks from north-west England and north Wales is currently low, but that levels increase as one moves further south in Wales and for rivers in south-west and southern England. Significantly, the representative also confirmed that such exploitation has declined in all areas by almost 60% following the introduction of new management measures in the Irish fishery since 1997.

Thus, for example, before the introduction of those management measures, exploitation rates in the Irish fishery were estimated at about 28% for the River Test in southern England. According to the ICES representative, however, since the introduction of the regulatory changes, exploitation rates have fallen to 12% for that river and could reasonably be expected to fall further as those management measures are maintained in future years.

The Deputy should note that all of this information has been made available to ICES through the preliminary findings from a joint Irish-UK scientific working group of scientists from our Marine Institute and the UK Centre for Environment, Fisheries, and Aquaculture Science, with contributions from the Environment Agency, which has been assessing the recent patterns and levels of exploitation on certain UK salmon stocks in the Irish coastal fishery. That report has yet to be finalised, and I expect it in its completed form later this year.

As that study, with the report being compiled by the European Commission, is expected to provide the first accurate analysis of the impact of interceptory fisheries on mixed stocks of wild salmon in Community waters, I believe we should await their outcome before any further conclusions are drawn in the matter. In the meantime, the Government has no proposals to review its policy on drift-net salmon fishing in Irish waters.

Inland Fisheries.

344. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the provisions he has in place to deal with the African weed in Lough Corrib (details supplied); the provisions in place to stop this weed

developing in other lakes and risking valuable fish life; and if he will make a statement on the matter. [20588/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under the Fisheries Acts, primary responsibility for the protection and conservation of inland fisheries is a matter for the regional fisheries boards, in this case, the Western Regional Fisheries Board. I am aware through that board that an aggressive alien plant species known as lagarosiphon major or curly water weed has been identified in Lough Corrib.

I understand, that this weed, originally from Africa, poses a serious threat to fish and other wildlife in the area. It is thought the weed was introduced to Ireland through garden centres as a product for ornamental garden ponds.

I am advised that the Central Fisheries Board and the Western Regional Fisheries Board, together with Galway County Council and the national parks and wildlife service, have recently established a lagarosiphon task force. The main aim of that task force is to determine and implement all the possible options for the control and the possible elimination of this invasive alien species.

I understand that the task force held its first meeting in Oughterard, County Galway, on 26 May this year and has already produced an information leaflet detailing what anglers, boat owners and the public should do to combat the spread of the weed. The task force has also issued a press release to relevant national, regional and angling press to inform the general public of the threat associated with this invasive alien species.

I assure the Deputy that the agencies concerned are continuing to work together to address the problem.

Marine Safety.

345. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if ferry operators would be granted radio licences without having sat the necessary exams due to their level of experience, he will be following through on such plans; if it is still mandatory for all persons to sit the necessary exams prior to obtaining a radio licence; his plans to give out licences solely on the basis of experience; and if he will make a statement on the matter. [20589/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): In accordance with the Wireless Telegraphy Act 1949, every vessel which carries radio-transmitting equipment must obtain a ship station radio licence from the Commission for Communications Regulation, ComReg. One of the requirements of the licence is that the radio operator on board the vessel must have an appropriate radio operator's certificate of competency. ComReg also issues radio operators' certificates

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of competency to persons who have undertaken an approved course and passed an examination.

The maritime radio affairs unit of the marine surveyor's office of the Department provides technical advice and support to ComReg for both the radio licences and the radio operators' certificates of competency. There are at present no proposals to make changes to the licensing conditions in that regard.

Inland Fisheries.

346. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will immediately cease all boat movement between Lough Swilly and Lough Foyle in order that bonamia disease will not spread into Lough Swilly and thus destroy a valuable natural resource in the Lough; if his attention has been drawn to the fact that if the disease enters Lough Swilly, it cannot be taken out again, thus eradicating the oyster industry in Lough Swilly for ever; and if he will make a statement on the matter. [20612/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Marine Institute is investigating a potential case of bonamia ostrea in a wild oyster bed in Lough Foyle. The Marine Institute carried out tests for bonamia in Lough Foyle as part of its routine monitoring programme. Having identified a suspect positive result, the institute then sent further samples to the Community reference laboratory, CRL, in France for confirmatory testing, as required by EU fish health regulations. To date the CRL has confirmed the presence of a suspect organism. Final results from the CRL are expected in the week beginning 20 June.

In line with the requirements of EU regulations, under Irish legislation, measures are in place which provide for the control of movements of oysters, and other shellfish, from bays around the coast. As a precautionary measure, pending the results of the CRL tests, and as required by the EU regulations regarding disease control, it is on that basis that applications to move oysters and other shellfish originating in Lough Foyle for on-growing in areas free of bonamia will not be approved by the Department of Communications, Marine and Natural Resources at present.

Within the scope of those preventative measures, movements of boats in and out of Lough Foyle are continuing at present. I am receiving ongoing advice from the Marine Institute regarding the management of the situation.

Mine Sites.

347. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources when a decision will be made on the options

available regarding the rehabilitation of mine sites at Silvermines, County Tipperary (details supplied); if his attention has been drawn to concerns expressed by local residents that no decision will be taken before the summer recess and to the potential to use significant volumes of topsoil from a development in the remediation plans; and if he will make a statement on the matter. [20667/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I expect to make a decision in the near future. The summer or Dáil recess is irrelevant to the process.

The availability of topsoil in significant volumes may be of use in any future remediation plans for the area.

Marine Safety.

348. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources his proposals to meet the concerns of the East Waterford Lobster Co-operative Society Limited regarding cases of ill health with fishermen boat owners under the code of practice for vessels below ten metres (details supplied); and if he will make a statement on the matter. [20679/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): In accordance with the Fishing Vessel (Basic Safety Training) Regulations, SI 587 of 2001, all crew members of fishing vessels must undertake basic safety training consisting of personal survival techniques, elementary first aid and fire prevention, health and safety training. However, the dates for the completion of a basic safety training course depend on whether the person is a new entrant or a serving crew member. For serving crew members, the application date depends on his or her date of birth and could be as late as March 2008.

The regulations do not apply to crew members who can provide evidence of having completed approved training in personal survival techniques, first aid and fire-fighting required for fishing vessel officer certificates of competency issued under the Fishing Vessels (Certification of Deck Officer and Engineer Officers) Regulations 1988, SI 289 of 1988. The code of practice for fishing vessels under 15 metres is simply reminding fishermen of those relevant legal requirements.

Should the person in question require clarification with regard to his own individual circumstances and the applicability of the code of practice or specific statutory safety requirements referred to in the code, the Department's marine survey office will be happy to assist him. Equally, if he has concerns about the application of licensing, registration and tonnage policy in his particular case, officers from the licensing authority for sea fishing boats in the Department are available to discuss those concerns with him.

Harbours and Piers.

349. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his plans to initiate work on the pier at Lower Corobeg, Valentia Island; and if he will consider taking such plans on board in view of the danger of failing to do so. [20691/05]

359. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his plans to initiate work on a pier (details supplied); and if he will consider taking such plans on board in view of the danger of failing to do so. [21125/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): I propose to take Questions Nos. 349 and 359 together.

The pier in question is not in public ownership, and therefore Kerry County Council is not responsible for carrying out repairs to the pier. Responsibility for the repair and maintenance of the pier is a matter for the owner. There is no Exchequer funding available for the repair and maintenance of privately owned piers.

Harbour Authorities.

350. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources his plans regarding the current situation with respect to the harbour master in Killybegs; if a harbour master is currently in place; if the former harbour master will be reinstated full-time; if another harbour master will be brought in to Killybegs; his long-term plans regarding this situation; and if he will consult groups from Killybegs regarding a decision on the harbour master. [20821/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The harbour master at Killybegs Fishery Harbour Centre is currently suspended pending the outcome of an internal disciplinary investigation. In the interim, arrangements have been made to have the harbour master duties carried out by the assistant harbour master at Killybegs in a temporary acting capacity.

It would not be appropriate for me to anticipate the outcome of the disciplinary investigation, nor to make any further comments on it. I have been advised, however, that, in keeping with the prescribed procedures for dealing with such matters, it is not proposed to engage in consultations with local groups regarding a decision in this case.

Natural Gas Grid.

351. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that a potential disaster of enormous proportions is being perpetrated on the residents of Rosspoint in north Mayo, who are being forced to live along-

side an unprecedented high-pressure upstream gas pipeline; and if he will make a statement on the matter. [20966/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I do not accept the position set out by the Deputy in his question. The consent by my predecessor for the construction of the Corrib gas field pipeline was given only after all aspects of the safety of the proposed pipeline had been considered and the then Minister was fully satisfied that the safety aspects would be carried out to the highest possible standard. It should be noted that the present position is that no consent has been given to date to install the onshore pipeline.

The Minister will ensure that all the conditions in the consent to construct the pipeline are complied with, including viz. "The line inspection and maintenance procedures will be subject to review and acceptance by Petroleum Affairs Division (of this Department) prior to commissioning" will be fully complied with by the developer. All public safety issues relating to the operation of the pipeline will be addressed prior to commissioning in that context, including the regime to be put in place to ensure safe operation of the pipeline. The Deputy is also aware that the developers have provided my Department with a quantified risk assessment, QRA, on the onshore section of the pipeline that addressed safety issues for those living on the pipeline route. I have commissioned an independent review of the QRA. I expect to receive the report of the review shortly, and I intend to publish it.

Offshore Exploration.

352. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources if he has the power to direct a company (details supplied) to refine the Corrib gas offshore, as is normal practice, in the interest of residents in Rosspoint, north Mayo; and if he will make a statement on the matter. [20967/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have no power to direct the developers of the Corrib gas field to process the gas offshore. The developers of the field were given the necessary approvals and consents from my Department for the development of the field after careful consideration was given to the applications. Those approvals and consents were given under various statutes, that is, the Petroleum and Other Minerals Development Act, as amended for the development of the field as a whole, under the Gas Act 1976, as amended specifically for the pipeline, and under the Continental Shelf Act 1968, as amended for the placing of structures on the continental shelf. As those are statutory approvals, there is no question of rescinding them unless I were obliged to do so by a court of law.

I should also add that the developers have planning permission for the construction of an

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onshore terminal, and a substantial amount of that construction work is already under way.

353. **Dr. Cowley** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to the fact that the only real obstacle preventing a company (details supplied) from refining Corrib gas offshore and bringing it ashore to Bord Gáis Éireann standards is short-term cost benefits for the company; his views on whether this consideration justifies the risks to which the residents of Rosspoint in north Mayo are exposed; and if he will make a statement on the matter. [20968/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The plan of development approval given for the Corrib gas field in April 2002 by the then Minister for the Marine and Natural Resources was for a sub-sea development with an onshore terminal. Moreover, the developers have planning permission for an onshore terminal. Offshore processing for the Corrib gas field was not the preferred development option, as it would mean that production would be weather-sensitive, a serious drawback in the hostile environment at Corrib, and there would be greater capital and operational expenditure compared with a sub-sea development. The Deputy will accept the increased capital and operational expenditure that would be needed for an offshore terminal could have made the development uneconomic and there would also be increased safety concerns, as the offshore facilities would have to be manned.

In January 2001, the developers submitted to my Department a plan of development for the Corrib gas field. That states that, regarding facilities engineering, the area in which Corrib is located is characterised by a harsh marine environment, being directly exposed to the Atlantic fetch, a lack of existing hydrocarbon production infrastructure and the presence of active fishery industry interests.

Section 4 of the plan of development sets out the proposed concept — onshore terminal — and the alternative offshore concepts that were considered.

The offshore alternative concepts were eliminated in the plan of development due to a number of considerations, including the following. The water depth and hostile nature of the environment at Corrib do not favour the use of a fixed steel jacket or guyed tower; the latter has not been used outside the benign environment of the Gulf of Mexico. The floating production concepts are similarly not ideally suited to extended field life in the prevailing harsh environment, with large-bore, high-pressure gas export risers being a particular design issue. Remote control buoy technology has not been developed for the extreme environmental conditions experienced at Corrib. Development of an acceptable, reliable system could not be guaranteed within the pro-

posed project time scale. All the proposed manned facilities options incur high operational expenditure and have increased adverse safety implications, particularly with respect to offshore transfer of personnel. High capital cost of all the floating or fixed platform options combined with the requirement for extensive gas transport infrastructure rendered the options sub-economic with predicted Corrib reserves and envisaged gas sale price. The relatively dry nature of the Corrib gas, eliminating the need for offshore processing, and high reservoir productivity, reducing the number of wells, allow the use of much simplified production facilities with high reliability. That permits the practical adoption of sub-sea production technology for Corrib.

In December 2000, my Department requested from the developers the results of its alternative concept studies. Those were examined and reviewed in January 2001 by the consultant petroleum engineer advising my Department. He advised the Department that the developers of the Corrib gas field should not be required to change or consider changing the Corrib development scheme.

Prior to the making of any decision on the consent to install and commission the onshore pipeline, a number of steps have been taken to allay the fears of residents, and especially those who live near the pipeline. First, I have commissioned an independent review of the design standard for the onshore pipeline. That report was widely distributed. Second, I have published the quantified risk assessment, QRA, version F, for the onshore pipeline. Third, I have commissioned an independent review of the QRA. I expect to receive that report shortly, and I will also publish it. I believe that all necessary steps are being taken to ensure that the issue of public safety of the residents of Rosspoint is being addressed and evaluated.

Telecommunications Services.

354. **Mr. Lowry** asked the Minister for Communications, Marine and Natural Resources his plans for upgrading telecommunications infrastructure for any future technological breakthroughs in view of the difficulties with the rolling out of broadband across the country; and if he will make a statement on the matter. [21020/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Although the provision of telecommunications services, including broadband, is a matter for the fully liberalised private sector, the delivery of broadband is dependent on access by the sector to suitable infrastructure. Unfortunately, investment by the sector in broadband infrastructure has failed to keep pace with the demand for broadband services.

Since March 2002, the Government has been addressing the infrastructure deficit with the investment of upwards of €200 million of European Regional Development Fund, ERDF, and State funding under the National Development

Plan 2000-2006 in a series of initiatives that will make possible the delivery of broadband in all parts of the country. The keystone of the regional broadband programme is the metropolitan area networks, MANs, initiative, under which 120 towns and cities are being provided with high-capacity optic fibre trunk networks.

Broadband can be delivered by a number of different technologies, including digital subscriber lines, DSL, fibre, cable, fixed wireless and satellite. While DSL is currently the most popular broadband technology, with 84% of the market, each of these technologies has a part to play in the rollout of services. The MANs are capable of delivering bandwidths that are many hundreds of times greater than the old telephone networks, and will be capable of handling all foreseeable broadband demands for many years into the future.

The MANs are being managed for the State on an open-access basis, and allow the sector to offer the full range of broadband services at realistic prices. Full details of the MANs programme and my Department's other broadband initiatives, including the county and group broadband scheme and the broadband for schools project, can be found on my Department's website, www.dcmnr.gov.ie. There are now more than 160,000 broadband users in Ireland, an increase of more than 400% since early last year, and I am confident the target of 500,000 that I have set the industry can be achieved by 2007.

Departmental Correspondence.

355. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources the reason correspondence (details supplied) sent to his Department on 3 March 2005 has not been replied to in full to date. [21048/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I understand an interim reply, as well as an acknowledgement, was sent to the Deputy. While the document predates the Freedom of Information Act, my Department considered that it should be dealt with in the context of the principles set out in the Act. This required consideration of issues concerning commercial sensitivity and also the views of the main parties to the report. That consideration was completed in the first half of May but, regrettably, the absence on annual leave of a key official delayed finalisation of the matter. I understand the matter will be finalised this week.

Harbours and Piers.

356. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources the level of funding available for small piers in Donegal, Mayo and Sligo; the number of applications currently with his Department for funding for small piers; the length of time these applications have been awaiting funding; the stages of assessment these applications have to progress

through; the level of funding which has been approved for work on small piers in recent years; the counties in which funding was approved for work on small piers; and if his Department has a future plan for work on small piers. [21110/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):

Funding of €2 million is available for the programme for funding of small harbours within the overall 2005 fishery harbours development programme. This programme is under consideration at present. The Department receives proposals from local authorities on an ongoing basis. It is difficult to provide a breakdown of the number of applications received in the Department as this changes from year to year. The estimated cost of the number of applications received far exceeds the amount of funding available. Proposals received from local authorities are screened by the Department on the basis of a number of selection criteria. Local authorities tend to prioritise their proposals and the prioritisation does not remain the same year on year.

Funding for piers, excluding fishery harbour centres and other major harbours, for the counties in question is set out in the following table. The figures include local authority contributions of 25% funding which is required for the majority of the projects.

County	2002 Total Cost	2003 Total Cost	2004 Total Cost
	€	€	€
Donegal	3,356,791.53	473,052.25	413,441.80
Mayo	1,117,650.70	152,524.00	500,070.64
Sligo	313,000.00	899,436.00	0

Under the fishery harbour development programme, funding is set aside for works on small harbours and this will continue in future years.

357. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources the progress on the Ballycotton Harbour Development Committee proposal for the harbour. [21121/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):

The harbour at Ballycotton is owned by Cork County Council and responsibility for its maintenance and development is a matter for the local authority in the first instance.

In 2001 the council submitted a report prepared by consulting engineers on the estimated cost of the Ballycotton harbour development plan. The proposed development was estimated to cost a total of €6 million.

Cork County Council applied for funding in 2002 under the marine tourism grant scheme of the national development plan for a development including a marina at Ballycotton, County Cork. However, as the applicants had not obtained the necessary statutory permissions, their application

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could not be considered further. The applicants were informed of this and that they could apply for funding under a future call.

No funding was available for the grant scheme in 2003 or 2004. The findings of the mid-term review of the regional operational programmes recommended reallocation of funds to other priorities.

The Ballycotton Harbour Development Association recently submitted a summary of an updated proposed development for Ballycotton Harbour to the Department. The proposed development consists of ten phases over a year and a half and is estimated to cost a total of €3.07 million.

The allocation for the fishery harbours development programme is €20.55 million for 2005 and a programme for the funding of small harbours within the overall programme is under consideration at present. The fishery harbour programme involves co-funding by the local authorities and the updated proposal for development at Ballycotton would have to be submitted by the local authority. In this case Cork County Council would be required to submit its updated proposal to the Department and be prepared to contribute 25% funding to the project.

358. **Mr. Sherlock** asked the Minister for Communications, Marine and Natural Resources the progress on Youghal river bed as presented by the Youghal delegation. [21122/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Following consideration of the matters that were raised during my meeting with the Youghal delegation, the complex legal issues arising have been referred to the Department's legal advisers for advice. When that advice has been received and considered by the Department I will communicate further with the parties involved.

Question No. 359 answered with Question No. 349.

Telecommunications Services.

360. **Mr. Crawford** asked the Minister for Communications, Marine and Natural Resources if efforts are being made through his counterparts in Northern Ireland and Great Britain to deal with the ongoing problem of roaming phone charges especially affecting young persons along the Border using card phones; and if he will make a statement on the matter. [21145/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The regulation of telecommunications operators, including pricing for mobile services, is the responsibility of the Commission for Communications Regulation, ComReg, in accordance with the requirements of the Communications (Regulation) Act 2002 and

regulations made under the EU regulatory framework for electronic communications.

Human Rights Issues.

361. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he has called or will call on the US authorities to close the Guantanamo Bay detention and interrogation facility. [20647/05]

Minister for Foreign Affairs (Mr. D. Ahern):

The Government has, on a number of occasions, made known its concerns to the US Government regarding the treatment and status of the detainees held at Guantanamo Bay. I reiterated these concerns at meetings with the US National Security Adviser, Steven Hadley, and Deputy Secretary of State, Robert Zoellick, in Washington on 16 March. The United States is well aware of the Government's view that those detained at Guantanamo Bay should be treated in accordance with the requirements of international human rights and humanitarian law. These concerns are shared by our EU partners.

In expressing these views the Government fully recognises the danger posed by terrorist networks such as al-Qaeda. Together with our EU partners, we are committed to countering all forms of international terrorism. However, it is vital that the highest standards of international human rights and humanitarian law are maintained as we work to counter terrorism.

It is my understanding that the International Committee of the Red Cross has regularly visited the US detention facility at Guantanamo Bay since early 2002 for the purpose of monitoring that persons held there are treated in accordance with applicable international laws and standards. I welcome the recent release of a number of detainees from Guantanamo Bay and hope that further releases will follow. I also welcome the investigations which have taken place into alleged abuses of detainees.

The closure of this facility has become a matter of political debate in the United States. A decision in this regard is a matter for the US authorities and it would not be appropriate for me to intervene. However, I am sure that in their consideration, the US authorities will seek to take account of international public opinion on the matter. I assure the Deputy that in the Government's future contacts with the US Administration, we will continue to raise the need for detainees to be treated in accordance with international law, for alleged abuses to be fully investigated and for persons found guilty of abusing detainees to be punished in accordance with the law.

Irish Emigrants.

362. **Mr. Deasy** asked the Minister for Foreign Affairs the contacts which have been made over the past six months with members of the US Senate and US Congress on the issue of undocumented Irish persons in the United States; and if

representatives of the Government have met the chairman of the congressional commission dealing with immigration matters. [20969/05]

Minister for Foreign Affairs (Mr. D. Ahern): I particularly appreciate the Deputy's interest in the immigration issue in Washington. It is an issue, and particularly the question of our undocumented people, which has the highest priority for the Government.

In addition to the ongoing work of the Irish Embassy and the consulates in sensitising opinion in the US Congress to our concerns, the Government misses no opportunity to raise the matter in personal contacts with senior US politicians. The Taoiseach and I discussed the issue with President Bush in the White House on St. Patrick's Day. I raised the matter also with senior Senators and Congressmen during my visit to Washington in February.

Among those I met then were Senators Kennedy and McCain, who, as the Deputy will be aware, introduced a comprehensive immigration reform Bill on 12 May. The Government has warmly welcomed this draft Bill and regards it as a positive contribution to the debate on immigration reform which, since the tragic events of 11 September 2001, has become an increasingly sensitive and divisive issue in the US. I also met at the time Congressman Sensenbrenner, chairman of the House Judiciary Committee, under whose remit immigration matters fall.

Our ambassador to Washington and his officials maintain frequent and ongoing contacts with the major congressional figures involved in immigration reform and with their aides, and monitor closely all developments regarding reform legislation. These contacts, which will be intensified even further in the period ahead, include the offices of Congressman Sensenbrenner and Congressman Hostetler, chairman of the House Sub-Committee on Immigration. The embassy's particular priority in the period immediately ahead will be to lobby strongly in support of the Kennedy-McCain Bill and to encourage the White House to become actively involved in support of the reform process.

The Oireachtas Joint Committee on Foreign Affairs recently visited Washington as part of a visit to the US in connection with the issue of undocumented persons and used the occasion to make known to Congressmen the concerns across the political spectrum here on the matter.

International Agreements.

363. **Mr. P. McGrath** asked the Minister for Foreign Affairs if the Government will actively seek that the EU work with the 77 African, Caribbean and Pacific countries, either to achieve at the WTO an extension of the Cotonou Waiver preferences or to change Article 24 of the General Agreement on Trade and Tariffs in order that Europe can continue to give preferential access to poor countries; and his views on whether this approach is not preferable to pushing ahead with reciprocal free trade areas with Africa and other poor countries through the pro-

posed economic partnership agreements. [20970/05]

364. **Mr. P. McGrath** asked the Minister for Foreign Affairs the assessment which the Government has undertaken of the impact upon industrial and agricultural producers in Ireland's priority aid countries of the entry into force of EPA free trade areas, which the EU proposes will include full liberalisation of 90% of trade with the poorest countries. [20971/05]

365. **Mr. P. McGrath** asked the Minister for Foreign Affairs the concerns his Department has raised with the Department of Enterprise, Trade and Employment in regard to the opening up of priority country markets to EU competition; and the areas of their markets which his Department has suggested be excluded from liberalisation. [20972/05]

366. **Mr. P. McGrath** asked the Minister for Foreign Affairs the communications, meetings and other representations his Department has had with the Department of Enterprise, Trade and Employment in regard to the EU requests for opening of markets under the proposed EPAs; and if he will make documents from these meetings available to Dáil Éireann. [20973/05]

367. **Mr. P. McGrath** asked the Minister for Foreign Affairs the representation his Department has had at the EU 133 committee meetings considering liberalisation of trade with Ireland's priority countries under EPAs. [20974/05]

368. **Mr. P. McGrath** asked the Minister for Foreign Affairs the consultations his Department has had with priority country governments, business, community and civil society regarding their defensive interests in the EPA trade negotiations; the areas of concern which were highlighted through these consultations; and the steps which have been taken by his Department to ensure these interests are catered for in the EU position on EPAs. [20975/05]

369. **Mr. P. McGrath** asked the Minister for Foreign Affairs if his Department has made an assessment of the industries, in each of Ireland's priority countries, which will most come under pressure through the liberalisation envisaged in EPAs; if he will identify those industries; the number of persons they employ; the capacity they have to adjust to competition from European exports inside the transition period; and the level of unemployment in Ireland's priority aid countries he expects will result from such liberalisation. [20976/05]

370. **Mr. P. McGrath** asked the Minister for Foreign Affairs his views on the industries in Mozambique which can sustain full opening up to competition from South Africa; and the way in which this can be envisaged as a poverty reduction strategy consistent with the objectives of the Cotonou Agreement. [20977/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 363 to 370, inclusive, together.

The economic partnership agreements, EPAs, which are to enter into force by 1 January 2008, are an integral element of the legally binding Cotonou Agreement between the African, Caribbean and Pacific, ACP, states and the European Union.

The EPAs are intended first and foremost as instruments for development to foster the smooth and gradual integration of ACP states into the world economy, with due regard for their own political choices and their own development priorities, thereby promoting their sustainable development and contributing to poverty eradication. They combine trade and wider development issues in a unified framework, while taking account of the specific economic, social and environmental circumstances of each regional group and its component states.

For instance, recent discussions between the European Commission and the Southern African Development Community, SADC, which has many of the features of a customs union, focussed on how the least developed SADC member countries would be affected by further trade integration under the EPAs. This overall approach addresses the particular concern of Ireland and other member states that development and poverty reduction should be the principal objectives of the EPAs.

As far as the impacts of liberalisation of trade are concerned, I draw the Deputy's attention to article 37(7) of the Cotonou Agreement which states that the negotiations on the EPAs:

shall take account of the level of development and the socio-economic impact of trade measures on ACP countries, and their capacity to adapt and adjust their economies to the liberalisation process. Negotiations will therefore be as flexible as possible in establishing the duration of a sufficient transitional period, the final product coverage, taking into account sensitive sectors, and the degree of asymmetry in terms of timetable for tariff dismantlement, while remaining in conformity with WTO rules then prevailing.

As trade is a European Community competence, it is the European Commission which conducts the negotiations on the EPAs between the EU and the six regional groupings of ACP states. The Commission provides the Council with regular updates on the progress of the negotiations. In this regard, I welcome Commissioner Mandelson's statement that he is putting the EPA process under continuing review to ensure that at every stage in the negotiations the development dimension is placed first.

Ireland is actively following the developments in the EPA negotiations. At the General Affairs and External Relations Council in Brussels on 24 May, for instance, I drew attention to the concerns which have been expressed, including by

Members of the Houses of the Oireachtas, that the EPAs are not sufficiently development focused. I emphasised that it will be important for the Commission to reassure member states that it is addressing these concerns.

The Department of Enterprise, Trade and Employment has primary responsibility for trade policy. An officer of that Department represents Ireland at meetings of the 133 committee. This committee normally meets once a month at the level of full members. An officer of the Department of Foreign Affairs also attends meetings of the committee on a regular basis. Given the importance for Ireland of trade and trade relations with other countries, including those which are programme countries for Ireland's development co-operation programme, my Department works closely with the Department of Enterprise, Trade and Employment and other Departments, including the Department of Agriculture and Food, in preparing for meetings of the 133 committee and on questions relating to trade generally, including the EPA negotiations.

All the programme countries in Ireland's bilateral aid programme — Ethiopia, Lesotho, Mozambique, Tanzania, Uganda, Zambia and Timor Leste — are ACP states. In each of these countries, Ireland works in close co-operation with our partner Government, other donors, the private sector and civil society to ensure coherence in our approach across a range of sectors. Among the issues discussed are the impact of EU policies, including EPAs, and the integration of least developed countries, LDCs, into the international trading system. This approach will help build the economic infrastructure in the LDCs which will help employment generation and, ultimately, long-term sustainable development. I do not, however, have the level of detail being sought by Deputy McGrath on employment in particular industries in sub-Saharan Africa.

In common with most other countries in the southern Africa region, South Africa is Mozambique's main foreign investor and strong trade links have developed between the two countries in recent years. It would not be appropriate for me to express a view on which specific industries in Mozambique, or indeed any other third country, could sustain competition from South Africa.

Overseas Development Aid.

371. **Mr. Connolly** asked the Minister for Foreign Affairs if he will draw up a multi-annual plan with a view to reaching the agreed 2007 UN target for overseas development aid of 0.7% of GDP at a later date; the proposed timescale involved; and if he will make a statement on the matter. [21123/05]

372. **Mr. Connolly** asked the Minister for Foreign Affairs if he proposes to review Ireland's previously expressed commitment of 0.7% of GDP to overseas development aid in view of the recent admission that this target will not be

attained by Ireland by 2007; and if he will make a statement on the matter. [21124/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 371 and 372 together.

The allocation to Vote 29, international co-operation, for 2005 is €470.8 million, an increase of €70 million on the 2004 figure. As a result, total official development assistance for 2005 is expected to amount to approximately €545 million when contributions from other Departments have been taken into account. This represents the highest allocation in the 30-year history of the Irish aid programme.

In addition, the Government has agreed to provide further increases of €65 million in each of the years 2006 and 2007. These substantial increases mean that over the three years from 2005 to 2007, €1.8 billion will be spent by Ireland on development assistance. This three-year multi-annual commitment, incorporating substantial annual increases, gives my Department a sound basis to carry forward the long-term planning which is so important for development work.

The Deputy will be interested to know that the EU has recently agreed new targets in regard to ODA. These provide that the EU 15 will reach a new collective target of 0.56% by 2010, while member states which have not yet reached a level of 0.51% undertake to individually reach that by 2010. Member states also undertake to achieve the UN target of 0.7% by 2015. The newer member states, which joined after 2002, have lower targets.

The Government remains strongly committed to achieving the UN target. The issue of how best to meet the target, and in what timeframe, is under ongoing and active review.

Sports Capital Programme.

373. **Dr. Upton** asked the Minister for Arts, Sport and Tourism the position regarding the award of a sports capital grant for a skateboard park in Bushy Park, Terenure; if this funding is site-specific; and whether this grant money could be applied if the proposed site were moved to a different location. [20724/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): My Department administers the national lottery funded sports capital programme, which allocates funding to sporting, voluntary and community organisations, schools and local authorities. The programme is advertised on an annual basis. A grant of €100,000 was provisionally allocated under the 2004 sports capital programme to Dublin City Council towards the provision of a skateboarding park in Bushy Park.

In line with all capital grant schemes, the sports capital programme is predicated on the principle of projects being located at specific sites identified in the application for funding. The decision to allocate funding to this project was based on an assessment of an application for a specific

facility in a specific location. My Department has received no request to date from Dublin City Council to change the location of this project. If such a request was made by the council, my Department would consider the matter.

374. **Mr. Lowry** asked the Minister for Arts, Sport and Tourism the number of sports clubs in County Tipperary who have applied for funding under the 2005 sports capital programme; the details of same; and when a decision will be made to allocate funding for 2005. [21024/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sport clubs and to sporting and voluntary and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2005 programme were invited through advertisements in the press on 5 and 6 December 2004. The closing date for receipt of applications was 4 February 2005. A total of 1,362 applications were received before that deadline, including 56 from organisations in County Tipperary. All the applications received are being evaluated against the programme's assessment criteria, which are outlined in the guidelines, and the 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.

National Gallery.

375. **Mr. J. Higgins** asked the Minister for Arts, Sport and Tourism the number of full-time employees in the National Gallery of Ireland. [21155/05]

376. **Mr. J. Higgins** asked the Minister for Arts, Sport and Tourism the number of persons who have been recruited from the live register since 2000 to work in the National Gallery of Ireland; and if there is a policy of recruiting some workers from the local community. [21156/05]

377. **Mr. J. Higgins** asked the Minister for Arts, Sport and Tourism the way in which temporary jobs for the summer months in the National Gallery of Ireland are filled. [21157/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): I propose to take Questions Nos. 376 to 378, inclusive, together.

The National Gallery of Ireland is an equal opportunities employer operating an open recruitment policy fully in accordance with Government policy and, as such, does not inquire as to whether or not a potential employee is on the live register. The institution has provided employment to more than twenty people from the local community over the past 20 years.

The gallery has established a panel to fill temporary positions that may become available dur-

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ing the year. The panel is comprised of applicants who responded to public advertisements and from unsolicited enquiries. These positions are filled in accordance with the gallery's recruitment policies and procedures. There are 125 full-time employees in the National Gallery of Ireland.

Sports Capital Programme.

378. **Ms McManus** asked the Minister for Arts, Sport and Tourism if an application from a community development association (details supplied) in County Wicklow to the Chief State Solicitor's Office will be expedited. [21303/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): A grant of €200,000 was provisionally allocated to the project in question under the 2004 national lottery funded sports capital programme administered by my Department. The grant allocation was subject to the terms and conditions of the programme, which included the execution of a deed of covenant and charge.

A deed of covenant and charge provides, *inter alia*, for a refund of the grant in the event of the facility not continuing to be used for the purpose for which the grant was allocated. My Department's legal adviser, the Chief State Solicitor's Office, CSSO, deals with the grantee's solicitor in executing this deed. I understand that the CSSO received documentation regarding the case from the solicitors representing the organisation in question on 9 May. The documentation submitted has been examined by the CSSO, which last week requested further documentation to execute the deed.

The CSSO is awaiting the submission of the outstanding documentation and has undertaken to examine it expeditiously upon receipt. If the documentation is in order then the deed of covenant and charge can be executed and a grant payment will follow.

FÁS Training Programmes.

379. **Ms O'Sullivan** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the fact that there are no confirmed places for young adults with learning disabilities leaving the educational environment and moving to vocational training in Dublin as a result of restrictions on funding; the steps he intends to take to address this situation; and if he will make a statement on the matter. [19682/05]

Minister of State at Department of Enterprise, Trade and Employment (Mr. Killeen): Persons with a learning disability have access to a wide range of training programmes with FÁS under the aegis of the Department of Enterprise, Trade and Employment. Initially, persons are assessed by FÁS employment services on their level of learning disability and are advised of the best opportunities available to them at that time. There are a number of training course options

available through, for example: FÁS funded programmes with the national learning network, formerly the NTDI; FÁS community training centres; FÁS training centres; and FÁS community employment projects, subject to certain eligibility criteria.

FÁS, through its network of 16 community training centres in Dublin, provides an initial response to young persons in transition from school to work. This includes the services of the psychological section of Dublin city and county VECs which provides support for persons with a learning disability. Such persons also have access to the full range of FÁS training courses available through its network of training centres throughout the country. There are no restrictions in place because of funding issues.

Company Closures.

380. **Mr. Deasy** asked the Minister for Enterprise, Trade and Employment the efforts which have been made by him to find a replacement industry for Dungarvan in view of the proposed closure of a company (details supplied); and if he will make a statement on the matter. [20663/05]

381. **Mr. Deasy** asked the Minister for Enterprise, Trade and Employment if he has had discussions with the management of a company (details supplied) and its workers with regard to the closure of the Dungarvan factory; and if he will make a statement on the matter. [20664/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 380 and 381 together.

Following the announcement on 4 May 2005 of the closure of the plant in Dungarvan, I met the Waterford county manager on 10 May 2005. At that meeting, I asked that particular emphasis be put on upskilling the existing workers where necessary and on creating an enterprise culture in the area. I also asked that emphasis be put on developing indigenous industry in the area with a view to expanding existing companies. An inter-agency forum has been set up to address the situation following the closure announcement. The forum, which is being chaired by the county manager, had its first meeting on 13 May 2005 and is meeting at fortnightly intervals.

Prior to this, phase one of the site development had been completed on IDA Ireland's industrial park in Dungarvan and the first client had been secured. I am satisfied that the combined efforts of the industrial development agencies, local interests and the forum will continue to address the needs of Dungarvan.

While I have had no direct discussions with the management of the company in question or the workers concerned, senior representatives from Enterprise Ireland, including the chief executive, have held meetings with the company over the past months to discuss its future strategy. Enterprise Ireland will continue to work with the

company through its restructuring programme on new product development and in developing its markets to assist the company meet its new targets.

FÁS has been in consultation with the workers concerned and is leading the interagency forum's response to the workers' needs in respect of training, development and education. Detailed arrangements are in hand to engage with the workforce when agreement has been reached between the company and staff representatives. FÁS will set up a temporary employment office in the plant in Dungarvan for a number of weeks to respond to the needs of the workforce.

Social Economy Programme.

382. **Ms Enright** asked the Minister for Enterprise, Trade and Employment if he is conducting a review into the social economy programme; if he is considering proposals to move this programme from FÁS and his own Department to another Department; and if he will make a statement on the matter. [20675/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): A review of the social economy programme, SEP, was undertaken by WRC social and economic consultants. The report was published in October 2003 and is available on the websites of my Department, *www.entemp.ie*, and FÁS, *www.fas.ie*.

On the basis of this report the SEP was the subject of a review at partnership level in the context of the overall review of the employment schemes operated by FÁS. On foot of this I announced a number of changes to the employment schemes in November 2004, including the arrangement whereby there would be no compulsory cessation of social economy projects. The issue of whether the social economy programme should remain with my Department or be transferred to the Department of Community, Rural and Gaeltacht Affairs is under consideration.

Industrial Development.

383. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment if there are grants available for groups to purchase lands for industrial use (details supplied). [20720/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): My Department does not provide grants for groups to purchase lands for industrial use nor does it provide direct grant aid to businesses or business start-ups. Funding is provided to a number of enterprise agencies including Enterprise Ireland, the 35 county and city enterprise boards, CEB, and Shannon Development who collectively are responsible for the delivery of assistance to indigenous industries.

The CEBs, in particular, are responsible for providing both financial and non-financial support to small businesses with ten employees or fewer. Subject to certain eligibility criteria, businesses may qualify for financial support from the

CEBs in the form of capital grants, feasibility study grants and employment grants. Non-financial support is available to eligible businesses in the form of a comprehensive range of development and support programmes designed to help new and existing enterprises. I would suggest that the persons concerned should, in the first instance, make direct contact with their local county enterprise board to explore what type and level of assistance, if any, would be available to them for this particular proposed project.

384. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment if it is intended to acquire land at Ardee, County Louth, for enterprise development purposes; and if he will consider acquiring land owned by the Health Service Executive in the town for this purpose. [20768/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): IDA Ireland is an autonomous statutory agency set up under the Industrial Development Acts 1986 to 2003. The agency operates in accordance with the provisions of the Acts and under the aegis of my Department. The management of IDA Ireland's industrial property portfolio, including the purchase and disposal of property, is a day-to-day operational matter for the agency as part of the statutory responsibility assigned to it by the Oireachtas and is not a matter in which I have any function.

I have been advised that the IDA is engaged in a property development programme in County Louth which has seen the significant upgrading of the IDA's Finnabair business and technology park in Dundalk and the development of a new business and technology park in Drogheda. This investment by the IDA in Dundalk and Drogheda has been made to provide high quality property solutions in line with the IDA's projected requirements and with the national spatial strategy, in which Dundalk has been designated as a national spatial strategy gateway location and Drogheda as a primary development centre.

The IDA does not have any plan to acquire new lands in Ardee, County Louth. The current substantial landbank in the IDA's ownership in County Louth is deemed to be more than adequate to meet the requirements of the IDA's projects for the foreseeable future.

Public Service.

385. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment, further to Question No. 25 of 24 February 2005, if he will review the decision to cut FÁS numbers; and if he will make a statement on the matter. [20826/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): As outlined in the answer to the Deputy's previous parliamentary questions, the reduction of 5,000 in staffing levels as announced by the Government in 2002 applies to all sectors of the public service. The Department

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of Enterprise, Trade and Employment and its agencies, including FÁS, are expected to contribute to this reduction. In the case of FÁS, a reduction of 150 over a number of years from a staffing level of almost 2,400 has been and is still considered appropriate.

Road Traffic Accidents.

386. **Dr. Cowley** asked the Minister for Enterprise, Trade and Employment the reason the Health and Safety Authority refused to investigate a fatal road traffic accident which took place on the Culdaff Road, County Donegal, on 12 June 2001 which resulted in the death of a person (details supplied); and if he will make a statement on the matter. [20864/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I express my sincere sympathies to the victim's family on their tragic loss. The remit of the Health and Safety Authority is confined to the investigation of occupational accidents. I understand that this matter was reported to the Health and Safety Authority on 3 June last. The authority contacted the Garda superintendent's office in Buncrana about it and it was confirmed to the authority that this was a traffic accident which had been fully investigated.

Departmental Properties.

387. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment the number and location of each factory unit owned by Shannon Development or IDA Ireland in County Tipperary; the number which are vacant; the length of time they have been vacant; the rental cost involved in each unit; and if he will make a statement on the matter. [21021/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Shannon Development is the statutory agency with responsibility for indigenous industry in the mid-west area which includes north Tipperary. As Shannon Development owns the factory units, there is no rental cost due from the agency. Rent charged by Shannon Development to tenant companies is based on the market value for the unit, having regard to its size and location, and varies accordingly.

The total number of factories and industrial units owned by Shannon Development in north Tipperary is 85, of which 35 are vacant, 31 for three years or less and four for a longer period. A more detailed breakdown can be provided to the Deputy if requested.

Location	Total No. of Units	Vacant Units
Thurles	47	22
Roscrea	9	5
Nenagh	20	7
Sundry Locations N. Tipperary	9	1

There are no factory units owned by IDA Ireland in County Tipperary South Riding. However, there is one building under construction in Tipperary town for the new private sector business expansion scheme. IDA Ireland will be guaranteeing the rent on this building on completion for two years provided that a tenant is not found.

Industrial Development.

388. **Mr. Connaughton** asked the Minister for Enterprise, Trade and Employment the reason his Department has not grant-aided the provision of five new units at a company (details supplied) in County Galway; and if he will make a statement on the matter. [21063/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): My Department does not grant-aid such developments directly. Enterprise Ireland has, in the past, managed schemes supporting community enterprise centres.

Enterprise Ireland approved funding of €123,133 to Ballinasloe Area Community Development Limited for the development of an enterprise centre under its community enterprise centre, CEC, programme for 1989 to 2001, of which €107,904 has been paid and the balance of €15,229 is being processed for payment. A further €38,000 was approved towards the employment of a centre manager under its 2002 CEC programme. The first moiety of this grant of €19,000 has also been paid. I understand that Ballinasloe Area Community Development Limited did not submit a proposal for the development of five new units adjacent to its existing centre in Ballinasloe although it did submit a different proposal which was unsuccessful.

Enterprise Ireland completed two public calls for proposals from local communities under the CEC 2002 programme. This scheme, announced in 2002 with a fund of €8 million, was a competitive scheme and all the funds have now been fully allocated. Enterprise Ireland is analysing information on 120 Enterprise Ireland supported community enterprise centres nationally to assess the impact that these centres have had both locally and nationally and to determine what role such centres may have in the future with regard to community led enterprise development.

Jobs Creation.

389. **Mr. Crawford** asked the Minister for Enterprise, Trade and Employment the number of new jobs which have been supported in each of the six Border counties over each of the past five years through IDA or Enterprise Ireland; if he has satisfied himself that sufficient effort is being made to attract inward investment or start-up jobs in this hard hit area which is losing its young graduates; and if he will make a statement on the matter. [21146/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): A total of 12,305 new jobs have been supported by IDA Ireland and Enterprise Ireland in the six Border counties over the past five years and details are set out in the following table.

IDA Ireland has set a high level performance target for the BMW region, of which the Border counties are an integral part. This commits IDA Ireland to try to achieve a target of 50% of all new greenfield jobs to be located in the Objective One area during the period 2000 to 2006. In this regard, substantial progress has been achieved to date. In 1999, prior to the start of the current national development plan, about 25% of all new greenfield jobs were located in the Objective One area. This rose to an average of 44% in the period 2000 to 2004.

Enterprise Ireland's new strategy for 2005 to 2007, transforming Irish industry, which I announced on 4 May 2005, places a strong emphasis on increasing even further the number of new start-ups in the regions and increasing the growth rate of these companies. The agencies' policy objectives for balanced regional development are reflected in the structure of their funding offers. The maximum grant levels are higher in the BMW region than in the southern and eastern regions and a higher proportion of this funding is also non-repayable.

New Jobs created in Enterprise Ireland Companies in Border Counties 2000-2004.

County	2000	2001	2002	2003	2004
Cavan	318	307	197	331	366
Donegal	309	482	275	261	242
Leitrim	63	53	64	26	19
Louth	243	535	265	239	554
Monaghan	384	310	314	317	347
Sligo	113	169	92	160	103

New Jobs created in IDA Ireland Companies in Border Counties 2000-2004.

County	2000	2001	2002	2003	2004
Cavan	34	68	52	12	31
Donegal	308	353	179	141	136
Leitrim	4	336	117	575	159
Louth	1,012	155	179	39	101
Monaghan	1	22	57	10	0
Sligo	185	92	172	103	213

Industrial Disputes.

390. **Mr. J. Higgins** asked the Minister for Enterprise, Trade and Employment if he will provide the Deputy with all the information to which his attention has been drawn as a result of the investigation leading to the High Court judgment of 14 June 2005 involving Gama Construction Limited. [21175/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): As stated in the question, the judgment in this matter was received on 14 June 2005 and the document runs to 33 pages. The detail of this judgment is being studied by my legal advisers and officials at present. When that process is completed I will consider the next appropriate steps that are open to me. In the meantime I believe it is prudent not to engage in discussion of the content of the inspector's report.

While these matters are being considered I wish to assure the Deputy that work is continuing within the labour inspectorate with regard to employment rights compliance in the company concerned. It is my understanding also that other Departments or related offices are proceeding with their respective interactions with the company.

Education Grants.

391. **Mr. J. Higgins** asked the Minister for Enterprise, Trade and Employment the funding per annum awarded by Enterprise Ireland to the Eurocollege Institute of Education; and the funding committed into the future. [21176/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): A decision to fund a client company is a day-to-day matter for Enterprise Ireland and not one in which I am directly involved. Enterprise Ireland has informed my Department that Eurocollege Institute of Education, as an internationally traded service company, falls within the remit of Enterprise Ireland. Eurocollege Institute of Education received payments of €2,382 in 2003 and €160,000 in 2004 from Enterprise Ireland.

Enterprise Ireland publishes payments made to its client companies in conjunction with its annual report. Information on funding approvals is not published, however, because of the commercial sensitivity that attaches to the initial phase of many projects. All funding approved by Enterprise Ireland is subject to a legal agreement and the conditions in the agreement must be met before funding can be drawn down. Enterprise Ireland is not in receipt of a further, formal application for support from the company.

State Property.

392. **Mr. J. Higgins** asked the Minister for Enterprise, Trade and Employment the amount which the IDA awarded in respect of fee simple interest in industrial lands in Clonshaugh; and the company to which it was awarded. [21177/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The settlement negotiated with the company is subject to a confidentiality clause between all the parties and their agents.

Public Contracts.

393. **Dr. Upton** asked the Minister for Social and Family Affairs if An Post will retain the

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social welfare contract; and if he will make a statement on the matter. [20629/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department issues approximately 1.1 million weekly payments of which 58% are paid through An Post. The Government's decision in 1999 to extend my Department's existing contractual arrangements with An Post gave rise to a procurement complaint being lodged with the European Commission in 2000. That complaint was subsequently referred by the Commission to the Court of Justice. In the meantime An Post, with the agreement of the Commission, has continued to provide the service on an interim basis since 1 January 2000. There are no plans to change this arrangement.

Social Welfare Benefits.

394. **Ms Enright** asked the Minister for Social and Family Affairs when payment of the respite care grant will be made to a person (details supplied) in County Offaly; and if he will make a statement on the matter. [20677/05]

Minister for Social and Family Affairs (Mr. Brennan): An application for the respite care grant from the person concerned was received in the respite care grant section within my Department on 3 June. The section is processing claims received during May. It is expected that decisions on claims received in June will be made in July and applicants will be advised immediately thereafter.

395. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved for the free schemes. [20764/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned has been awarded the household benefits package including electricity allowance, free lifetime television licence and telephone allowance with effect from 25 October 2004. Her service provider has been notified to apply the electricity allowance to her account from that date. She is entitled to a refund in respect of her current television licence which she purchased in April 2005. A payable order will issue to her as soon as possible. My Department has made contact with her with a view to making the necessary arrangements to have the telephone allowance applied to her account.

396. **Ms Shortall** asked the Minister for Social and Family Affairs the reason it is the policy that both child benefit and family income supplement are stopped from the end of May for parents of children who have finished school but who are sitting the leaving certificate in June of the same year; and if he will address this anomaly; and if he will make a statement on the matter. [20765/05]

Minister for Social and Family Affairs (Mr. Brennan): Child benefit is payable generally to the mother in respect of children who are under 16 years of age, or aged between 16 and 19 and either disabled or in full-time education. Child benefit is paid up to the date certified by the school or college that the child is attending, which in most cases is the end of the academic year in June. The child benefit year runs from June to May and in cases where a child is certified as being in full-time education to June, a payment is made for the month of June by either a renewal book, containing a single voucher, or directly into the customer's bank account.

The procedure regarding family income supplement, FIS, is where a person has a claim for an only child and that child reaches 18 in April or May a form is issued which is to be stamped by the school. Where the child is sitting the leaving certificate, family income supplement is paid until the end of June. Otherwise FIS is paid until the end of May. Where there are other children in the household, the fact that the child reaches 18 does not affect the FIS payment and it continues to be paid at the same rate until the end of the normal 52 week payment period unless the child signs on for unemployment payment in his or her own right.

397. **Mr. Durkan** asked the Minister for Social and Family Affairs when the rent allowance appeal will be decided in the case of a person (details supplied) in County Kildare; if an early decision will be made taking into consideration her present situation; and if he will make a statement on the matter. [20963/05]

Minister for Social and Family Affairs (Mr. Brennan): The Dublin mid-Leinster area of the Health Service Executive has advised that it received an appeal last week from the person concerned regarding its refusal of her application for rent supplement under the supplementary welfare allowance scheme. A file on the case is being prepared by the community welfare service for the relevant Health Service Executive appeals officer who will make a determination on her eligibility as soon as possible. The person concerned will be notified of the outcome directly.

398. **Mr. Durkan** asked the Minister for Social and Family Affairs if the rent supplement rate will be reviewed in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20964/05]

Minister for Social and Family Affairs (Mr. Brennan): The Dublin mid-Leinster area of the executive has advised that it finalised its review of the amount of rent supplement payable in this case to take account of recent changes in the family's circumstances. Based on the new level of household income the executive has determined that the amount of rent supplement payable to the person concerned is €828.20 per month. The executive has further advised that it will issue an

arrears payment to her at the end of this month in respect of the period from March 2005 to June 2005 inclusive.

Social Welfare Code.

399. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs if he will create one freephone number for all social welfare recipients to receive a certificate of social welfare income to apply for a waiver for domestic refuse charges; and if he will make a statement on the matter. [20990/05]

Minister for Social and Family Affairs (Mr. Brennan): Certificates of social welfare income are provided to customers by each individual scheme area for a variety of purposes, including waiver of domestic refuse charges. As reference to specific customer details is required to produce such certificates, this is considered to be the most appropriate method for dealing with such requests. The use of a centralised freephone would not be the most effective way of dealing with requests for certificates of income.

Social Welfare Benefits.

400. **Mr. Lowry** asked the Minister for Social and Family Affairs if he will pay in advance pension payments for pensioners who opt to use electronic bank transfer for payment instead of payment by book; and if he will make a statement on the matter. [21022/05]

Minister for Social and Family Affairs (Mr. Brennan): At present pensioners who avail of electronic fund transfer, EFT, as a payment option receive their pension weekly in arrears. This has been the case since November 2004 when the EFT payment cycle was reduced from fortnightly in arrears to weekly in arrears. I am anxious to progress the full alignment of EFT payments with that of other payment methods, including the elimination of the week in arrears payment, and I expect this can be achieved in the near future.

Anti-Poverty Strategy.

401. **Mr. O'Shea** asked the Minister for Social and Family Affairs when he will make an announcement regarding the €700,000 set aside for the money advice and budgeting service in the budget for 2005; and if he will make a statement on the matter. [21149/05]

402. **Mr. O'Shea** asked the Minister for Social and Family Affairs if it is proposed that MABS is to depart from its solely advisory role to become an agency which will provide financial assistance to persons; and the reason this is considered necessary or desirable; and if he will make a statement on the matter. [21150/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 401 and 402 together.

My Department has overall responsibility for the money advice and budgeting service, MABS, which provides assistance to people who are over-indebted and need intensive help and advice in coping with their debt problems. The service is operated by 52 independent companies throughout the country.

The MABS programme provides money advice to individuals and families who have problems with debt and who are on low income or in receipt of social welfare payments. The service places an emphasis on practical budget-based measures that help people to move permanently from dependence on moneylenders and to access alternative sources of low cost credit particularly in their local credit union.

The MABS service has been allocated €13.62 million to ensure the continued development of the service in 2005. This represents an increase of €2.22 million or more than 19% on the 2004 allocation. The allocation this year includes a sum of €1 million to address two particular issues.

I am concerned that where severe hardship exists in cases of over-indebtedness, MABS customers receive the most appropriate assistance to deal with the situation. The MABS service is considering ways in which support can be provided directly to MABS customers who have particular difficulties with debt problems and to establish a mechanism where this can be dealt with in a practical way. It is envisaged that a specific fund will be established for this purpose which would be administered at a remove from the local money advice and budgeting service. The arrangements are being finalised and I expect to be in a position to announce their commencement in the autumn. This fund will be made available only where conventional avenues of support cannot be of assistance and only in cases of extreme hardship.

I intend to have a fully automated payment system put in place on a national basis which will allow MABS employees to make direct payments to creditors on behalf of customers and also provide detailed statistics upon demand. These statistics will be invaluable in aiding the future development of MABS by providing a greater understanding of the issues surrounding indebtedness. This new payment system, MABSIS, will be implemented by July 2005. MABS is centred on the needs of the customer and it is vital that the various needs of all customers are met in innovative ways. These initiatives will add another positive dimension to the role of MABS.

403. **Mr. Stanton** asked the Minister for Social and Family Affairs his views on the fact that Ireland has the second highest level of child poverty in Europe at 15.7% (details supplied); and if he will make a statement on the matter. [21291/05]

Minister for Social and Family Affairs (Mr. Brennan): The figure for child poverty in Ireland of 15.7% based on 50% of median national

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income in 2000 was referred to in the recent Combat Poverty Agency “Ending Child Poverty” policy statement which, in turn, was drawn from a recent UNICEF report on child poverty.

As I restated when I launched the agency’s statement, tackling child poverty continues to be among my key priorities. Strategies to address child poverty and the measures to give effect to them are set out in the national action plan against poverty and social exclusion and in the national children’s strategy. The importance of tackling child poverty is reflected in the fact that Ending Child Poverty is one of ten Sustaining Progress special initiatives. One of the key strategies for reducing child poverty is the reduction of the numbers of parents who are unemployed. Our aim is to continue to maintain high levels of employment and to remove obstacles to taking up employment, especially for lone parents and parents with large families.

The most significant measure to tackle child poverty by my Department has been the substantial increases in child benefit payment rates. Between 1997 and 2005, the rate of child benefit rose from €38.09 per month for the first two children and €49.50 for each child thereafter to €141.60 per month for each of the first two children and to €177.30 per month for the third and each subsequent child. Child benefit is paid to more than 540,000 families in respect of approximately 1 million children, at an estimated cost of €1.9 billion in 2005. It delivers a standard rate of payment in respect of all children in a family regardless of income levels or employment status.

Through the family income supplement scheme, my Department provides cash support by way of weekly payments to families, including lone parent families, at work on low pay. Recent improvements to the scheme, including the assessment of entitlements on the basis of net rather than gross income and progressive increases in the income limits, have made it easier for lower income households to qualify under the scheme. To address the situation of those children who are most at risk of poverty I am giving serious consideration to the introduction of a second tier of supports, aimed specifically at families in greatest need. A study is being carried out by the NESC on the possibility of amalgamating social welfare child dependant allowances with family income supplement payments, in an effort to channel extra resources to low income families without creating disincentives to employment. In addition, a sub-group of the senior officials group on social inclusion is examining obstacles to employment for lone parent families and will shortly present its report.

My Department is also participating in an interdepartmental working group on early child care and education, chaired by the National Children’s Office. The work of this committee is at an advanced stage and the outcome will make an important contribution to finding the right mix of

services and income support to facilitate employment take up and care for children. The causes of poverty among children and its effects are multifaceted requiring a multi-policy response. A wide range of data is required to effectively monitor, evaluate and develop such policies. It is for that reason my Department and the Department of Health and Children, through the National Children’s Office, are jointly funding a national longitudinal study on children. The study will be the most significant of its kind to be undertaken here, particularly in terms of the cost, scope and length of study period. It is anticipated that 10,000 children from birth and 8,000 children aged nine will be recruited to participate in the study, which is expected to commence later this year.

Assisting and supporting vulnerable families and their children is one of our main challenges as a society. Through the initiatives we are taking to combat poverty and social exclusion, the Government is giving priority to ensuring that vulnerable families and their children have the share of life chances and quality of life which our prosperity as a nation demands.

404. **Mr. Stanton** asked the Minister for Social and Family Affairs his views on the fact that, according to the Combat Poverty Agency policy statement on child poverty, lone parents here have the highest replacement rates and levels of marginal taxation in Europe which is conducive to the formation of poverty traps for lone parents; and if he will make a statement on the matter. [21292/05]

Minister for Social and Family Affairs (Mr. Brennan): The findings of the recent Combat Poverty Agency, CPA, policy statement Ending Child Poverty, are based on an analysis of income support packages for families in 22 industrialised countries. The statement indicated that Ireland has the highest replacement rate for lone parents in the 22 countries studied, replacement rates are often defined as the ratio of social welfare benefits to wage-indexed gross earnings, and that these rates are a product of the relatively generous lone parent income support package in Ireland. However, the value of this support is diminished by shortcomings in service provision, especially with regard to child care.

To continue to make progress in tackling child poverty and poverty in general, the Government is accelerating the implementation of proposals that will address problems that are contributing to child poverty. Particular emphasis is placed on the three critical areas of increased and targeted child income supports, measures to encourage lone parents back to education, training and work and the delivery of additional child care places.

A sub-group of the senior officials group on social inclusion is examining obstacles to employment for lone parent families, with particular emphasis on income supports, employment, education, child care and support programmes and information. This group is scheduled to report to

the Cabinet committee on social inclusion by the end of July.

We must also look closely at income supports and at how we can adjust those supports to better address the social problems that can arise for those who receive these payments. In this regard, my Department has established a working group to review the income support arrangements for lone parents. Issues being addressed include the contingency basis of the one-parent family payment, cohabitation, individualisation, maintenance and secondary benefits. The findings of this group will feed into the work of the senior officials sub-group.

I am also giving serious consideration to the introduction of a second tier of child income supports, aimed specifically at families in greatest need. A study being carried out by the National Economic and Social Council is examining the possibility of amalgamating social welfare child dependant allowances with family income supplement payments. The objective is to provide an integrated channel for resources to low income families without creating disincentives to employment. It is intended that the outcome of these reviews will contribute to final concrete proposals designed to better support and encourage lone parents in achieving a better standard of living, employment and education opportunities, and a better future for themselves and their children. These will be the main criteria against which recommendations in the reports will be judged. I am committed to reforms that will improve the quality of life for lone parents and their children by offering them respect and support while avoiding poverty traps.

Social Welfare Benefits.

405. **Mr. Stanton** asked the Minister for Social and Family Affairs if he will report on the child benefit targets in Sustaining Progress; if these targets have been met; if not, the reason therefor; and if he will make a statement on the matter. [21294/05]

Minister for Social and Family Affairs (Mr. Brennan): Since 1997, the monthly rates of child benefit has increased by €103.51 at the lower rate and €127.78 at the higher rate, increases of 271% and 258% respectively, compared with inflation of 30.6%.

In the budget for 2001, the Minister for Finance announced a multi-annual programme of increases in child benefit to the value of €1.27 billion over three years, subsequently extended to five years so that the monthly rates payable in respect of the first and second child would increase to €149.20 per month and to €185.40 for the third and subsequent children. Sustaining Progress indicated that the final phase of the planned increases in child benefit rates would be completed in 2004 and 2005. The completion of this programme will be a matter to be considered in the context of the December budget.

406. **Mr. Stanton** asked the Minister for Social and Family Affairs if he plans to conduct informational and awareness campaigns to promote the improved take-up of the family income supplement; and if he will make a statement on the matter. [21295/05]

Minister for Social and Family Affairs (Mr. Brennan): My Department takes a number of measures to ensure that people are aware of possible entitlement to the family income supplement, FIS. These include advising all newly awarded one parent family payment recipients, advising all employers annually in PRSI mailshots and examining entitlement in all awarded back to work allowance cases. Information on FIS is contained in all child benefit books and can be accessed on the Department's website. In addition, the scheme has previously and extensively been advertised through local and national media outlets, including newspapers and radio, as well as through poster campaigns and targeted mailshots.

Improvements to the family income supplement scheme, including the progressive increases in the income limits, have made it easier for lower income households to qualify under the scheme. My Department will continue to closely monitor the performance of the scheme in terms of uptake and ensure information on all of the Department's schemes is disseminated to the widest possible audience so that people may avail of their entitlements.

407. **Mr. Stanton** asked the Minister for Social and Family Affairs if he has considered a tapered employment-neutral child benefit supplement as suggested by the 1996 expert working group on tax and social welfare. [21296/05]

Minister for Social and Family Affairs (Mr. Brennan): Following a Government commitment in Sustaining Progress, the National Economic and Social Council have been asked by the Government to consider the possibility of a second-tier child income support payment which would replace child dependant allowances and family income supplement, with a view to channelling resources to low income families without creating disincentives to employment. I am looking forward to receiving the NESC report in the near future.

Parking Regulations.

408. **Mr. Sargent** asked the Minister for Transport if city and county councillors have a role in determining policy relating to the clamping of illegally parked vehicles in their local authority area ; if this is solely an executive function; and if councillors have a role, if he will report on the nature of the role. [20712/05]

Minister for Transport (Mr. Cullen): The legislative basis for the application of immobilisation devices to vehicles that are illegally parked on

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public roads is set out in section 101B of the Road Traffic Act 1961, as inserted by section 9 of the Dublin Transport Authority (Dissolution) Act 1987. Regulations entitled the Road Traffic (Immobilisation of Vehicles) Regulations were made in 1998 to give effect to that section. The regulations include a provision that identifies those classes of persons who may be authorised to apply and remove immobilisation devices and determines that such persons shall consist of members of the Garda, traffic wardens and any person appointed in writing for such purposes by a local authority. As the regulations do not determine that decisions to appoint authorised persons are reserved for the members of local authorities, the making of such decisions is an executive function.

Driving Licences.

409. **Mr. Ring** asked the Minister for Transport if any discussions have taken place between the Government and the American Government with regard to an Irish driver's licence being sufficient to drive in America and an American driver's licence being adequate here; if there is any agreement between the two Governments on this issue. [20779/05]

Minister for Transport (Mr. Cullen): Irish driving licence regulations are required to operate within the framework of a harmonised EU system. The criteria essential for recognition of licences from other countries are testing and licensing regimes, which meet the requirements of the EU directive on driving licences, and reciprocal recognition of Irish licences. Ireland does not have a bilateral agreement with the United States of America for the exchange of driving licences due to the diverse nature of the driver testing and licensing regimes in the different states in the USA. On taking up Irish residence a person who holds a driving licence issued in the USA must obtain a provisional licence and undergo a driving test to obtain a driving licence. Temporary visitors to Ireland who hold a national driving licence or an international driving permit may drive here for the duration of their visit. The driver licensing requirements in the USA are a matter for the USA licensing authorities.

Public Transport.

410. **Mr. English** asked the Minister for Transport the nature of the provisions in the sectoral plan for the Disability Bill 2004 order to make Bus Éireann vehicles more physically accessible for persons with disabilities. [20638/05]

Minister of State at the Department of Transport (Mr. Callely): My Department's sectoral plan in its current form is a draft consultation document that is likely to be significantly amended before it is finalised. However, it does contain major commitments with regard to the accessibility of Bus Éireann vehicles for people

with mobility and sensory impairments. I am happy to inform the Deputy that practically the entire urban bus fleets of Bus Éireann in Cork, Limerick, Galway and Waterford are comprised of low floor, fully accessible vehicles. The only exceptions are a small number of older vehicles in Cork, which are not part of the regular bus fleet. Under the sectoral plan the company will continue to purchase only fully accessible vehicles for its urban services.

The sectoral plan notes that in recent years Bus Éireann has begun introducing low floor wheelchair accessible buses on a trial basis on some commuter routes previously served by inaccessible vehicles. It is hoped to note further progress in this area when the plan is being finalised. At present the inter-urban services provided by Bus Éireann are inaccessible for people in wheelchairs. This is because, to date, the company has not been able to source suitable accessible vehicles. This problem is not unique to Bus Éireann and European-wide efforts are under way to address the issue. In that regard, Bus Éireann is participating in an EU research study into the scope for developing accessible coaches and long distance buses.

The sectoral plan states that Bus Éireann will begin the process of replacing its inter-urban fleet with wheelchair accessible vehicles as soon as suitable vehicles become available. I am engaging with the public transport accessibility committee, which operates under the aegis of my Department, to ensure that the members of the committee are fully consulted with regard to the contents of the sectoral plan.

Driving Tests.

411. **Mr. O'Dowd** asked the Minister for Transport if an application to sit a driving test will be expedited on medical grounds for a person (details supplied) in County Louth; and if he will make a statement on the matter. [20653/05]

Minister for Transport (Mr. Cullen): A driving test will be arranged as soon as possible for the person concerned.

Rail Network.

412. **Mr. McEntee** asked the Minister for Transport if Iarnród Éireann has submitted a report to his Department on the feasibility study on the proposed Clonsilla-N3 interchange railway line, in consultation with Meath and Fingal county councils; and if he will make a statement on the matter. [20668/05]

Minister for Transport (Mr. Cullen): Iarnród Éireann, in conjunction with Meath and Fingal county councils, recently completed a feasibility study into the possibility of providing a spur off the Maynooth line at Clonsilla to Pace on the N3 beyond Dunboyne. I am aware that Iarnród Éireann is examining the study. 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.

National Car Test.

413. **Ms Shortall** asked the Minister for Transport if he will consider introducing a reduced rate NCT fee for pensioners; and his estimate of the cost of halving the applicable charges for all those over 65 and over 70 (details supplied). [20777/05]

Minister of State at the Department of Transport (Mr. Callely): I have no plans to introduce reduced NCT fees for pensioners and, accordingly, our Department has not calculated the costs associated with such a proposal.

Road Safety.

414. **Ms C. Murphy** asked the Minister for Transport the number of safe route to school initiatives which were undertaken in 2003, 2004 and 2005; the locations in which they were undertaken; the funding which has been provided in those years and in those locations; and if it is intended to expand the scheme in 2006. [20787/05]

Minister of State at the Department of Transport (Mr. Callely): The DTO initiated a pilot programme for six safer routes to school projects during the course of the period 2002 to 2003. These were in Griffith Avenue involving four separate schools: Donabate, two schools; Malahide, one school; Bray, one school; Lucan, one school; and Shankill, one school. Subsequently, the schools in Lucan and Shankill decided not to continue participating in the initiative.

This pilot programme was designed to show what needs to be done to achieve a better balance in the modes used to travel to school. The pilot programme consisted of: implementing a set of infrastructure improvements in the road environment surrounding each school; and organis-

ational and consultation activities intended to show school management and parent committees how to manage the mobility needs of the children attending the school.

The total cost of the programme was €1.66 million, predominantly for the infrastructure changes, for example, pedestrian crossing, cycle paths, cycle parking facilities within school grounds, bus lay-bys, etc. No moneys have been expended on projects during 2005. The DTO contributed considerable in-house resources to managing the initiative through extensive liaison with stakeholders and through the preparation of documentation, surveys etc.

The following table shows the breakdown of moneys allocated to each school project, and also the outcome in terms of changes to behaviour and mode choices made by pupils and their parents. The table shows that the results of the pilot programme are encouraging. The main finding of the pilot project was that a school requires a well-developed and interested parent-school team to bring the initiative to fruition. Simply providing infrastructure without the managerial effort of parents, pupils and school managers is likely to fail.

The DTO is examining the potential of widening the scope of the initiative by arranging for the inclusion of a school travel theme within the existing green schools programme. The green schools programme is run by An Taisce and is already present in over half the schools across the country, with the rate of subscription growing. The programme has the potential to assist working groups involving parents, pupils and staff to develop a school travel plan to increase the numbers of pupils walking, cycling or taking the bus to school and to reduce the number of cars coming to the school.

I have asked the DTO to advise me as to how this initiative might be advanced, with a view to getting implementation in a wider range of schools throughout the country. Cost of Safer Routes to School Projects and Outputs

Project	Number of Schools	Cost	Outcome
		€	
Griffith Avenue	4	609,000	Walking Bus established. Numbers not quantified yet.
Donabate	2	612,411	11% increase in walking, 1% increase in Cycling, 9% increase in Bus use, 22% decrease in car use.
Malahide	1	219,000	2% increase in cycling, 1% increase in walking, 1% increase in car use, 3% decrease in bus use.
Bray	1	168,000	6% increase in cycling, 6% decrease in car use.

Rail Network.

415. **Ms Burton** asked the Minister for Transport the work which has been carried out in respect of the development of a railway station at Spencer Dock; if the site has been selected; if the design work has been completed; when the construction of the station will commence and be completed; the amount of the €5 million allocated in budget 2005 to the project which has been

spent; and if he will make a statement on the matter. [21132/05]

Minister for Transport (Mr. Cullen): The greater Dublin integrated rail network plan submitted to my Department by Iarnród Éireann includes a proposal for a new terminal station at Spencer Dock. To date no funds have been expended on this project. The integrated rail network plan will be considered in the context

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of the ten-year transport investment framework which is currently under consideration by the Cabinet committee on housing, infrastructure and PPPs.

416. **Ms McManus** asked the Minister for Transport if the railway station at Avoca, County Wicklow, will be reopened in view of the growing need; the cost of extending the platform to provide a step-down service similar to that provided at Kilcoole Station; and if he will make a statement on the matter. [21159/05]

Minister for Transport (Mr. Cullen): The location of railway stations is a matter for Iarnród Éireann. I understand, however, that the company has examined potential demand for a new station at Avoca and that the survey concluded that patronage would be very low. If proposals emerge for the development of the catchment area around Avoca, with an increase in population, Iarnród Éireann will revisit the issue.

Security of the Elderly.

417. **Mr. Timmins** asked the Minister for Community, Rural and Gaeltacht Affairs the position in relation to personal alarms for old age pensioners; if, in view of the fact that many old age pensioners find it difficult to pay €80 per year running costs to emergency response, this will be waived and funding allocated to cover it; and if he will make a statement on the matter. [20697/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The purpose of the scheme of community support for older people is to encourage and assist the community's support for older people by means of a community based grant scheme to improve the security of its older members. The scheme is administered by local community and voluntary groups with the support of my Department.

Resources are directed to providing equipment to those older members of the community in need of such assistance and who have not already had the equipment installed. The scheme provides maximum individual grants of €300 in respect of the once-off installation cost of socially monitored alarms; €150 in respect of door locks, window locks and door chains; €150 in respect of security lighting; and in 2004 I introduced a grant of €50 in respect of smoke alarms. I have no plans to further extend the scheme to fund the annual fee for running costs of socially-monitored alarm systems.

Decentralisation Programme.

418. **Ms Cooper-Flynn** asked the Minister for Community, Rural and Gaeltacht Affairs the position regarding the decentralisation promised for Knock Airport. [21112/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department is scheduled to complete its move to Knock Airport by the end of 2007. With regard to the construc-

tion of a headquarters building, a site has been chosen and the Office of Public Works is in the process of finalising the purchase of that site. It is expected that a competition will be advertised subsequently for the design and building of the headquarters and that work on site will begin in the final quarter of this year. All necessary work on the building is expected to be completed in time for staff to move to Knock Airport by the end of 2007.

Community Development.

419. **Mr. Deasy** asked the Minister for Community, Rural and Gaeltacht Affairs if funding under the social inclusion fund has been reduced to ADM; if not, the reason funding has been reduced to the a group (details supplied); if funding will be restored to the previous level; and if he will make a statement on the matter. [20687/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): There has been no reduction in funding available under the local development social inclusion programme in 2005. Funding of €42.144 million and €45.7 million was provided in my Department's Estimates in 2004 and 2005 respectively. I have been informed by ADM that it does not directly fund this group.

Inland Waterways.

420. **Mr. Crawford** asked the Minister for Community, Rural and Gaeltacht Affairs his plans to move forward the reopening of the Ulster Canal as one of the best cross-Border projects with support from all sections of the communities north and south of the Border; and if he will make a statement on the matter. [21144/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy is aware, one of the functions of Waterways Ireland, a North-South implementation body established under the British-Irish Agreement Act 1999, is to examine the possible restoration of the Ulster Canal. At this time, no decision has been taken to proceed with the restoration of the Ulster Canal and, in view of the current "care and maintenance" mode in which the North-South bodies are operating, the Deputy will appreciate the difficulty of advancing the issue at this time.

As the Deputy knows, a study was commissioned which estimated the cost of the restoration of the full Ulster Canal at approximately £90 million stg based on year 2000 costs. Matters arising in regard to the project, including the question of whether a phased or partial approach might be feasible, remain under consideration by my Department and the Department of Culture, Arts and Leisure in the North.

Grant Payments.

421. **Mr. Sargent** asked the Minister for Agriculture and Food the annual cost of forestry payments for the years 1999 to 2004, distinguishing between establishment costs and premia payments. [20577/05]

Minister for Agriculture and Food (Mary Coughlan): The annual costs of forestry payments, differentiated between establishment grants and premium payments for the years in question, are as follows:

Year	Establishment Grants	Premium Payments
	€m	€m
1999	22.85	27.81
2000	33.72	29.75
2001	35.43	42.52
2002	35.88	48.10
2003	23.48	49.33
2004	25.22	54.07

422. **Mr. Sargent** asked the Minister for Agriculture and Food the projected annual cost of all premia payments approved by her Department to date since the implementation of this scheme in 1993, distinguishing between farmer and non-farmers payments. [20578/05]

Minister for Agriculture and Food (Mary Coughlan): I presume the Deputy is referring to forestry premium payments. The projected annual cost of premia of applications approved up to the end of 2004 which became payable over the period in question is as follows:

Year	Total	Farmers Premia	Non-Farmers
	€	€	€
2005	51,953,103	48,836,895	3,116,208
2006	51,953,103	48,836,895	3,116,208
2007	51,953,103	48,836,895	3,116,208
2008	51,931,261	48,836,895	3,094,366
2009	51,650,925	48,836,895	2,814,030
2010	51,198,843	48,836,895	2,361,948
2011	50,785,129	48,836,895	1,948,234
2012	50,434,708	48,834,708	1,600,000
2013	49,983,194	48,693,620	1,289,575
2014	47,419,491	46,393,328	1,026,163
2015	42,743,270	41,936,631	806,639
2016	37,119,065	36,565,692	553,373
2017	32,543,288	32,121,611	421,677
2018	29,316,109	29,081,772	234,337
2019	25,596,800	25,362,463	234,337
2020	21,993,313	21,758,975	234,338
2021	16,595,877	16,361,539	234,338
2022	11,891,355	11,657,017	234,338
2023	3,472,411	3,350,344	122,067

Afforestation Programme.

423. **Mr. Sargent** asked the Minister for Agriculture and Food the number of applications for forestry funding made since SI 538 came into force; and the outcome of such applications. [20579/05]

424. **Mr. Sargent** asked the Minister for Agriculture and Food if she will report on the public consultation process undertaken for all forestry applications, giving the information published before a decision is taken and the information published afterwards, including that made available on her Department's website. [20580/05]

425. **Mr. Sargent** asked the Minister for Agriculture and Food when decisions are made to approve funding for afforestation applicants; if the rationale and content of the decision and any conditions attached thereto are recorded in a register; and if the information is freely available to the public, including publication on her Department's website. [20581/05]

426. **Mr. Sargent** asked the Minister for Agriculture and Food when decisions are made to approve funding for afforestation applications; if a description, when necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects are recorded in a register; and if the information is freely available to the public, including publication on her Department's website. [20582/05]

427. **Mr. Sargent** asked the Minister for Agriculture and Food if she will report on the statutory process of consultation undertaken under SI 538 for forestry applications, detailing specifically the number of applications and the extent of information supplied to the prescribed bodies before a decision is made and the method by which the content and rationale of a decision are communicated to these bodies. [20583/05]

428. **Mr. Sargent** asked the Minister for Agriculture and Food the number of applications and public consultations undertaken and the results of such consultations for forestry proposals in proposed NHAs, SACs, SPAs and national parks, areas containing an archaeological site or feature with intensive public use, prime scenic or amenity areas in a county development plan or listed in an inventory of outstanding landscapes, since SI No. 538 came into force; and the outcome of such consultations. [20584/05]

429. **Mr. Sargent** asked the Minister for Agriculture and Food the number of applications and public consultations undertaken for forestry applications in excess of 2.5 hectares since SI No. 538 came into force; and the outcome of such consultations. [20585/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 423 to 429, inclusive, together.

The European Communities (Environmental Impact Assessment) (amendment) Regulations, 2001 contained in SI 538 of 2001 introduced, *inter alia*, a statutory consent system for afforestation. The regulations cover the consultation procedures for both prescribed bodies and the general public, together with environmental impact assessment procedures for afforestation.

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The type of case processed under SI 538 are those where the site is within a proposed NHA, SAC, SPA or national park, contains an archaeological site or feature with intensive public usage or is within a prime scenic area in the county development plan, or is within an area listed in the inventory of outstanding landscapes.

Applications subject to the public consultations under SI 538 are advertised in the relevant local press indicating reference number, county, townland, district electoral division and area to be planted. Interested parties are invited to seek further information in relation to any observations or submissions they may wish to make. In addition, any application for afforestation of an area in excess of 2.5 hectares is subject to public notification whether or not it is covered by the provisions of SI 538. Notification is made through the newspapers circulating in the district of the proposed afforestation and includes information similar to that outlined above for public consultation cases. In addition, all applications are thoroughly examined by the forest inspectorate of my Department, which includes specialists in the area of archaeology, ecology and landscape-architecture and are referred as required to the various prescribed bodies.

A total of 6,606 applications for funding have been processed by the Forest Service of my Department since the introduction of SI 538 in 2001, of which 6,189 were approved for funding. A total of 545 of the applications received were subject to the provisions of SI 538, of which 473 were approved for funding. Of those applications which were subject to SI 538, applications in NHAs, SACs, SPAs and national parks accounted for 331; areas containing an archaeological site or feature with intensive public use came to 127; while prime scenic or amenity areas in a county development plan or listed in an inventory of outstanding landscapes came to 353. As will be seen a considerable number of the applications would have multiple referrals.

Conditions of approval of applications are not recorded in a register at present. The conditions are recorded on the individual files and must be strictly adhered to in order to form the basis of grant payment. This information is not published after a decision has been made, nor does any information appear at present on the Department's website. However, information in relation to the decisions is freely available to the public on request and my Department is actively looking at ways of improving the flow of information in the context of the greater flexibility which will be offered by the new IFORIS system when introduced later this year.

In relation to applications processed under SI 538, the information given to the prescribed bodies includes the following details: (1) environmental considerations relating to the site; (2) species proposed; (3) general site data, for example, elevation, soil type etc.; and (4) oper-

ational proposals, that is, drainage, stocking, access, fertiliser weed control etc. A map of the site is also given. Information on the content and rationale of decisions relating to these applications are available to the referral bodies on request.

The number of applications in excess of 2.5 hectares processed since SI 538 was 5,782. All were subject to the public notification or consultation system described above, as appropriate.

Animal Carcase Disposal.

430. **Mr. McGuinness** asked the Minister for Agriculture and Food the amount of money which will issue to a person (details supplied) in County Kilkenny; if the deductions being made by her Department will be minimised; and if she will make a statement on the matter. [20622/05]

Minister for Agriculture and Food (Mary Coughlan): The European Communities (Protection of Animals Kept for Farming Purposes) Regulations 2000, SI 127 of 2000, provides that adequate care and attention must be maintained with regard to the health and welfare of farm animals. In March of this year my Department issued a notice under regulation 7 of the above regulations requiring the person concerned to comply with certain conditions in relation to the welfare of sheep kept on his holding. As these conditions had not been complied with and the condition of the sheep continued to deteriorate my Department was obliged to issue a notice on 7 April under regulation 10 of the above regulations seizing the sheep concerned and removing them from the farm.

In accordance with normal practice, as provided for in regulation 10(4) of the above regulations, any funds accruing from the disposal of these sheep will be paid to the farmer concerned less the costs incurred by my Department in connection with the seizure and disposal of these animals.

Land Annuity Payments.

431. **Mr. McGuinness** asked the Minister for Agriculture and Food her plans to end the payment of land annuity in the case of a person (details supplied) in County Carlow; and if she will make a statement on the matter. [20645/05]

Minister for Agriculture and Food (Mary Coughlan): The Land Bill 2004, which has passed all Stages in Seanad Éireann and is currently on Second Stage, adjourned, in Dáil Éireann, makes provision at section 2 for the writing off of all annuities, including arrears, where the annuity payable is not more than €200 per annum. As the person named has annuity payments of less than this figure his annuity and arrears will be discharged if section 2 of the Land Bill 2004 as introduced is enacted.

Waste Management.

432. **Mr. Sargent** asked the Minister for Agriculture and Food the reason no effective action has been taken by a person (details supplied) to require to clear SRM and remove tanks which are now deteriorating following a High Court settlement in October 2004 where the Government awarded this person between €4-6 million to fully clear this hazardous site and prevent major pollution of the River Boyne at Drogheda, County Louth. [20662/05]

Minister for Agriculture and Food (Mary Coughlan): The premises referred to are owned by a private company. It is the responsibility of the directors and management of a company to manage property owned by it and to ensure that its property is safe and does not constitute a danger to the public. The timing for the disposal or retention of the tanks referred to and any material held therein is also a matter for the directors of the company. Should the company resolve to remove the tanks or any residue of material therein, my Department would have a supervisory role in the removal of the product and the cleaning of the tanks on the property. In the meantime, my Department carries out checks of the storage facilities on a regular basis.

Payment Schemes.

433. **Mr. Timmins** asked the Minister for Agriculture and Food the position in relation to the €80 million special beef premium penalty that livestock farmers here are facing from an overshoot in the special beef premium application; and if she will make a statement on the matter. [20690/05]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy is aware, Ireland implemented the single payment scheme in January 2005. The special beef premium scheme, along with the slaughter premium scheme, were the only schemes where the deadline for receipt of applications was 31 December 2004. This meant that as many farmers as possible submitted their applications in late December 2004 in order that they could benefit from the special beef premium. Under the 2004 scheme, applications for in excess of 2.4 million animals were lodged, of which almost 1.4 million were quota animals, that is, first age-bull animals. The application figure in each of the three previous years was 1.9 million animals.

The decision to opt for full decoupling was arrived at following careful consideration of all options and following a widespread public consultation process. A very persuasive factor in this process was the suggestion that farmers in those member states who fully decoupled would not be disadvantaged during the transitional period. The level of overshoot of the regional ceiling is attributable to the ending of the special beef premium scheme in 2004 and application patterns, both in terms of total numbers of animals applied

upon and the timing of lodging of applications, strongly suggest this to be the case.

I am fully aware of the impact that the overshoot reduction will have on farmers who claimed on more than 25 animals. I am seeking a solution to this issue and will continue to do so with the European Commissioner. I have already raised the issue with the Commissioner on a number of occasions during various meetings. My Department also forwarded a detailed submission to the European Commission dealing with this matter on 25 April 2005 and a meeting between my officials and the various services of the Commission's DG Agri took place last week. The matter has also been discussed with the Commissioner's cabinet and with the most senior officials of the European Commission.

I am continuing to avail of every opportunity to press for appropriate measures to be put in place to alleviate the difficulties encountered by Irish beef farmers as a result of the ending of the special beef premium in 2004.

Departmental Review.

434. **Mr. Allen** asked the Minister for Agriculture and Food if she will examine the case of a person (details supplied) in County Cork. [20692/05]

Minister for Agriculture and Food (Mary Coughlan): In view of the particular circumstances involved, my Department is prepared to re-examine this case and will advise the herd owner concerned of the outcome of the re-examination.

Milk Quota.

435. **Mr. Neville** asked the Minister for Agriculture and Food the position regarding the application by a person (details supplied) in County Limerick for the national milk quota reserve category C. [20734/05]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the single payment scheme national reserve under category C. Category C caters for farmers who, between 1 January 2000 and 19 October 2003, sold their milk quota into the milk quota restructuring scheme and converted their enterprise to a farming sector for which a direct payment under the livestock premia and-or arable aid schemes would have been payable during the reference period 2000-2002. The application under this category is being processed at present and he will be notified of his eligibility or otherwise as soon as all applications received are processed.

In excess of 17,500 applications have been received under the national reserve at the Department's office in Castlebar. In view of the applications received and the documentation submitted, it will be some time before a decision is

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reached on whether the person named is entitled to an allocation from the reserve.

Livestock Industry.

436. **Mr. Wall** asked the Minister for Agriculture and Food the number of breeders in each of the bloodstock, greyhound, poultry, beef and pig industries in each of the past five years; the overall number of breeders in each of the past five years; and if she will make a statement on the matter. [20744/05]

Minister for Agriculture and Food (Mary Coughlan): The Central Statistics Office does not use the category “breeder” in the collection of agricultural statistics. However, the 2000 census of agriculture shows the number of farms that kept breeding animal in the following categories:

	No. of farms
Thoroughbred Broodmares	4,397
Poultry — breeding birds	635
Pigs — breeding females	913
Boars	607
Cows (non-dairy)	83,627

Annual data on the number of farms in each category are not published by the CSO.

437. **Mr. Wall** asked the Minister for Agriculture and Food the number of producers in each of the bloodstock, beef, pig and poultry industries in each of the past five years; the overall number of producers in agriculture in each of the past five years; and if she will make a statement on the matter. [20745/05]

Minister for Agriculture and Food (Mary Coughlan): The most recent data on the number of farms in the cattle, pig and poultry sectors is available from the census of agriculture, 2000, published by the Central Statistics Office, and is as follows:

	Number of Farms
Cattle	124,108
Pigs	1,280
Poultry	10,652
Total	141,527

This is the latest data available and there are no figures in respect of the bloodstock sector.

Food Industry.

438. **Mr. Wall** asked the Minister for Agriculture and Food the percentage of Irish agricultural produce sold on the market here in each of the past five years; and if she will make a statement on the matter. [20746/05]

Minister for Agriculture and Food (Mary Coughlan): Information provided by the Central Statistics Office for the years 2000 to 2004 is as follows:

	Turnover of the Food, Drink and Tobacco Industry	Food and Drink Export Value	Percentage Consumed on Domestic Market
	€mil	€mil	%
2004	22,857	7,056	69.1
2003	22,949	6,883	70.0
2002	21,009	6,760	67.8
2001	20,799	6,784	67.4
2000	19,517	7,001	64.1

It should be noted that these figures are for agri-food, drink and tobacco products.

Employment Levels.

439. **Mr. Wall** asked the Minister for Agriculture and Food the number of persons employed in each of the bloodstock, greyhound, beef, pig and poultry industries in each of the past five years; and if she will make a statement on the matter. [20747/05]

Minister for Agriculture and Food (Mary Coughlan): The CSO estimates of employment in the meat processing sector over the period 2000 to 2004 is as follows:

2000	13,100
2001	12,900
2002	13,700
2003	13,800
2004	14,400

A more detailed breakdown by sub-sector is not available from the CSO.

440. **Mr. Wall** asked the Minister for Agriculture and Food the number of persons employed in agriculture in each of the past five years; and if she will make a statement on the matter. [20748/05]

Minister for Agriculture and Food (Mary Coughlan): According to statistics published by the Central Statistics Office in the quarterly national household survey, employment in agriculture using the International Labour Office definition has fallen from 127,300 in 2000 to 112,100 in 2004. The International Labour Office is the standard international classification which classifies respondents as economically active, in employment or unemployed, or economically inactive — not in the labour force — on the basis of their experience in the week before the survey.

Year	Employment in Agriculture '000
2000	127.3
2001	116.2
2002	117.6
2003	111.5
2004	112.1

Source: CSO (QNHS).

Livestock Industry.

441. **Mr. Wall** asked the Minister for Agriculture and Food the percentage of Irish produce sold on the market here in each of the past five years in each of the bloodstock, beef, poultry and pig industries; and if she will make a statement on the matter. [20749/05]

Minister for Agriculture and Food (Mary Coughlan): The following tables show the figures published by the CSO for the last five years for which statistics are available:

Beef & Veal.

Year	Meat Supplies (000 tonnes)	Meat Products for Domestic Use (000 tonnes)	Meat Products for Domestic Use as a % of Meat Supplies
1998	605	67	11
1999	651	64	10
2000	588	62	11
2001	594	66	11
2002	556	69	12

Pigmeat.

Year	Meat Supplies (000 tonnes)	Meat Products for Domestic Use (000 tonnes)	Meat Products for Domestic Use as a % of Meat Supplies
1998	276	151	55
1999	285	155	54
2000	274	150	55
2001	291	151	52
2002	281	150	53

Poultry.

Year	Meat Supplies (000 tonnes)	Meat Products for Domestic Use (000 tonnes)	Meat Products for Domestic Use as a % of Meat Supplies
1998	149	110	74
1999	163	124	76
2000	164	127	77
2001	162	117	72
2002	159	119	75

Source: CSO Meat Supply Balance.

The following are the figures for bloodstock registered and the numbers sold at the two main auctions for the last five years:

Bloodstock.

Year	Foals Registered by Weatherbys	Total sales at Goffs / Tattersalls
2000	8,793	5,870
2001	9,452	6,241
2002	10,214	6,404
2003	10,574	6,305
2004	10,992	6,575

Research and Development.

442. **Mr. Naughten** asked the Minister for Agriculture and Food the total budget provided by her Department in each of the past five years for research and development; the corresponding figure for research and development in food product development; and if she will make a statement on the matter. [20780/05]

Minister for Agriculture and Food (Mary Coughlan): Over the past five years, my Department has allocated budget provisions totalling approximately €84.8 million for various research and development activities. This includes a total provision of €39.8 million for the food institutional research measure, FIRM. The details are as follows:

	R & D	FIRM
	€ million	€ million
2005	23.1	11
2004	17.57	6.74
2003	19.1	10.56
2002	14.65	7.1
2001	10.38	4.42
Total	84.8	39.8

Much of the research carried out at third level institutes and Teagasc under FIRM is targeted at innovation and new product development. The programme has created a critical mass of expertise and capacity at these institutes and has given Irish food researchers opportunities to develop internationally respected capability at doctorate and post-doctorate level. FIRM has been instrumental in developing innovative food products, which contribute to food quality and safety as well as consumer health and nutrition.

In addition to the expenditure listed above, my Department has provided annual grant payments totalling €476 million, excluding pension provisions and capital expenditure grants, to Teagasc towards its ongoing programme of agricultural education, research and training. The details are as follows:

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Teagasc.

	€ million
2005	99.36
2004	99.835
2003	100.314
2002	93.185
2001	83.265
Total	476.

Teagasc, on average, spends approximately 45% of its total annual operating budget, including own resources, on research activities. Approximately, 29% of Teagasc's research budget relates to food research.

Grant Payments.

443. **Mr. Crawford** asked the Minister for Agriculture and Food if or when there will be an increase in grant aid for farmers who will have to increase slurry tank accommodation to meet the proposed nitrates directive storage period, specifically for the 22 weeks proposed for Cavan and Monaghan; if grant aid will be available for farmers with less than 20 livestock units; her views on whether the need for clarity in this matter is urgent; and if she will make a statement on the matter. [20789/05]

Minister for Agriculture and Food (Mary Coughlan): In Sustaining Progress 2003, it was agreed that improvements would be made to the grants available under the farm waste management scheme and this commitment was achieved by the introduction of a revised scheme in January 2004. Consideration of any further amendments to the farm waste management scheme, including the extension of the scheme to farmers with less than 20 income units, must await finalisation of the current discussions with the EU Commission in relation to nitrates.

Milk Prices.

444. **Mr. Crawford** asked the Minister for Agriculture and Food the steps she has taken at EU level to protect the price of milk to dairy farmers who are currently under serious income pressure; her views on whether a further price fall will lead to many more commercial dairy farms being forced out of production; and if she will make a statement on the matter. [20790/05]

452. **Mr. O'Shea** asked the Minister for Agriculture and Food the action she proposes to take to bring about the setting of sustainable dairy product prices which will return adequate profitability in dairying. [21134/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 444 and 452 together.

The price of milk paid to dairy farmers is a commercial matter between milk producers and milk purchasers and I have no direct role in this area. Milk prices are influenced by a number of factors, both internal and external. These include the structure of our domestic dairy operations, the prices paid in international markets for dairy products, the type and final destination of product and the overall operation of the EU market support mechanisms.

The Luxembourg Agreement in 2003 provided that the intervention price for milk products would reduce in the period 2004-2007 and these reductions would be compensated by the introduction of a direct payment. In 2004 farmers were compensated to an amount of €60 million or 1.2 cent per litre. Further compensation of 2.4 cent per litre, amounting to €120 million, will be paid this year as part of the single farm payment and this will rise to 3.6 cent per litre equivalent, or €180 million, in 2006. This payment, taken together with the market value of milk has resulted in a higher return for dairy farmers in 2005.

As regards market management at EU level, I have consistently challenged the reduction in support level implemented by the Commission in recent months in view of the negative effect these will have on the dairy sector. I secured strong support for my position from a number of member states at the May Agriculture Council meeting. In my view, it is crucially and strategically important that the EU consolidates its international market share while challenging competition on its domestic market. I have urged the Commission to maintain a competitive combination of aids and subsidies to achieve these objectives.

As regards the maintenance of commercial dairy farms, the Agri Vision 2015 committee concluded that following the reductions in intervention prices for dairy products and given the preference for part-time farming, dairy farm numbers are expected to decline. However, I strongly believe that if the dairy sector is to maintain a competitive position we must look at increasing the scale of operations, reducing costs where possible, and encouraging a profitable future in the sector based on market returns.

The Luxembourg Agreement has extended the quota regime until 2014-15 and, working within that framework, I have made changes to the milk quota regulations which will allow dairy farmers to plan ahead with greater certainty, thereby enabling the restructuring programme to operate more effectively having regard to the need for more competitive milk production.

Payment Schemes.

445. **Mr. Crawford** asked the Minister for Agriculture and Food the number of farmers who will be involved in the beef overshoot, on a county

basis; the income to farmers which will be lost, on a county basis; if no agreement for change is reached with the EU Commission, her views on whether this loss of income, especially for full time beef farmers, will be a catastrophic issue; and if she will make a statement on the matter. [20791/05]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy is aware, Ireland implemented the single payment scheme in January 2005. The special beef premium scheme, along with the slaughter premium scheme, were the only schemes where the deadline for receipt of applications was 31 December 2004. This meant that as many farmers as possible submitted their applications in late December 2004 in order that they could benefit from the special beef premium. Under the 2004 scheme, applications for in excess of 2.4 million animals were lodged, of which almost 1.4 million were quota animals, that is first age-bull animals. The application figure in each of the three previous years was 1.9 million animals.

The decision to opt for full decoupling was arrived at following careful consideration of all options and following a widespread public consultation process. A very persuasive factor in this process was the suggestion that farmers in those member states who fully decoupled would not be disadvantaged during the transitional period. The level of overshoot of the regional ceiling is attributable to the ending of the special beef premium scheme in 2004 and application patterns, both in terms of total numbers of animals applied upon and the timing of lodging of applications, strongly suggest this to be the case.

I am seeking a solution to this issue and will continue to do so with the European Commissioner. I have already raised the issue with the Commissioner on a number of occasions during various meetings. My Department also forwarded a detailed submission to the European Commission dealing with this matter on 25 April 2005 and a meeting between my officials and the various services of the Commission's DG Agri took place last week. The matter has also been discussed with the Commissioner's cabinet and with the most senior officials of the European Commission.

I am continuing to avail of every opportunity to press for appropriate measures to be put in place to alleviate the difficulties encountered by Irish beef farmers as a result of the ending of the special beef premium in 2004. Given the current position with regard to the processing of the 2004 scheme and the ongoing discussions with the Agriculture Commissioner on the overshoot, it is not possible at this stage to be definitive about the issues raised by the Deputy.

Milk Quota.

446. **Mr. G. Murphy** asked the Minister for

Agriculture and Food the reason a person (details supplied) in County Cork has not received a milk quota. [20792/05]

Minister for Agriculture and Food (Mary Coughlan): The person concerned applied to my Department to renew a lease of land and milk quota with his existing lessee. Outstanding issues have now been resolved and confirmation of the lease renewal will issue shortly.

Transport of Animals.

447. **Mr. Naughten** asked the Minister for Agriculture and Food, further to Parliamentary Question No. 293 of 1 March 2005, the discussions which have taken place to date on the new animal movement regulations; and if she will make a statement on the matter. [20836/05]

Minister for Agriculture and Food (Mary Coughlan): My Department is still considering the detailed arrangements and requirements for application of the new EU regulations for the transport of animals. To date, a series of meetings have taken place with the representative organisations for farmers, livestock marts and exporters of live animals to inform them of the principal changes arising from the new legislation. This process of information exchange will continue over the coming months and will be followed by a consultative process concerning the detailed arrangements to apply from 5 January 2007, when the new regulations will come into effect.

Payment Schemes.

448. **Mr. Naughten** asked the Minister for Agriculture and Food, further to Parliamentary Question No. 543 of 14 June 2005, regarding the SBP overshoot; if she will report on the meeting held in the week ending 11 June 2005; and if she will make a statement on the matter. [20837/05]

Minister for Agriculture and Food (Mary Coughlan): As the Deputy is aware, there has been ongoing contact between my Department and the Commission on the overshoot of the special beef premium national quota. A detailed written submission has also been made to the Commission on the issue. A meeting between my officials and officials of DG Agri of the European Commission took place last week.

At that meeting my officials presented very strong arguments to support our claim that the level of overshoot of our national quota is attributable to the ending of the special beef premium scheme in 2004. The Commission officials undertook to consider the matter in the light of the points put forward.

I am continuing to avail of every opportunity to press for appropriate measures to be put in place to alleviate the difficulties encountered by Irish beef farmers as a result of the ending of the special beef premium scheme in 2004.

Disadvantaged Areas Scheme.

449. **Mr. Lowry** asked the Minister for Agriculture and Food her plans to extend the disadvantaged area in any new negotiations with the EU Commission; if she will include an area (details supplied) in County Tipperary; and if she will make a statement on the matter. [20987/05]

Minister for Agriculture and Food (Mary Coughlan): The Council of Agriculture Ministers agreed, at its meeting in Luxembourg on 20 June 2005, a new framework for rural development for the period 2007-13. The agreement provides for the maintenance of the existing arrangements for the less favoured areas until 2010. In the meantime, the Commission will present a report and proposals to the Council concerning the future payment system and designation of less favoured areas. Any changes to the less favoured areas scheme will be considered in the context of this review of the scheme.

Farm Retirement Scheme.

450. **Mr. Connaughton** asked the Minister for Agriculture and Food the position retired farmers under the EU retirement pension scheme find themselves in so far as the single payment entitlements are concerned; if direct successors of the retired farmers will receive the single payments when the farm is transferred to them even if they are not farming the land in question; and if she will make a statement on the matter. [21064/05]

Minister for Agriculture and Food (Mary Coughlan): My Department has been aware, from an early stage in the negotiations leading to the introduction of the single payment scheme, of the possible implications for retired farmers who had leased their holdings. In so far as it has proved possible in the context of the EU regulations governing the single payment scheme, and following lengthy discussions with the European Commission, provision has been made under the rules of the single payment scheme to address some of the concerns of retired farmers.

As participants in the 1994 scheme of early retirement from farming had retired before the start of the reference period in 2000, they are not in a position to claim entitlements under the single payment scheme. However, a concession agreed with the European Commission will allow family members who take over a holding that was leased to third parties during the reference period to have access to entitlements from the national reserve. This will benefit the family members of retired farmers who decide to take up farming. Only landholders actively engaged in farming can receive entitlements from the national reserve.

It was open to participants in the current early retirement scheme, who would have farmed during part or all of the reference period, to activate entitlements in 2005 and lease them to their existing transferee. If the transferee did not want the

entitlements, the transferor, the retired farmer, who has already activated the entitlements has until 2007 within which to lease or transfer the entitlements with land to another farmer.

Dairy Industry.

451. **Mr. O'Shea** asked the Minister for Agriculture and Food the action she proposes to take to ensure that the EU dairy support budget is at least maintained at the present level of €2.4 billion. [21133/05]

456. **Mr. Durkan** asked the Minister for Agriculture and Food if an adequate EU dairy market support budget will be maintained; if she will commit herself to setting sustainable dairy produce prices which will return adequate profitability in dairying; if she can or will prevent concessions at WTO which will weaken market supports, thus reducing export opportunities; and if she will make a statement on the matter. [21313/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 451 and 456 together.

The EU preliminary draft budget for 2006 in respect of milk and milk products is currently under negotiation and I have signalled my disquiet on the level of funding proposed for the sector.

I am anxious the dairy sector is provided with sufficient resources to ensure adequate support in meeting both internal and external market challenges. The draft budget reflects the Commission view on how the market is likely to perform and the consequent demands for export subsidies in the market and the level of product aids required under the disposal schemes currently available.

In this regard I have strenuously opposed recent reductions in dairy processing aids and export subsidies proposed by the Commission, which have resulted in lower spending on the budget for milk and milk products. These EU market management measures are essential components in enabling the dairy industry compete on world markets. In my contacts with the Commissioner and during the Council discussion on 30 May I emphasised that unless these supports were viewed in a market rather than a budget context, they would be less effective in meeting their commercial objectives and would prevent EU processors and exporters from availing of current opportunities on the world market.

Stability in the current period is essential so that the industry is in a position to consolidate its international market share, develop its product portfolio and respond to further trade liberalisation under the next WTO round. I am committed to the maintenance of the range of market measures currently available so that the EU dairy sector is fully equipped to export surplus dairy

products in the more competitive world market that will emerge after the Doha round is finalised.

Question No. 452 answered with Question No. 444.

Dairy Industry.

453. **Mr. O'Shea** asked the Minister for Agriculture and Food the action she proposes to take to prevent concessions at WTO which will weaken dairy market supports, thus reducing export opportunities; and if she will make a statement on the matter. [21135/05]

Minister for Agriculture and Food (Mary Coughlan): Agreement was reached in August 2004 on a framework which sets out the overall outline and structure of the next World Trade Organisation agreement. The detailed implementation of the framework agreement is the subject of on-going negotiation at technical and political level with the aim of concluding an agreement at the WTO ministerial conference in December 2005.

I am satisfied that the framework agreement secured the benefits to Irish farmers of the mid-term review of the Common Agricultural Policy insofar as the EU's internal market supports are concerned. My priorities for the further negotiations are to ensure that: the arrangements for the liberalisation of market access will protect the interests of Irish producers and processors on domestic and EU markets; the phasing out of all forms of export subsidies will be applied in parallel, as provided for under the framework agreement, thereby ensuring equal competition for all exporters on the world market; and the phasing out period for export subsidies will be as long as possible to allow Irish producers and exporters time to adjust.

My overriding objective will be to ensure that the terms of a new agreement can be accommodated without the need for further reform of the Common Agricultural Policy.

Livestock Industry.

454. **Mr. Naughten** asked the Minister for Agriculture and Food her plans to review the mechanical grading system; her views on the calibration of the equipment; the number of such inspections to date; and if she will make a statement on the matter. [21136/05]

Minister for Agriculture and Food (Mary Coughlan): Commission Regulation 1215/2003 sets down the EU requirements with regard to mechanical classification. In addition, national legislation was adopted in Ireland in 2004 which further details the requirements for its operation, including the type and level of penalty for any infringements.

In Ireland, two levels of inspection concerning the operation of the mechanical classification

system are carried out by my Department at the slaughter plants. A classification supervisor visits each slaughter plant to ensure that all of the requirements regarding classification are in order. In the early stages of mechanical classification the frequency of these visits was set at once per week. The frequency is currently maintained at twice per month. From January to May of this year, a total of over 400 inspections, at this level, were carried out.

In compliance with EU regulatory requirements, a more detailed inspection is carried out by a national standards panel. For these inspections, a very detailed assessment of the operation of the machines is carried out, including an analysis of the accuracy of classification, using the system of points and tolerances as utilized in the original authorisation test. Since the installation of the machines, in November 2004, almost 200 inspections of this nature have been carried out and over 14,000 individual carcasses have been checked.

These inspections have shown that the mechanical classification system is operating well within the requirements of the EU regulation and that the calibration of the equipment is satisfactory.

My officials will continue to monitor and regularly inspect the output of mechanical classification and take whatever action is appropriate to ensure that it continues to operate satisfactorily.

455. **Mr. Crawford** asked the Minister for Agriculture and Food if she has provided for an appeal system for farmers and producers who kill cattle in meat factories graded by machines operated by personnel employed by factory owners; the person who is in charge of the appeal system; and if she will make a statement on the matter. [21147/05]

Minister for Agriculture and Food (Mary Coughlan): Automated beef carcass classification machines were approved for use in Ireland on the basis of a certification test conducted in 2003 in accordance with the provisions of EU Regulation 1215/2003 that set out the technical standards required of the machines.

Prior to its official use in any member state, a classification machine, which effectively carries out various measurements of the carcass and determines its classification on that basis, has to undergo a formal test, using an international jury of classification experts and reach a certain level of accuracy. All three machine types tested in Ireland in 2003 comfortably exceeded this level.

While the machines are operated by slaughter plant personnel, this primarily involves running the daily checks developed by the supplier and maintaining the cleanliness of the machines. All other aspects including any programming and calibration is carried out by the supplier, under the supervision of the beef carcass classification inspectorate of my Department.

[Mary Coughlan.]

As the automated mechanical classification system is totally objective in nature, an appeal system is not provided.

Question No. 456 answered with Question No. 451.

Visa Applications.

457. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if a visa will be extended for a person (details supplied) in County Mayo until September 2005. [20590/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There is no record in the immigration division of my Department of an application for an extension of permission to remain having been received from the person concerned. The person in question should apply to the immigration division at 13-14 Burgh Quay, Dublin 2 outlining her difficulties, and the manner in which she proposes to maintain herself in the State if her permission to remain is extended.

Deportation Orders.

458. **Mr. Crawford** asked the Minister for Justice, Equality and Law Reform the steps he has taken to review the deportation of persons (details supplied); if he has read the file in detail or made a reply to the different written requests he received from persons in Castleblayney, County Monaghan; and if he will make a statement on the matter. [20591/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that the persons concerned, a woman and her three children, arrived in the State in November 2001 and claimed asylum. Their asylum applications was examined, in turn, by the Office of the Refugee Applications Commissioner and on appeal, by the Refugee Appeals Tribunal, both of whom concluded that the persons concerned did not meet the criteria for recognition as a refugee. These positions were conveyed in writing to the persons concerned.

The persons concerned were notified of my decision to refuse them a declaration of refugee status by letter dated 30 December 2002. They were informed in this letter of the three options open to them at that point, namely, to leave the State before their case was considered for deportation, to consent to the making of deportation orders in respect of them or to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons as to why they should not be deported or why they should be allowed to remain temporarily in the State.

Their case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 (Prohibition of Refoulement) hav-

ing due regard for the representations submitted by and on behalf of the persons concerned. Consideration was given to all representations received on this family's behalf, including those from the Castleblayney committee. On 11 February 2005 deportation orders were made in respect of the persons concerned. The orders were served on them by registered post together with a covering letter requiring them to attend at the offices of the Garda national immigration bureau in order that travel arrangements could be put in place to effect their return to their country of origin. The persons concerned were deported from the State on 14 March 2005 by charter flight.

I am satisfied that the asylum applications and requests for leave to remain in the State made by the persons concerned were examined comprehensively and fairly. As a result, it is not my intention to further review this case. In relation to consideration process generally in relation to the making of deportation orders I would refer the Deputy to my response to Question No. 66 of 12 April 2005.

Visa Applications.

459. **Ms B. Moynihan-Cronin** asked the Minister for Justice, Equality and Law Reform further to an application by a person (details supplied) for a visitors visa; the documentation needed to satisfy his Department in this matter. [20602/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy was informed in my reply to her previous parliamentary question on this subject, "the central tenet of the visa process in this State has been and continues to be that the onus is at all times on the applicant to satisfy my Department that it would be appropriate to issue them with a visa. In the case of the applications in question, the applicants failed to do so."

With regard to any fresh applications that may be submitted by the applicants, they would first need to address the specific omission of a birth certificate in relation to the child named on application No. 1547219.

It is important to state at the outset that it will not always be possible for an applicant to address the concerns raised by my Department. The reality is that not every individual is, for one reason or another, eligible or suitable for the grant of a visa. Were it to be the case that every application could ultimately result in the grant of a visa, there would be little point in operating a visa system in the first place. However, the visa application process and, where applicable, subsequent entitlement to appeal, provides individuals with the opportunity to demonstrate to my Department that they themselves are in fact both eligible and suitable for the grant of an Irish visa.

Every visa application is assessed on its own merits, having regard to the information provided

in the application and to such factors as the applicant's ties and general circumstances in their country of origin, as well as the relative attractiveness and feasibility of remaining in the State. The Department's approach in these matters is informed by past experience, including experience of abuse of the system. Common examples of previous abuse include individuals who although granted a visa to come on short visits, overstayed with a view to establishing themselves permanently in the State.

In this specific case the failure of the applicants to satisfy my Department that they would necessarily observe the conditions of the visas applied for, were they to issue, directly resulted in the refusal of the applications. The onus is on the applicant to provide the appropriate documentation and information, unique to an individual, which will allow a visa officer make an informed assessment of the immigration risk posed, if any, by the applicant. Only the applicant can decide how best to present this information in order to create a generally satisfactory impression of their bona fides. They must demonstrate that their intentions are as stated and that they have, for example, sufficient obligations to return home so as to guarantee their observance of the conditions of the visa. This information may include, for example, evidence of social, economic, family or professional ties in their country of origin, or prior travel histories to other jurisdictions operating similar immigration systems as Ireland, such as the United Kingdom or the United States, or indeed many of the other EU member states.

As these applications were refused in January 2005, the timeframe during which an appeal could be lodged has expired. Consequently, it is not possible to facilitate any further action in relation to these applications.

Citizenship Applications.

460. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform the way in which a person (details supplied) in County Wexford has fallen short of the requirements for naturalisation; if his Department has received representations from this person in relation to their naturalisation application; and if he will make a statement on the matter. [20610/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation was received by the citizenship section of my Department from the person referred to by the Deputy on 25 February 2003.

Section 15 of the Irish Nationality and Citizenship Act 1956 as amended, provides that an applicant for naturalisation must have a period of one year's continuous residence in the State before the date of the application and a total of four year's residence in the State in the eight years preceding that period. For the purposes of calcu-

lating this residency, no period may be reckoned in respect of which a non-national either was required to have the permission of the Minister to remain in the State but did not have such permission, or had permission to remain for the purpose of study or for the purpose of seeking to be recognised as a refugee within the meaning of the Refugee Act 1996.

My officials have sought confirmation from the person concerned that he has the necessary reckonable residence in the State on the date he applied. To date, he has been unable to produce such confirmation and my Department's letter dated 10 May 2005, setting out the exact details that are required, has not yet been responded to. I will inform both the applicant and the Deputy when I have made a decision on the application.

Child Care Places.

461. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform the number of child-care places now provided outside the home; the number which are commercial, community and voluntary and provided by statutory agencies. [20617/05]

462. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform his estimate of the number of children in each age cohort who are currently in childcare; and the change in this percentage in the past five years. [20618/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 461 and 462 together.

The Child Care (Pre-School Services) Regulations 1996 and (Amendment) Regulations 1997, which give effect to the provisions of Part VII of the Child Care Act 1991 provide for notification to, and inspection by, the Health Service Executive of pre-school child care services. The regulations apply to pre-schools, playgroups, day nurseries, crèches, childminders looking after more than three children and other similar services which cater for children under six years of age.

Information provided to the Department of Health and Children by the Health Service Executive indicates that the number of places known to be notified for pre-school children at the end of December 2004 was 80,127. This is based on notifications to and inspections by the Health Service Executive, formerly the health boards. The number of pre-school places broken down by category of service as requested by the Deputy is not routinely available. My colleague, the Minister of State at the Department of Health and Children, Deputy Brian Lenihan, has indicated that he will ask the Health Service Executive to provide this information directly to the Deputy.

Because childcare is provided by a mix of community based not for profit groups and private providers, together with the childminding sector

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which largely falls outside the scope of the child care regulations, there is no mechanism for gathering statistics of the actual numbers and age range of children who avail of child care in Ireland.

In 2002, the Central Statistics Office conducted a survey of child care arrangements by families as part of the national quarterly household survey cycle and found that 73,000 families with pre-school aged children and 67,000 families with school going children regularly avail of non-parental child care arrangements, which was defined as any form of child care other than that provided directly by parents or guardians themselves which is availed of on a regular weekly basis during the normal working week. This would encompass care by paid and unpaid relatives, paid carer or childminder, centre based child care such as a crèche or Montessori and other forms of child care. However, this research does not quantify the numbers of children availing of childcare.

The equal opportunities childcare programme provides funding for the development childcare services through the two regional operational programmes of the national development plan. The total funding available for the programme is €499.3 million. A considerable amount of data regarding the equal opportunities childcare programme and its impact is routinely collected. This data indicates that since 2002 the numbers of children attending centre based childcare services supported under the programme has risen from approximately 17,800, in 2002, to more than 35,400 in 2004.

Prison Staff.

463. **Mr. Stagg** asked the Minister for Justice, Equality and Law Reform the reason for the delay in reassigning prison officers from the Curragh Prison to permanent duties in view of the fact that at present a number of them are on temporary assignment; his views on whether this is unfair to the prison officers; and if the position be regularised as soon as possible. [20625/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As you are aware, the rejection by ballot of the proposal for organisational change in the Irish prison service resulted in the closure of the Curragh place of detention as a cost reduction measure. This possibility had been clearly flagged to staff for some time prior to the vote on the negotiated deal.

Following the closure of the Curragh place of detention, 65 staff, of mixed grades, were due to be redeployed. The staff concerned were given time to indicate their preferred location for re-assignment and this was extended at the request of the Prison Officers' Association. To date, 31 of these staff have been given their permanent reassignment. It is expected that the remaining 34, who are currently temporarily assigned to the

Midlands Prison, will be notified of their permanent assignment within the next two weeks.

My Department has also effected 29 consequential long standing transfers to and from a number of institutions, including Arbour Hill, Cloverhill, Cork, Midlands, Mountjoy, Wheatfield and Portlaoise Prisons and St. Patrick's Institution. Every effort is being made to accommodate staff, as far as practicable, with a location of their preference or a suitable alternative. However, the needs of the service still have to remain our priority.

Asylum Applications.

464. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform when a decision will be made in respect of an application for asylum by a person (details supplied) in County Dublin; and if he will make a statement on the matter. [20635/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State in December 2001 and claimed asylum. He was requested by registered letter to attend the Office of the Refugee Applications Commissioner for interview on 15 May 2002 pursuant to his application for refugee status in the State. He failed to present on that occasion. A follow up letter issued to him by registered post rescheduling his interview for 15 July 2002. He again failed to present as requested. Pursuant to the provisions of section 11(9) of the Refugee Act 1996, as amended, the application of the person concerned was deemed to be withdrawn. A notice dated 18 July 2002 issued from the Office of the Refugee Applications Commissioner recommending that the person referred to by the Deputy should not be declared a refugee.

He was notified of my decision to refuse him refugee status by registered letter dated 6 September 2002 and afforded three options, namely, leave the State before his case was considered for deportation, consent to the making of a deportation order in respect of him, submit to the Minister for Justice, Equality and Law Reform within 15 working days written representations setting out reasons why he should not be deported or why he should be allowed to remain temporarily in the State. No representations were received either from or on behalf of this person.

His case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 (Prohibition of Refoulement). On 7 August 2003 a deportation order was made in respect of him. The order was served on him by registered letter dated 2 October 2003. The removal from the State of the person concerned is therefore now an operational matter for the Garda National Immigration Bureau, GNIB.

465. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if his Depart-

ment has considered an application to stay in the State on humanitarian grounds in the name of a person (details supplied) in County Kilkenny; and when a decision will be made in the case. [20640/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 25 April, 2003 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 16 May 2005 that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State, leaving the State before an order is made or consenting to the making of a deportation order.

This person's case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act, 1999, as amended, and section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course.

Visa Applications.

466. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if he will review the application for business permission in the State for a person (details supplied) in County Wexford under Clause (ii) of the criteria governing exceptions if an applicant cannot meet the €300,000 minimum capital investment or employ two EEA nationals; if he will arrange the release of this person's passport from his Department; and if he will make a statement on the matter. [20651/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question was refused permission to operate a business in the State on the grounds that she did not meet the capital investment and employment requirements of the business permission scheme. I am not satisfied, on the information supplied in the application, that the service provided is specialised to the extent that would warrant an abrogation of the normal requirements of the business permission scheme. I also wish to advise the Deputy that I have arranged for the release of the passport of the person in question.

Deportation Orders.

467. **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. [20654/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned applied for asylum on 30 September 2003. His application was considered at first instance by the Office of the Refugee Applications Commissioner who concluded that the person concerned did not meet the criteria for recognition as a refugee. This position was communicated to the person concerned by letter dated 30 November 2004. The person concerned appealed this recommendation to the Refugee Appeals Tribunal who, following an examination of the person's appeal, affirmed the earlier recommendation. The outcome of this appeal was communicated to the person concerned by letter dated 19 May 2005. The decision of the Refugee Appeals Tribunal was to affirm the recommendation of the Refugee Applications Commissioner.

This person's file has been forwarded to my Department's ministerial decisions unit and he will, in accordance with the usual practice, be informed that the Minister concurs with the recommendation made in this case, that is, not to grant refugee status. The person concerned will also be informed of the options open to him under the Immigration Act 1999, as amended, that is, to leave the State before his case is considered for deportation, consent to the making of a deportation order in respect of him, 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 or why he should be allowed remain temporarily in the State.

It is premature at this stage to refer to this as a deportation case.

Court Procedures.

468. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will meet a person (details supplied) regarding their case. [20657/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I have informed the House on previous occasions, this matter has been through the courts and a conviction recorded. The court also ordered compensation to be paid and I understand this was done. As the Deputy is aware, the courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions and it is not open to me to comment or intervene in any way on the conduct or decision of any individual court case which is entirely a matter for the presiding judge.

While I am sympathetic to the distress caused to the victim's family by this crime, I consider that a meeting would not serve any beneficial purpose at this time.

Crime Levels.

469. **Mr. P. McGrath** asked the Minister for Justice, Equality and Law Reform the details of

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the headline offences recorded and detailed for each of the districts within the Longford and Westmeath areas in the years 1997, 2000 and 2004. [20681/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regret that it has not been possible in the time available to obtain the necessary information. I will contact the Deputy again when the information is to hand.

Residency Permits.

470. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the progress which has been made concerning an application by a person (details supplied) in County Offaly to remain in the State on the basis of parentage of an Irish-born child; and if he will make a statement on the matter. [20683/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An 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 was received in the IBC Unit on 27 January 2005. The person concerned was granted permission to remain in the State for two years on 22 April 2005. I understand that the person concerned has only recently received notification of this decision by post.

Deportation Orders.

471. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will respond to the serious issues raised in the correspondence from a group (details supplied); and if he will make a statement on the matter. [20684/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the reply I gave to Questions Nos. 290, 293, 295 and 298 on Wednesday, 15 June 2005. My position on this matter is as set out therein.

Garda Investigations.

472. **Dr. Cowley** asked the Minister for Justice, Equality and Law Reform the reason the case of a person (details supplied) in County Mayo was not fully investigated following an altercation; the further reason a Swiss knife was not analysed as they had requested at the time; if an investigation will be made into the circumstances of this fracas; and if he will make a statement on the matter. [20686/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised by the Garda authorities that the circumstances into the incident referred to by the Deputy were fully investigated by the local gardaí following which, on the instructions of the Director of Public Pros-

ecutions, three persons were sent forward for trial to the Circuit Court.

With regard to the specific matter raised by the Deputy regarding analysis of a Swiss knife, I am also advised that, following examination of a knife found in the car of the named person, it was discounted as being the knife allegedly used in the incident.

Following receipt of representations made to me by the named person at the end of 2003, the matter was brought to the attention of the Garda Commissioner. I was subsequently informed that the complaints made by the person named, and others, were fully investigated at a senior level within the force, taking account of all the facts of the matter, and that a decision was made not to take any further action in the matter. I understand that that decision was conveyed to the person named by the Garda authorities as it was also by my office.

Visa Applications.

473. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for a student visa by a person (details supplied); and if he will make a statement on the matter. [20716/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application in question was received in my Department on 6 April 2005. The application sought to enable a non-EEA national come to Ireland to undertake a 24-week, full-time English course.

The visa officer who assessed the application was not satisfied that the applicant's profile established the relevance of undertaking a course of study in English. No evidence of previous educational history was provided with the application. It was also noted that the applicant had not provided satisfactory information regarding obligations of a social, economic or professional nature to ensure that she would return following the course of study. Based on the information provided, the visa officer was not satisfied that the applicant would adhere to the conditions of the visa and refused the application.

The notification of refusal was advised to the Department of Foreign Affairs on 7 June 2005 and the passport was returned to that Department. The applicant may contact the Department of Foreign Affairs in order to collect the passport by calling the following number 01-6331000 any Monday to Friday from 2.30 p.m. to 4 p.m.

Residency Permits.

474. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application by a person (details supplied) for permission to remain in the State based on parentage of an Irish citizen child; and

if he will make a statement on the matter.
[20717/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned made an application for permission to remain in the State on the basis of her parentage of an Irish-born child under the revised arrangements announced by me on 15 January 2005. Her application was acknowledged on 18 March 2005.

The closing date for receipt of applications for the IBC/05 scheme was 31 March 2005. Some 18,000 applications were received. Of this number, in excess of 6,950 applicants have been granted temporary permission to remain. It should also be noted that a number of incomplete applications are under examination or are being held pending the submission of documents.

I wish to advise the Deputy that applications are being dealt with in order of receipt insofar as is possible and as expeditiously as possible. Given the number of applications being processed, it will take several weeks before the processing of the application from the person concerned will be completed.

Visa Applications.

475. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform when a decision will be made to grant a visa to a person (details supplied). [20721/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application referred to by the Deputy was received in my Department on 19 May 2005. The visa was sought to enable a non-EEA national join with his spouse who is an Irish citizen in the State.

When assessing applications of this type, 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 payment, FIS, are 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 a visa is generally refused. In this case it was evident that the level of income would come within the ambit of qualifying for FIS payments.

It is open to the applicant to appeal the decision to refuse the visa, within two months of notification of the refusal of the visa to the applicant. The material in support of the appeal should address the reason for refusal.

Deportation Orders.

476. **Ms O. Mitchell** asked the Minister for

Justice, Equality and Law Reform if he will reconsider the issuing of deportation papers for a person (details supplied) in Dublin 16.
[20722/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State as an unaccompanied minor in September 2002 and claimed asylum. His application was refused by the Office of the Refugee Applications Commissioner and on appeal by the Office of the Refugee Appeals Tribunal. My decision to refuse him a declaration of refugee status was communicated to him by registered letter dated 30 April 2004. This letter advised him of the three options open to him at that point: to leave the State voluntarily 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, setting out the reasons why he should not be deported, that is, why he should be allowed to remain temporarily in the State.

His case was considered under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 — prohibition of *refoulement* — having due regard for all representations received on his behalf. A deportation order was made in respect of the person concerned on 13 December 2004. This order was served on the person concerned by registered letter dated 7 February 2005. This letter made the person concerned aware of the requirement that he present himself at the offices of the Garda national immigration bureau on a specified date in order that arrangements could be made for his removal from the State. He presented at the Garda national immigration bureau as required.

Although the person concerned was a minor when he first entered the State, he turned 18 years of age in May of this year and is now being treated as an adult. However, my Department gave an undertaking, on 4 April 2005, to the Health Service Executive, in whose care the person concerned then was, that he would not be removed from the State until after he had completed his leaving certificate examinations in June 2005. However, the deportation order remains in place and its enforcement is an operational matter for the Garda national immigration bureau.

Residency Permits.

477. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if his Department will urgently return passports to persons (details supplied). [20723/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned made applications for permission to remain in the State on the basis of their parentage of an Irish-born child under the revised arrangements announced

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by me on 15 January 2005. Their applications were received in the IBC Unit on 07 March 2005.

Original passports submitted by the persons concerned in support of their applications have been copied and were returned to them by registered post on 15 June 2005. I wish to advise the Deputy that applications are being dealt with in order of receipt in so far as is possible and as expeditiously as possible. Given the number of applications being processed, it will take several weeks before the processing of the applications from the persons concerned will be completed.

478. **Mr. J. Breen** asked the Minister for Justice, Equality and Law Reform the reason for the delay in dealing with an application by a person (details supplied) in County Clare. [20731/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned made an 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. His application was acknowledged on 3 March 2005.

The closing date for receipt of applications for the IBC/05 scheme was 31 March 2005. Some 18,000 applications were received. Of this number, in excess of 6,950 applicants have been granted temporary permission to remain. It should also be noted that a number of incomplete applications are currently under examination or are being held pending the submission of documents.

I advise the Deputy that applications are being dealt with in order of receipt insofar as is possible and as expeditiously as possible. Given the number of applications being processed, it will take several weeks before the processing of the application from the person concerned will be completed.

Deportation Orders.

479. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the proposed deportation of a person (details supplied); if he will review this case; if he will suspend the deportation order in this case pending such a review; and if he will make a statement on the matter. [20760/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to by the Deputy arrived in the State on 9 June 2000 and requested asylum. He was refused refugee status in the State following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Office of the Refugee Appeals Tribunal. He was informed of these recommendations by letters dated 7 March 2002 and 27 August 2002.

A notification under section 3(3)(a) of the Immigration Act 1999 issued to the person concerned on 29 October 2002 advising him of my decision to refuse to give him a declaration of refugee status and setting out the options open to him at that point: to leave the State voluntarily; to consent to the making of a deportation order; or to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons as to why he should not be deported.

Representations for temporary leave to remain in the State were made on behalf of the person concerned by his legal representatives. The case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 — prohibition of *refoulement* — having due regard for the representations received, following which, on 11 May 2005, a deportation order was made in respect of the person concerned. The person concerned was notified of this decision by letter dated 30 May 2005. That letter made the person concerned aware that he was required to present himself, on 7 June 2005, at the offices of the Garda national immigration bureau in order that arrangements could be made for his removal from the State. He presented as requested and is due to present again on 21 June 2005 at 2 p.m.

I will review the circumstances of this case and my Department will communicate the outcome of that review directly to the person concerned in the course of the next week.

Prison Education Service.

480. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the steps he has taken to ensure that the CONNECT project resumes operation as soon as possible; if the project is on course for extension to all prisons by 2006 as originally proposed by his Department; and if he will make a statement on the matter. [20761/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The CONNECT project was launched in 2000 as part of the Irish Prison Service's training and development programme. The project was established in Mountjoy Prison, the Dóchas Centre and the training unit with the support of the National Training and Development Institute, NTDI. A process of internal review during 2002, prompted a refocusing of the project prior to its roll-out to further institutions. In particular, the review identified the need for new management structures so as to better support the project's sentence management processes in the delivering institutions. The review process inevitably impacted on the target dates in the original roll-out schedule. While the CONNECT project is being extended to Limerick Prison, the projects at Mountjoy Prison, the Dóchas Centre and the training unit have been affected by the current industrial relations and financial restrictions.

These will resume operations, if and when, there is a successful outcome to the current industrial relations process with the Prison Officers Association, POA. As the Deputy will be aware, the members of the POA recently rejected the proposal for organisational change in the prison service. In the current circumstances, therefore, it is not envisaged that the refocused CONNECT project will be extended to all prisons by the originally envisaged target date of the end of 2006.

Visa Applications.

481. **Mr. McEntee** asked the Minister for Justice, Equality and Law Reform the reason persons (details supplied) were refused a holiday visa; and if he will make a statement on the matter. [20762/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The applications in question were for the stated purposes of allowing four non-EEA nationals travel to the State to visit a relative who is resident here.

In assessing any visa application, the visa officer will consider various matters, including whether it is reasonable in all the circumstances to conclude that the applicant would fully honour the conditions of the visa, for example, if it is unlikely that the applicant would overstay the length of time applied for. The visa officer will have regard to information provided and to such factors as the applicant's ties and general circumstances in their country of origin. The applications in question were refused on 16 March 2005 because the visa officer could not reasonably be satisfied, on the basis of the documentation supplied to my Department in support of the applications, that the applicants would observe the conditions of the visas applied for. It is open to the persons in question to submit fresh applications supported by current documentation should they still wish to travel.

Registration of Title.

482. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a dealing on a folio (details supplied) in the Land Registry will be completed. [20778/05]

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 4 September 2003. Dealing number D2003SM007392Y refers. I am further informed that the application is receiving attention in the Land Registry and will be completed as soon as possible.

Residency Permits.

483. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application by a person (details supplied) in County Kerry to remain

in the State on the basis of parentage of an Irish-born child; and if he will make a statement on the matter. [20828/05]

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(Mr. McDowell): The person concerned made an 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. I understand that officials of my Department have written to the person concerned in relation to his application and a reply is awaited. Processing of the application from the person concerned will be completed following receipt of the requested information.

Deportation Orders.

484. **Mr. J. Breen** asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied) in County Clare. [20830/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I would refer the Deputy to the reply I gave to Questions Nos. 348 and 365 on Tuesday, 10 May 2005. My position on this matter is as set out therein.

Refugee Status.

485. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if he will make a statement in respect of an application for refugee status here on humanitarian grounds by a person (details supplied) in County Mayo; and if he will make a statement on the matter. [20949/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The person concerned arrived in the State on 12 June 2002, accompanied by her young son, and applied for asylum on 19 June 2002. She was interviewed in relation to her claim for refugee status on 30 October 2002 by an officer of the Refugee Applications Commissioner. Her claim was subsequently refused on 16 January 2003. The person concerned appealed this decision on 30 January 2003 and had her appeal heard by the Refugee Appeals Tribunal on 12 March 2003. On 24 March 2003, the appeal was rejected. She was informed of this decision by letter dated 31 March 2003.

Subsequently, in accordance with section 3 of the Immigration Act 1999, as amended, she was informed by letter dated 21 July 2003 that the Minister proposed to make a deportation order in respect of her. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why she should be allowed to remain temporarily in the State; leaving the State before a deportation order is made; or consenting to the making of a deportation order.

Representations have been made to my Department requesting that the person con-

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cerned be allowed to remain in the State. I expect the file in the matter to be submitted to me for decision in due course.

Tribunal of Inquiry.

486. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform, further to Question No. 651 of 14 June 2005, the names and ranks of the certain members of the Garda Síochána referred to in his reply. [20950/05]

487. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform, further to Questions Nos. 650 and 651 of 14 June 2005, if the legal team representing the Garda Commissioner and the certain members of the Garda Síochána referred to in his reply have received payment of costs; and if so, the amount paid to each member of the team. [20951/05]

488. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform, further to Questions Nos. 650 and 651 of 14 June 2005, if the legal team representing him at the Morris Tribunal has received payment of costs; and if so, the amount paid to each member of the team. [20952/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I intend to take Questions Nos. 486 to 488, inclusive, together.

The following members or former members of the Garda Síochána have been represented by the legal team for the Commissioner and certain members of the Garda Síochána: K. Carty, Assistant Commissioner; A. Hickey, Assistant Commissioner; D. Jennings, Assistant Commissioner; J. Carey, Chief Superintendent; M. Diffley, Chief Superintendent; D. Fitzpatrick, Chief Superintendent; S. Ginty, Chief Superintendent; J. McGarty, Chief Superintendent; A. McNally, Chief Superintendent; T. Foley, Detective Superintendent; J. McGinley, Detective Superintendent; J. McHugh, Detective Superintendent; J. O'Mahoney, Detective Superintendent; J. Shelly, Detective Superintendent; M. Barrett, Superintendent; H. Coll, Superintendent; D. Cullinane, Superintendent; M. Duffy, Superintendent; J. Fitzgerald, Superintendent; E. Gallagher, Superintendent; J. Gallagher, Superintendent; P. Hargadon, Superintendent; T. Long, Superintendent; P. Lyons, Superintendent; T. O'Brien, Superintendent; J.F. O'Connor, Superintendent; J.P. O'Connor, Superintendent; J. Sheridan, Superintendent; K. Barker, Detective Inspector; G. Giblin, Detective Inspector; L. Hogan, Detective Inspector; T. O'Loughlin, Detective Inspector; M. Keane, Detective Inspector; K. English, Inspector; L. Brennan, Detective Sergeant; J. Colgan, Detective Sergeant; M. Coppinger, Detective Sergeant; J. Fox, Detective Sergeant; M. Kavanagh, Detective Sergeant; G. Kyne, Detective Sergeant; J. Leheney, Detective Sergeant; G. Mullin, Detective Sergeant; R.

McNulty, Detective Sergeant; F. Traynor, Detective Sergeant; G. Bell, Sergeant; M. Brennan, Sergeant; D. Flannery, Sergeant; D. Flynn, Sergeant; P.J. Gallagher, Sergeant; N. Griffin, Sergeant; P.J. Hennigan, Sergeant; J. Martin, Sergeant; J. O'Toole, Sergeant; B. Roche, Sergeant; D. Walsh, Sergeant; M. Anderson, Detective Garda; P. Cafferkey, Detective Garda; R. Caplice, Detective Garda; P. Casey, Detective Garda; W. Donegan, Detective Garda; J. Dooley, Detective Garda; P. Flynn, Detective Garda; T. Flynn, Detective Garda; T. Gurn, Detective Garda; S. Herrarty, Detective Garda; D. Hunt, Detective Garda; N. Jones, Detective Garda; P.J. Keating, Detective Garda; E. McHale, Detective Garda; H. Maloney, Detective Garda; J. Molloy, Detective Garda; M. O'Malley, Detective Garda; B. Regan, Detective Garda; M. Reynolds, Detective Garda; P. Scanlon, Detective Garda; T. Shreenan, Detective Garda; E. Whelan, Detective Garda; S. Barrett, Garda; J. Birney, Garda; Vincent Bourke, Garda; P. Boyce, Garda; W. Cannon, Garda; J. Connolly, Garda; P. Flynn, Garda; B. Gallagher, Garda; E. Gallagher, Garda; S. Gordon, Garda; J. Harkin, Garda; J. Kilbane, Garda; T. Kilcoyne, Garda; G. Lohan, Garda; E. McConigley, Garda; J. McManus, Garda; A. Moran, Garda; P. O'Hara, Garda; K. O'Malley, Garda; J. Rouse, Garda; M. Sweeney, Garda; P. Tague, Garda; and M. Tolan, Garda.

The State parties have not applied to the tribunal for the costs of legal representation. The State is meeting those costs on a continuing basis. The names of the persons who are representing, or who have represented, the State parties are as set out in the following. Full details of payments to each member of the legal teams are being compiled and will be forwarded to the Deputy shortly.

Legal team for the Commissioner and certain members of the Garda Síochána: Mr. Patrick Marrinan SC, Mr. Michael Durack SC, Ms Tara Burns BL, Mr. Paul Gormley BL, Mr. Eamon Leahy SC and Ms Nuala Butler SC.

Legal team for the Department-Minister for Justice, Equality and Law Reform: Mr. Paul O'Higgins SC, Mr. Fergal Foley BL and Ms Mary Kerrigan BL.

Garda Compensation Claims.

489. **Mr. McGinley** asked the Minister for Justice, Equality and Law Reform the number of members of the Garda Síochána who have been compensated in the past ten years regarding their involvement in shooting incidents; the reason there is such a delay with respect to impending cases; and if he will make a statement on the matter. [20948/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Since 1995, almost 3,000 Garda compensation files have been opened under the

provisions of the Garda Síochána (Compensation) Acts 1941 and 1945. The information requested by the Deputy with regard to shooting incidents in the past ten years is not readily available. The information could be obtained only by the expenditure of a disproportionate amount of staff time and resources and, accordingly, cannot be ascertained within the timeframe for answering this question.

In general, there is no one reason why delays may occur in the progressing of an application for compensation under the Acts. A backlog of applications occurred a number of years ago due initially to two judicial review cases which changed the manner in which claims are processed and then because of the death of the Garda surgeon and the time taken in replacing him with the Garda chief medical officer.

Delays may also occur from the late submission by a member of his or her application to my Department. The initial delay in making the application by a member may range from over three months to several years following the date of the incident. The majority of late applications are from one to three years, approximately.

There are also delays in receiving all medical reports, particularly final medical reports from the applicants or their legal advisers. It is the practice of the Garda chief medical officer not to give an appointment to see the applicant until all relevant medical reports, including final medical reports, have been received in order that a comprehensive report can be formulated.

Within my Department it can take time to make necessary additional inquiries because of the seriousness of the injuries received and the circumstances of the incident. However, every effort is made to keep administrative delays to a minimum. I agree that applications for compensation under the Garda Síochána (Compensation) Acts should be dealt with within a reasonable timeframe and that delays in processing applications for compensation should be avoided where possible. In this regard, my Department has taken steps to devote additional staff resources to deal with such applications.

Within my area of responsibility, I am taking steps to establish a Garda Síochána compensation tribunal, along the lines recommended by the committee set up in 1997 to review and make recommendations on the efficiency and effectiveness of the Garda Síochána (Compensation) Acts 1941 and 1945.

The background to this initiative is that the committee set up in 1997 consisted of representatives from the Departments of Finance and Justice, the Chief State Solicitor's office, the Attorney General's office, Garda management and two Garda associations — the Association of Garda Sergeants and Inspectors and the Garda Representative Association. A medical practitioner who had experience of life assurance work was also on the committee which was

chaired by an independent chairman. The committee presented its report to the then Minister on 28 August 1997.

The committee made 14 recommendations which included the repeal of the existing Acts and the setting up of a new Garda Síochána compensation tribunal on a statutory basis. The tribunal will operate along the same lines as the criminal injuries compensation tribunal, the main difference being that gardaí would be compensated for "pain and suffering". It is envisaged that trainee gardaí who suffer malicious injuries prior to attestation would be covered under the new scheme and that claims already refused under the existing Acts as being minor would be allowed go before the tribunal.

The establishment of a Garda compensation tribunal has been agreed by the Garda staff associations. My Department is in consultation with the law officers about certain issues arising from the introduction of a compensation tribunal.

Visa Applications.

490. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the position regarding visa applications for persons (details supplied); and if he will make a statement on the matter. [20988/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The applications referred to by the Deputy were for the stated purposes of allowing two non-EEA nationals travel to the State for a short term visit.

In assessing any visa application, the visa officer will consider various matters, including whether it is reasonable in all the circumstances to conclude that the applicant would fully honour the conditions of the visa, for example, whether it is likely that the applicant would overstay the length of time applied for. The visa officer will also have regard to information provided and to such factors as the applicant's ties and general circumstances in his or her country of origin. The applications in question were refused because the visa officer could not reasonably be satisfied, on the basis of the documentation supplied with the application, that the applicants would observe the conditions of the visas applied for. In particular, it was felt that the applicants had not displayed evidence of how they intended supporting themselves financially during their proposed stay in the State, or of obligations to return home following the proposed visit. The applications were refused on 16 February 2005.

An appeal in respect of the applications was received on 3 May 2005. However, based on the additional information supplied, the visa appeals officer was unable to conclude that the initial decision should be overturned. Consequently, these applications were refused on appeal on 27 May 2005. As each application is entitled to only

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one appeal, fresh applications must be lodged should the applicants still wish to travel.

Social Inclusion.

491. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the reason funding administered by ADM under the social inclusion fund has been reduced to a group (details supplied); if funding will be restored to previous levels; and if he will make a statement on the matter. [20997/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has responsibility for payment of a grant to the National Office of People with Disabilities in Ireland Limited. The grant for 2005 is at the same level as the grant for 2004. On the assumption that the subject of the question is a local office of the company, I can inform the House that my Department does not directly fund the local offices.

Registration of Title.

492. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform when a dealing number for a person (details supplied) in County Mayo will be expedited; and if he will make a statement on the matter. [20998/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for court order which was lodged on 20 September, 2004. Dealing Number D2004SM0009751Y refers.

I am further informed that a query issued to the lodging solicitor on 19 May 2005 and that the application cannot proceed until this query has been satisfactorily resolved. However, I can assure the Deputy that on receipt of a satisfactory reply the application will receive further attention in the Land Registry.

493. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if an application for registration by a person (details supplied) in County Westmeath will be expedited; and if he will make a statement on the matter. [21003/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application under section 49, namely, acquisition of title by virtue of long possession, of the Registration of Titles Act 1964, which was lodged on 18 April 2005. Dealing Number D2005XS007295Y refers.

I understand that due to their complicated nature, applications under section 49, which require detailed examination of claims for registration as owners, can take some time to process. Accordingly it is not possible to estimate a completion date at this stage.

I am further informed that a query issued to the lodging solicitors on 12 May 2005 and that

the application cannot proceed until this has been satisfactorily resolved. However, I can assure the Deputy that, on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

Deportation Orders.

494. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if he will postpone the deportation of a person (details supplied) in Dublin 8 until the application by their parent has been completed; and if he will make a statement on the matter. [21004/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person referred to by the Deputy arrived in the State on 13 March 2002 and applied for asylum. She was refused refugee status in the State following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Office of the Refugee Appeals Tribunal. She was informed of these recommendations by letters dated 10 October 2002 and 10 February 2003 respectively.

A notification under section 3(3)(a) of the Immigration Act 1999 issued to the person concerned on 28 March 2003 advising her of my decision to refuse to give her a declaration of refugee status and setting out the options open to her at that point; namely, to leave the State voluntarily, to consent to the making of a deportation order or to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons as to why she should not be deported.

Representations for temporary leave to remain in the State were made on behalf of the person concerned by her legal representatives. The case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 (Prohibition of Refoulement), having due regard for the representations received, following which, on 11 May 2005, a deportation order was made in respect of the person concerned. She was notified of this decision by letter dated 10 June 2005. That letter made her aware that she was required to present herself, on 16 June 2005, at the offices of the Garda National Immigration Bureau in order that arrangements could be made for her removal from the State. She presented as requested and is due to present again on 23 June 2005 at 10 am.

The person concerned arrived in the State as an adult, accompanied by her parents and they all independently applied for asylum. Each of these claims was examined in a comprehensive and fair manner. Additionally, the case made by the person concerned for leave to remain temporarily in the State was examined in detail, following which the decision was taken to issue a deportation order in respect of her. There is no basis for requesting the Garda National Immigration Bureau to postpone the enforcement of her deportation order. Accordingly, the deportation

order remains in place and its enforcement is an operational matter for the Garda National Immigration Bureau.

Garda Deployment.

495. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed at each station in County Tipperary on 1 January in each year from 2000 to 2005. [21005/05]

497. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform further to Questions Nos. 386 to 392 of 10 May 2005, if he will examine

the levels of Garda resources in the county; if he will allocate additional Garda manpower to the area; and if he will make a statement on the matter. [21007/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 495 and 497 together.

I am informed by the Garda authorities, who are responsible for the detailed allocation of Garda resources, including personnel, that the personnel strength of each Garda station in the Tipperary division as at 1 January 2000, 2001, 2002, 2003, 2004 and 2005 was as set out in the following table:

Station	2000	2001	2002	2003	2004	2005
Ballingarry South	1	1	1	1	1	1
Ballyporeen	1	1	1	1	1	1
Bansha	2	1	2	1	1	1
Borrisokane	7	6	6	5	5	5
Borrisoleigh	0	1	1	2	2	1
Cahir	23	23	25	25	25	27
Cappawhite	2	2	2	2	2	1
Carrick-On-Suir	13	17	16	16	16	17
Cashel	11	12	12	12	13	14
Clonmel	42	40	40	39	40	39
Cloughjordan	1	2	2	2	1	1
Dolla	1	1	1	1	1	1
Doon	0	1	1	1	1	1
Dundrum	1	1	1	1	1	1
Emly	1	1	1	1	1	1
Fethard	3	3	3	3	2	2
Galbally	1	1	1	1	1	1
Golden	1	1	1	1	1	1
Grangemoekler	1	1	1	1	1	1
Holycross	2	2	2	2	2	1
Johnstown	2	1	2	2	2	2
Killenaule	3	3	3	2	3	2
Kilsheelan	1	1	1	1	1	1
Littleton	1	1	1	1	1	1
Moneygall	1	1	1	1	1	1
Moyne	2	2	2	2	2	2
Mullinahone	2	2	2	2	2	2
Nenagh	32	29	29	32	32	32
New Inn	1	1	1	1	1	1
Oola	1	1	1	1	1	1
Piltown	2	2	2	2	2	2
Portroe	2	1	2	2	2	2
Roscrea	17	18	18	18	19	18
Shevry	1	1	1	1	1	1
Templederry	1	2	2	2	1	1
Templemore	24	25	25	26	26	25
Templetuohy	1	1	1	1	1	1
Terryglass*	1	1	0	1	1	1
Thurles	60	62	62	62	59	63
Tipperary Town	27	31	28	30	32	34
Toomevara	2	2	1	1	2	2
Urlingford	2	2	2	2	2	2

*Terryglass Garda Station was formerly located at and known as Ballinderry Garda Station.

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I am further also advised that the personnel strength of the Tipperary Garda division as at 16 June 2005 was 313, all ranks, compared to 297 as at 1 January 1998. This represents an increase of 16, or 5.3%, in the number of personnel allocated to Tipperary division since that date.

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 agreed programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will now draw up plans on how best to distribute and manage these additional resources. In this context, the needs of the Tipperary division will be considered in the context of the needs of Garda divisions throughout the country. Clearly, of course, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. I have already promised that the additional gardaí will not be put on administrative duties. They will be put directly into frontline, operational, high-visibility policing where they will have a real impact.

Decentralisation Programme.

496. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the status of and progress made in the planned decentralisation of Garda units to Thurles, County Tipperary; and if he will make a statement on the matter. [21006/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Under the Government's decentralisation programme, 213 gardaí and civilian staff are scheduled to move to Thurles by 2008. In advance of this, my Department is currently in the process of identifying, from the central applications facility, civilian personnel for transfer to the Garda central vetting unit and the Garda criminal records office, the two units which have been selected for early decentralisation to Thurles. Temporary accommodation for these offices has been identified at the Tipperary technology park in Thurles. The sketch scheme has been signed off for this temporary accommodation and it is expected to have these units in occupation by end September 2005.

I am informed by the Garda authorities that in respect of the complete move, a site has been identified in Thurles to facilitate construction of suitable permanent accommodation for all the units which are being decentralised. The terms of

the sale are now well advanced and, when the site has been acquired, the Office of Public Works will prepare a brief of requirements for the accommodation to be provided.

In addition, a working group has been established under the chairmanship of the Assistant Commissioner, strategy and services, to examine and draft a brief of requirements for the new Garda IT centre at Thurles. A determination will be made in due course as to the specific posts that will be required for the setting up of this centre.

Question No. 497 answered with Question No. 495.

Child Care Programme.

498. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform the position regarding applications for child care under the EOCP for projects in the Ballyfermot, KWCD and canal communities area partnerships; and if he will make a statement on the matter. [21008/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that applications for capital grant assistance under the equal opportunities child care programme, EOCP 2000-2006, were submitted by a number of groups in the areas in question to my Department some time ago.

The level of demand for capital grant assistance was such that I considered it important to increase the capital provision for the current programme. Following discussions with my colleague the Minister for Finance, an additional capital provision of €90 million was made available for the period 2005-09, in the context of the 2005 budget.

This brings the total funding available for the programme to €499.3 million and the amount set aside for capital developments to €205 million. The availability of the additional capital funding will enable me to make capital grant assistance available to groups which can show that they address significant child care service gaps and where their project proposals represent good value for money when considered in relation to the current guidelines on building costs.

In light of this, some groups in the areas in question which have applied for capital grant assistance, were advised in December 2004, that while their projects had not been prioritised for immediate funding at that stage, they would be reconsidered for possible support in the future. The assessments on some of these projects have recently been completed by Area Development Management Limited, which administers the grants on my behalf. They are now under consideration by the EOCP appraisal committee, chaired by my Department, following which I will make a final decision on funding for the groups. The applicants will be informed of the outcome in due course.

Of the total funding committed to date, almost €5.5 million has been committed to child care

projects in the Ballyfermot area. Since budget 2005, I have announced a record allocation totalling some €66 million in capital funding to community based not for profit groups, in two tranches, one in December 2004 and another on 4 March 2005. I hope to make further significant capital allocations in the very near future and thereafter during the remainder of 2005.

Visa Applications.

499. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if an application for a holiday visa will be granted to a person (details supplied); and if he will make a statement on the matter. [21047/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application in question was for the stated purpose of allowing a non-EEA national travel to the State for a short term visit.

In assessing any visa application, the visa officer will consider various matters, including whether it is reasonable in all the circumstances to conclude that the applicant would fully honour the conditions of the visa, for example, whether it is likely that the applicant would overstay the length of time applied for. The visa officer will also have regard to information provided and to such factors as the applicant's ties and general circumstances in his or her country of origin.

In the case in question, the visa officer was not reasonably satisfied, on the basis of the documentation supplied to my Department, that the applicant demonstrated that he would observe the conditions of the visa applied for. Additionally, the visa officer concluded that the applicant had not demonstrated sufficient evidence of a clear, pre-existing link between the applicant and the sponsor. There is a general reluctance to approve visas for persons whose sole reference in Ireland has never met them or has met them only once during a brief visit abroad. The application was refused on 19 November 2004.

A letter was received from a solicitor representing the applicant on 24 January 2005 stating an intention to appeal. However, no appeal was received within the permitted timeframe. A letter issued from my Department to the solicitor on 11 May to this effect, informing them that the opportunity to appeal had now passed.

It is of course still open to the person in question to submit a fresh application for a visa. Any such application should be accompanied by appropriate up to date supporting documentation which will address the concerns of the visa officer.

Crime Prevention.

500. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the concerns of an association (details supplied) in Dublin 24 in respect of crime and anti-social behaviour in the area; if consideration will be given to calls from this area being

dealt with by one Garda station rather than by two as currently; if his attention has further been drawn to the need for action; and if he will make a statement on the matter. [21062/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that currently the area referred to by the Deputy is policed by gardaí attached to the Dublin metropolitan region west division and the Dublin metropolitan region south division. The personnel strength of the Dublin metropolitan region west division as at 20 June 2005 was 679, all ranks. The personnel strength of the Dublin metropolitan region south division as at 20 June 2005 was 563, all ranks.

In addition, the divisional task force, divisional traffic units, district detective units, district patrol cars and mountain bicycle units from both divisions patrol the area. There are also currently two community gardaí, one from each division, allocated to the area. Local Garda management is satisfied that there is no diminution of policing service and that as a result of being dealt with by the two Garda stations the area in question is being provided with an enhanced policing service.

I understand that current policing plans for the area are predicated on the prevention of public order offences, the prevention of crime, including crimes of violence against persons and property, and the maintenance of an environment conducive to the improvement of the quality of life of local residents. I have been assured by the Garda authorities that this strategy is, and will continue to be, central to the delivery of a policing service to the area in question.

Visa Applications.

501. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a visa to join the spouse here; and if he will make a statement on the matter. [21065/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that the visa section of my Department requested documentation in regard to the visa application in question to enable it be processed and that this has just recently been received. A decision can be expected in the very near future.

Road Traffic Offences.

502. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform if he will report on the consequences of the High Court ruling that the use of laser guns to monitor speeding offences does not comply with road traffic legislation; if previous convictions using this technology are rendered invalid; if, in cases in which persons accepted the option of paying a fine and losing two penalty points rather than proceeding to have the issue dealt with in court, these fines will now be waived; and if this option provided in the legislation, designed to discourage the waste of court

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time, will not result in unlawful findings of guilt being made by way of legal notice. [21070/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities inform me that section 15 of the Road Traffic Act 2004, which was commenced on 20 January 2005, has remedied the situation following the decision of the High Court on prosecutions taken under section 21 of the Road Traffic Act 2002, by no longer requiring speed detection apparatus used by the Garda Síochána to produce a permanent record of speed to the suspect.

Where a person has been convicted in court, the court assessed all the evidence available to it before reaching a verdict. Decisions of a court can be appealed.

Where people opted to pay a fixed charge, they accepted that they had committed an offence. The High Court decision does not imply that an offence was not committed. Payment of a fixed charge is an option offered to drivers and acceptance of the offer is not a finding of guilt. A determination of guilt can only be made by a court.

Garda Equipment.

503. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the measures he has taken to ensure that any non-lethal weapons acquired by his Department are consistent with international human rights standards, particularly the UN basic principles on the use of force and firearms, before any decision on deployment is made. [21093/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government noted, on 19 November 2002, my proposal to authorise the introduction of three “less than lethal” devices for use by the Garda emergency response unit where this is necessary to avoid the use of firearms. The use of these “less than lethal” devices is restricted to the emergency response unit.

Guidelines on the use of authorised less lethal weapons by the Garda Síochána are constantly under review to reflect operational and technological developments, and best international practice, in the area of less lethal weapons.

Asylum Applications.

504. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the measures he has taken, in view of the recent information provided by the Congolese Irish partnership on the widespread and systematic abuse of human rights in the Democratic Republic of Congo, to ensure that adequate humanitarian consideration is accorded to the application of any Congolese national for leave to remain; and if he will make a statement on the matter. [21094/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): All applications for asylum in the State are processed in accordance with the

provisions of the Refugee Act 1996, as amended, and in particular having due regard to the definition of a refugee in section 2 of that Act which states:

A refugee is a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, is unable or, owing to such fear, is unwilling to return to it.

Two independent statutory offices were established to consider applications and appeals for refugee status. These two offices are the Office of the Refugee Applications Commissioner, which considers applications for refugee status at first instance and the Refugee Appeals Tribunal which considers appeals from negative recommendations of the commissioner.

Decisions on asylum applications are made by the Minister for Justice, Equality and Law Reform upon receipt of the recommendation or decision of the Refugee Applications Commissioner or the Refugee Appeals Tribunal.

In accordance with section 3 of the Immigration Act 1999, as amended, a person who has failed the asylum process and who has been refused refugee status in the State is informed in writing that it is proposed to make a deportation order in respect of him or her and he or she is given the following options: to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons as to why he or she should not be deported; to voluntarily leave the State; or to consent to deportation.

Following consideration of each case under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 (Prohibition of Refoulement), a decision is taken whether to deport or to grant temporary leave to remain in the State. Section 3(6) of the Immigration Act 1999, as amended, requires the Minister to consider 11 factors, including representations received by or on behalf of the person, family and domestic circumstances, employment prospects etc., in deciding whether to make a deportation order or to grant temporary leave to remain in the State. Section 5 of the Refugee Act 1996 (Prohibition of Refoulement) requires the Minister to satisfy himself as to the safety of returning a person, taking into account protection issues other than those as specified above, before making a deportation order.

The safety of returning a person, or *refoulement* as it is referred to, is fully considered in every case when deciding whether or not to make a deportation order. This means that a person shall not be expelled from the State or returned in any manner whatsoever to a state where, in my

opinion, the life or freedom of that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. My Department uses extensive country of origin information drawn from different independent sources, including UNHCR, in evaluating the safety of making returns to third countries.

I am satisfied that the procedures followed in all cases fully take into account the *refoulement* question and that all requests are considered in a comprehensive and fair manner.

Liquor Licensing Laws.

505. **Mr. Healy** asked the Minister for Justice, Equality and Law Reform the controls he intends to introduce to control the proliferation of off-licences; the further controls he intends to introduce to prohibit access by underage young persons to alcohol from off-licences; and if he will make a statement on the matter. [21130/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that a consultation process on my proposals for a Bill to streamline and modernise the liquor licensing laws by repealing the Licensing Acts 1833 to 2004 and replacing them with updated provisions more suited to modern conditions has recently concluded. I will take account of the views of organisations and individuals who responded to my request for submissions in the context of the drafting of the Bill.

I am conscious of public concerns with regard to alcohol-related harm in our society and my proposals contain both safeguards and increased penalties that are intended to combat such harm. These include requiring all planning authorities to address the regulation and control of the location of licensed premises in their development plans; requiring applicants for retail licences, including off-sales licences, to present proof of planning permission and certification of compliance with planning conditions and fire safety standards to the District Court; extending the jurisdiction of the District Court to all retail licences and giving specified notice parties, including the health authority and members of the public, the right to object to the grant of a licence; streamlining the system for renewing licences and clarifying the right of members of the public to object to renewal in any particular case on stated grounds; strengthening provisions designed to combat sales to under-age persons by, for example, requiring all off-sales premises to have written policies and control procedures; supplementing existing offences relating to under-age consumption of alcohol with a new offence of being in possession of a forged Garda age card; and increasing the levels of penalties and sanctions, including a proposal that all temporary closure orders should involve closure for a minimum of two days.

My proposals will also allow the Garda to object to applications for new retail licences on

the grounds of an undue risk of public nuisance or a threat to public order or safety. In addition, the proposed Bill will contain provisions for dealing with drunkenness and disorderly conduct on licensed premises, as well as combating the sale and supply of alcohol to under-age persons.

Finally, the current exemption under the planning and development code whereby an existing retail outlet may be converted into off-sales premises without any need to obtain specific planning permission for the development will be addressed by the Minister for the Environment, Heritage and Local Government.

Grant Payments.

506. **Mr. Healy** asked the Minister for Justice, Equality and Law Reform if he will consider grant aiding an organisation (details supplied); and if he will make a statement on the matter. [21131/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Having made inquiries, I understand that responsibility for this matter rests with my colleague, the Minister for Education and Science, Deputy Hanafin, to whom the question could be addressed.

Closed Circuit Television Systems.

507. **Mr. Healy** asked the Minister for Justice, Equality and Law Reform the position regarding the installation of closed circuit television cameras for the towns of Clonmel, Carrick-on-Suir and Tipperary; and if he will make a statement on the matter. [21137/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that no application for a Garda CCTV system has been received in respect of Carrick-on-Suir or Tipperary town by the CCTV advisory committee, which was established by the Garda Commissioner to advise on all matters relating to CCTV systems. It should be noted that 17 CCTV schemes, including Clonmel, are either at installation, tender or planning stages. The expansion is being implemented on a phased basis. Phase 1 involves Bray, Dundalk, Dun Laoghaire, Finglas, Galway and Limerick, phase 2 involves Athlone, Clondalkin, Tallaght and Waterford and phase 3 involves Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo. Phase 1 has been completed in 5 of the 6 locations.

The installation of the CCTV systems is of necessity a detailed, complex and lengthy process. The Garda authorities have been giving careful consideration to a restructuring of the manner in which these Garda CCTV systems go to tender. I am anxious to accelerate the implementation of the remaining CCTV programme and to reduce as far as possible the workload of the Garda Síochána in this regard. The proposed redesign of the tender document provides an opportunity to outsource the installation of Garda CCTV

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systems to the greatest possible extent, making use of the technical and project management expertise of the private sector. I have asked the Garda Commissioner to submit proposals for a revised tender document for the 11 locations in the remaining two phases, with a view to achieving implementation in priority locations by the end of 2006.

As a first step in this process, the Garda authorities have placed a request for tender document on the Government e-tenders website, seeking tenders for consultancy services for the procurement, supply and implementation of town centre CCTV systems to the Garda Síochána. Six tender proposals have been received and are being evaluated. In order to procure the most rapid delivery of the systems, the Garda is endeavouring to establish the most appropriate procurement model available. This process will involve the successful tenderer examining all aspects of Garda involvement in CCTV systems, including the installation, operation and management of systems; monitoring, recording and related activities; accommodation and situation of facilities and staff in relation to the town scheme and Garda station premises and an assessment of the civilianisation of Garda CCTV monitoring conducted under the management of the Garda.

The successful tenderer must examine and recommend the procurement model that is considered to be the most suitable in terms of commercial viability and cost-effectiveness for the provision of town centre CCTV systems. It is the ambition of the Garda to maximise the outsourcing of all processes in making Garda town centre CCTV systems available in the most efficient and effective manner. The inclusion of other town centre locations in the programme of Garda CCTV systems will be considered in the context of the Garda Commissioner's proposals.

Work Permits.

508. **Mr. Stanton** asked the Minister for Justice, Equality and Law Reform, further to Question No. 643 of 14 June 2005, if he will allow the spouse of a person (details supplied) to join them; and if he will make a statement on the matter. [21304/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa application in question was for the purposes of allowing the wife of a non-EEA national employed in the State under the employment permit scheme to travel to the State to reside with him. When assessing applications of this type, the visa officer considers, among other factors, whether the level of salary of the worker comes 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 payment are used as a guideline. If the level of the worker's income as evidenced by his or her payslips or P60 would qualify for family

income supplement payments, the application for a visa is generally refused, as in this case. Having reference to the relevant criteria, the applicant's husband did not demonstrate that he was in a position to support his wife fully without recourse to public funds. The application was refused on 24 February 2005.

An appeal was received in respect of the application on 4 May 2005, accompanied by additional documentation, including a P60 for 2003. However, a P60 was also submitted for 2004 covering just 18 weeks of employment. It was not clear why it did not cover the full year as the applicant's husband stated that he is in full-time employment. As the additional documentation did not fully address the concerns of the visa officer, the application was refused on appeal on 6 May 2005. As each application is entitled to just one appeal, no further action in respect of this application can be facilitated. It is still open to the person to submit a fresh application for a visa. Any such application should be accompanied by appropriate up-to-date supporting documentation that addresses the concerns of the visa officer.

Legislative Programme.

509. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform his proposals to strengthen the powers of the Criminal Assets Bureau. [21310/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The powers of the Criminal Assets Bureau were strengthened by the enactment in March of this year of the Proceeds of Crime (Amendment) Act 2005. The Act makes further provision in respect of the recovery and disposal of the proceeds of crime. It amends the Proceeds of Crime Act 1996, the Criminal Assets Bureau Act 1996, the Criminal Justice Act 1994 and the Prevention of Corruption (Amendment) Act 2001. It substantially bolsters the powers of bureau in the continuing battle to target the proceeds of all types of crime and extends those powers to the proceeds of white-collar crime and corruption. The Act's substantial provisions extend the proceeds of crime legislation to cover foreign criminality and corrupt enrichment. It also includes a number of technical provisions relating to court procedures, search powers and evidence. It extends the powers of the bureau to deal with foreign civil forfeiture recovery agencies such as the Assets Recovery Agency in the UK. The Act gives additional powers to the Garda and the Revenue Commissioners to seize cash suspected to represent, directly or indirectly, the proceeds of any criminal conduct — not just drug trafficking as previously — and to seize such cash anywhere in the State and not just in cases where it is being imported into or exported from the State.

Proposed Legislation.

510. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform his views on whether membership of armed gangs should be made a criminal offence; his proposals in this regard, setting out the proposed legislative basis for same. [21311/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy is aware that I published last July the Criminal Justice Bill 2004, which is on Second Stage in the House. As I have indicated previously, I am considering the introduction of a number of amendments to the Bill, including provision for criminal offences relating to organised crime. I am examining the issue in the context of giving effect in Irish law to the European Union Joint Action on Participation in a Criminal Organisation of 1998 and the UN Convention on Transnational Organised Crime of 2000. I intend to bring my proposals to the Government to seek approval to draft in the near future.

Tribunals of Inquiry.

511. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform his views on whether there is urgent need for reform of tribunal legislation; the costs and legal fees to date over the past ten years; his proposals for reform; and when he will introduce same. [21312/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Law Reform Commission recently published its final report on public inquiries, including tribunals of inquiry. The report contains almost 60 recommendations about tribunals of inquiry and a draft tribunals of inquiry Bill. The report is being examined in the Department of Justice, Equality and Law Reform as a matter of urgency. I intend to bring proposals to the Government in the near future seeking approval for the preparation of a comprehensive Bill that will consolidate and reform current tribunals legislation. The proposed legislation will utilise the framework provided by the report of the Law Reform Commission and will, to the greatest extent possible, incorporate the report’s recommendations. It will also include the reforms to give effect to the Government decision to try to reduce the legal costs payable by the State arising from tribunals.

I have been informed by the Department of Finance, that the costs of the tribunals and inquiries which have commenced since 1995 amount to €179.621 million, as at the end of April 2005. The cost of the tribunal on the beef processing industry, which commenced before 1995, was €26.380 million. Much of the latter costs would have been paid during the period in question, but some element would have arisen before 1995.

Inquiry into Child Abuse.

512. **Mr. Costello** asked the Minister for Edu-

cation and Science the number of non-Catholic residential institutions included in the schedule of institutions under the Residential Institutions Redress Act 2002; the religious denominations of each; and if she will make a statement on the matter. [20593/05]

525. **Mr. Costello** asked the Minister for Education and Science the number of non-Catholic residential institutions included in the schedule of institutions under the Residential Institutions Redress Act 2002; the religious denomination of each; and if she will make a statement on the matter. [20682/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 512 and 525 together.

Section 4 of the Residential Institutions Redress Act 2002 provides that for an institution to be eligible to be considered for inclusion in the Schedule to the Residential Institutions Redress Act 2002, it must have been subject to inspection or regulation by a public body. Some 128 institutions are listed on the original Schedule to the Act. In November 2004, I signed an order for a further 13 institutions to be added to the Schedule. As the religious ethos of an institution was not part of the criteria prescribed under section 4 of the Act, the Department of Education and Science did not require full details of the religious ethos of all the institutions listed. From records held in the Department, however, it seems that 19 institutions in the Schedule were non-Catholic facilities, of which one was multi-denominational, five had a Protestant ethos and 13 were run by the State.

School Staffing.

513. **Mr. Timmins** asked the Minister for Education and Science the position in relation to the application for a full-time teaching post for a school (details supplied) in County Wicklow; if this will be sanctioned as a matter of urgency; and if she will make a statement on the matter. [20607/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, a new general allocation scheme has been announced under which schools will be given resource teaching hours, based on their enrolment figures, to cater for children with high-incidence special needs such as dyslexia and with learning support needs. The introduction of the scheme will involve the provision of approximately 340 additional permanent posts in primary schools from September. A further 320 posts will be 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 they leave the primary school system. The general allocation for the school in question is 20 part-time hours. The Department of Education and Science has received a proposal from the school about the deployment of its allo-

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cation. I have arranged for an official from the Department to contact the school to discuss the proposal further.

Schools Recognition.

514. **Mr. Noonan** asked the Minister for Education and Science when the assessment being conducted by her Department into the possible demand for a gaelcholáiste in Limerick will be completed; if his attention has been drawn to the fact that a very well-attended public meeting in support of a gaelcholáiste there was a unanimous view that such a school should be sanctioned in the coming months commencing in temporary accommodation in September 2006, and that permanent site for such a school should be acquired as a priority; and if she will make a statement on the matter. [20615/05]

Minister for Education and Science (Ms Hanafin): It is the policy of the Department of Education and Science to support the provision of all-Irish school facilities at primary and post-primary level in all areas where demand for such provision is clearly demonstrated and no alternative exists within a reasonable distance. An assessment of the proposal from Limerick City VEC to establish a gaelcholáiste in Limerick from September 2006 is under active consideration by my officials. While location is part of that consideration, a specific site has not been identified. I am aware of the recent public meeting and the support evident for the establishment of the gaelcholáiste. My officials are in regular contact with the proposers on the matter.

Schools Building Projects.

515. **Mr. Sherlock** asked the Minister for Education and Science if further progress has been made with regard to the provision of a new or refurbished national school at Rahan, Mallow, County Cork. [20621/05]

Minister for Education and Science (Ms Hanafin): Officials from the Department of Education and Science and the school authorities in question have discussed how best to provide for the school's current and future accommodation needs. No final decision has been taken on how to proceed, pending further consultation with the school authorities. The matter will be considered further in the context of the 2005-09 schools building programme.

School Staffing.

516. **Mr. Bruton** asked the Minister for Education and Science the enrolments and teacher allocation over the past five years to a school (details supplied) in Dublin 9; if she will review a decision to withdraw a classroom assistant; and if she will make a statement on the matter. [20623/05]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year, as well as to a staffing schedule, which is outlined in Primary Circular 15/05 which was issued to all primary schools recently. This system is in line with the guidelines agreed between the Department of Education and Science and the education partners.

The staffing of the school referred to by the Deputy for the 2000-01 school year consisted of a principal and 14 mainstream class teachers, based on an enrolment of 413 pupils on 30 September 1999, and one learning support post. Its staffing for the 2001-02 school year consisted of a principal and 14 mainstream class teachers, based on an enrolment of 371 pupils on 30 September 2000, and one learning support post and the services of a resource post based in the school. Its staffing for the 2002-03 school year consisted of a principal and 13 mainstream class teachers, based on an enrolment of 370 pupils on 30 September 2001, and one learning support post and the services of a resource post based in the school. Its staffing for the 2003-04 school year consisted of a principal and 13 mainstream class teachers, based on an enrolment of 356 pupils on 30 September 2002, and one learning support post and the services of a resource post based in the school.

In the current school year, the staffing of the school consists of a principal and 12 mainstream class teaching posts. This is based on an enrolment of 328 pupils on 30 September 2003. It also has a learning support post and the services of a shared resource post based in the school. The mainstream staffing of the school for the 2005-06 school year will consist of a principal and 11 mainstream class teaching posts, based on an enrolment of 311 pupils on 30 September 2004.

The staffing schedule is structured to ensure that all primary schools operate to an average mainstream class size of 29 pupils. If 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 a school's teaching resources to facilitate smaller numbers in other classes. School authorities should ensure there is an equitable distribution of pupils in mainstream classes. The differential between the largest and smallest classes should be kept to a minimum. To ensure openness and transparency in the system, an independent appeals board is in place to decide on any appeals. The criteria under which an appeal can be made are set out in the Department's Primary Circular 19/02.

The board of management of the school in question has submitted an appeal to the staffing appeals board under developing school criteria. As the relevant application form outlined, the appeal will be considered by the appeals board at its meeting of October 2005. The board of management will be notified of the outcome of the

appeal as soon as possible thereafter. I am sure the Deputy appreciates that it would not be appropriate for me to intervene in the operation of the independent appeals board.

Adult Education.

517. **Mr. Hogan** asked the Minister for Education and Science when funding will be provided under phase IV of the adult education guidance initiative to a community group (details supplied) in County Kilkenny; and if she will make a statement on the matter. [20636/05]

Minister for Education and Science (Ms Hanafin): I refer the Deputy to my reply to Questions Nos. 669 and 738 of 14 June 2005.

The adult education guidance initiative is funded by the Department of Education and Science under the national development plan. Phase IV of the initiative is due to commence in September 2005. Applications for the funding of pilot projects under phase IV of the initiative were invited from statutory and voluntary bodies with a capacity to deliver an adult educational guidance service to learners in literacy, VTOS and community education programmes. The closing date for the receipt of applications was 1 June 2005. The selection process is being overseen by the National Centre for Guidance in Education. A selection committee will examine the applications received by the due date. A shortlist of eligible projects will be recommended by the Department, in order of merit, for my approval. The process will be completed and applicants will be informed of the outcome by the end of June.

Multi-Denominational Schools.

518. **Mr. J. Higgins** asked the Minister for Education and Science if she will substantially increase core funding for Educate Together. [20642/05]

Minister for Education and Science (Ms Hanafin): The Department of Education and Science is engaging in discussions with Educate Together about annual funding. The provision of some additional funding in 2005 to meet the immediate issues of concern to Educate Together, as well as its longer term needs, is under discussion. The current level of funding that the Department provides to Educate Together as a school management body is on a par with that provided to Foras Pátrúnachta na Gaelscoileanna, the Church of Ireland Board of Education, the Islamic Board of Education and the National Association of Boards of Management in Special Education.

The Department of Education and Science has supported the establishment of many new Educate Together schools in recent years. Twelve of the 24 new schools granted provisional recognition in the past three years are under the patronage of Educate Together. The Department has made a number of changes in recent years to make the provision of accommodation for new

schools much easier. Educate Together strongly welcomed the abolition of the local contribution to the building costs for State-owned school buildings, which had cost up to €63,500 per school. Other innovations include the development of the design and build model to provide permanent accommodation much faster, such as in the case of the new Educate Together school in Griffeen Valley, Lucan, which was designed and built in under 13 months.

Schools Building Projects.

519. **Mr. McHugh** asked the Minister for Education and Science if she will provide increased funding to a school (details supplied) in County Galway; and if she will make a statement on the matter. [20643/05]

520. **Mr. Connaughton** asked the Minister for Education and Science when a decision will be made on an application for a top-up grant by a school (details supplied) in County Galway; and if she will make a statement on the matter. [20644/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 519 and 520 together.

The appeal for additional funding by the school in question will be considered at the next meeting of an appeals board comprising senior officers of the Department of Education and Science. The decision of the appeals board will be communicated to the management authority of the school as soon as possible.

School Staffing.

521. **Mr. O'Shea** asked the Minister for Education and Science if her attention has been drawn to the fact that a school (details supplied) in County Waterford will have one full-time SEN teacher less in 2006 under the new arrangements than it had during the present school year (details supplied); and if she will make a statement on the matter. [20646/05]

Minister for Education and Science (Ms Hanafin): The school in question is included in the disadvantaged areas scheme and the Giving Children an Even Break programme. Under the disadvantaged areas scheme, the school benefits from an additional ex-quota teaching post, additional capitation grants of €38.09 *per capita*, a refund of the television licence fee and eligibility for 95% building grants for building projects. Designated disadvantaged schools are included in the home school community liaison scheme and the school has access to the services of a shared home school community liaison coordinator. Under the urban dimension of Giving Children an Even Break, the school benefits from supplementary funding to provide additional educational supports for pupils who are considered to be at risk of educational disadvantage and early school leaving. The level of funding provided

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under the scheme is commensurate with the number of “at risk” pupils in the school, which is not considered to be eligible for additional teaching staff under the scheme, based on the level of concentration of “at risk” pupils within its enrolment.

A new general allocation scheme has been announced under which schools will be given resource teaching hours based on their enrolment figures to cater for children with high incidence special needs such as dyslexia and those with learning support needs. The introduction of the 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 they leave the primary school system.

The general allocation for the school in question is two teaching posts and five part-time hours. The school may also be entitled to retain part-time hours under transitional arrangements to cater for the needs of individual pupils with high incidence special educational needs until they leave the school. I can confirm that the school’s resource teaching allocation under the new scheme is based on its status as a girls’ school — the first post is allocated at 195:1. Schools whose allocations are based on 80:1 are disadvantaged schools which are specifically eligible for additional staffing under the urban dimension of the Giving Children an Even Break scheme. The school is ineligible for such additional staffing and does not qualify for the special 80:1 ratio for resource teacher allocation.

The new action plan for educational inclusion, *Delivering Equality Of Opportunity In Schools*, which I launched recently, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme that will bring together and build on a number of existing interventions for schools with a concentrated level of disadvantage. The new action plan will be introduced on a phased basis, starting in the next school year, and will involve an additional annual investment of €40 million on full implementation. It will also involve the provision of some 300 additional posts across the education system.

A key element of the new action plan is the better identification of levels of disadvantage in schools, which will result in improved targeting of resources at those most in need. The first stage of the identification process, which is being conducted on behalf of the Department of Education and Science by the educational research centre, is under way. Questionnaires were issued to all mainstream primary schools and were due to be returned to the centre by 31 May 2005. The identification process is being supported by an advisory group that includes representation from

the INTO and the Irish Primary Principals’ Network. Approximately 600 primary schools, comprising 300 urban and 300 rural primary schools and 150 post-primary schools will be included in the school support programme. Existing schemes and programmes will be integrated into the school support programme on a phased basis over the implementation period.

522. **Ms Enright** asked the Minister for Education and Science the reason there has been a change in the criteria for supporting a resource teacher to a school (details supplied) in County Offaly from one resource teacher per 80 pupils to one resource teacher per 135 pupils with the resulting loss of 60% of a teaching post; if her attention has been drawn to the fact that this has happened in a school that has all boys and has designated disadvantaged status. [20669/05]

Minister for Education and Science (Ms Hanafin): The school in question never had an allocation of one resource teacher for every 80 pupils as the Deputy suggests. It is included in the disadvantaged areas scheme and the Giving Children an Even Break programme. Under the disadvantaged areas scheme the school benefits from an additional ex-quota teaching post, additional capitation grants of €38.09 *per capita*, a refund of the television licence fee and eligibility for 95% building grants for building projects. Designated disadvantaged schools are included in the home school community liaison scheme and the school has access to the services of a shared home school community liaison co-ordinator. Under the urban dimension of Giving Children an Even Break, the school benefits from supplementary funding to provide additional educational supports for pupils who are considered to be at risk of educational disadvantage and early school leaving. The level of funding provided under the scheme is commensurate with the number of “at risk” pupils in the school. The school is not considered eligible for additional teaching staff under the scheme, based on the level of concentration of at risk pupils within its enrolment.

A new general allocation scheme has been announced under which schools will be given resource teaching hours based on their enrolment figures to cater for children with high incidence special needs such as dyslexia and those with learning support needs. The introduction of the 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 they leave the primary school system.

The general allocation for the school in question is one teaching post and ten part-time hours. The school may also be entitled to retain part-time hours under transitional arrangements to

cater for the needs of individual pupils with high incidence special educational needs until they leave the school. I can confirm that the school's resource teaching allocation under the new scheme is based on its status as a boys' school — the first post is allocated at 135:1. Schools whose allocations are based on 80:1 are disadvantaged schools which are specifically eligible for additional staffing under the urban dimension of the Giving Children an Even Break scheme. The school is not eligible for such additional staffing and so does not qualify for the special 80:1 ratio for resource teacher allocation.

523. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the extreme difficulties that will be experienced at a school (details supplied) in County Limerick as a result of the new general allocation system and that it means that a teacher will be presenting in this school for 30 minutes and then returning to the base school; if she will review this system; and if she will make a statement on the matter. [20670/05]

Minister for Education and Science (Ms Hanafin): The records of the Department of Education and Science show that, based on an enrolment of 134 pupils, the school in question received a general allocation of one teaching post to be based in the school. Consequently, I am not clear from the question what difficulties this presents for the school. It is open to the school to liaise with the Department about the matter.

524. **Ms Enright** asked the Minister for Education and Science when a resource teacher will be appointed at a school (details supplied) in County Offaly; and if she will make a statement on the matter. [20671/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, the Department of Education and Science has issued a letter to all primary schools notifying them of their teaching allocation under the new general allocation model for the 2005-06 school year. The letter also includes details of any clustering arrangements that may apply. I can confirm that the school in question has received a teaching allocation of 12.5 part-time hours. It has been clustered with another school in the area, in which the teaching post to be shared between the schools will be based. Responsibility for the recruitment and appointment of the teacher in question is a matter for the management authorities of the base school.

Question No. 525 answered with Question No. 512.

Mental Health Services.

526. **Mr. Neville** asked the Minister for Education and Science her views on and support level for the mental health project, Working Things

Out-SFHE, being developed by the department of child and family psychiatry at University College, Dublin; her further views on whether this programme, when developed, has the potential to improve the mental health of young persons promptly to obtain assistance when in mental or emotional difficulties at an early stage and reduce suicide levels; and if she will make a statement on the matter. [20699/05]

Minister for Education and Science (Ms Hanafin): I have not previously been made aware of this project. I have therefore asked the national educational psychological service, NEPS, to find out more about it and to advise me on its potential to improve the mental health of young people in schools.

School Services Staff.

527. **Ms Enright** asked the Minister for Education and Science if she will give consideration to paying school secretaries for bank holidays and in-service days, as well as offering them contracts and holiday pay, in line with teachers and special needs assistants; and if she will make a statement on the matter. [20704/05]

Minister for Education and Science (Ms Hanafin): My Department provides funding towards the cost of secretarial services in primary and secondary schools under two separate schemes. One is the 1978-79 scheme under which my Department meets the full cost of salary. These secretaries are paid directly through my Department's payroll. The 1978-79 scheme is being phased out as posts become vacant and no new posts are being created.

The 1978-79 scheme has been superseded by a more extensive school support grant scheme towards the funding of ancillary services in schools including secretarial services. The scheme is flexible in nature giving boards of management and schools discretion as to the manner in which secretarial services are provided.

The ancillary services grant programme provides grants to schools that are not directly linked to any pay scales. Therefore the level and extent of services provided is a matter for the school authorities who, through the discretion afforded by the scheme, apply diverse arrangements for secretarial services as resources permit. As the secretaries are employees of individual schools, my Department does not have any role in determining the pay and conditions under which they are engaged. These are matters to be agreed between the staff concerned and the school authorities.

Schools Building Projects.

528. **Mr. Kenny** asked the Minister for Education and Science the position regarding the release to tender for a school (details supplied) in County Mayo; the number of primary school extensions and new buildings in this category; and

[Mr. Kenny.]

if she will make a statement on the matter.
[20719/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that I have included the building project for the school in question in my recently announced list of school projects to be progressed through architectural planning in 2005.

The building project is at an advanced stage of architectural planning stage 4/5, detail design-bill of quantities. The stage submission is currently with the Department and will be assessed by the Department's staff in due course. When this analysis is complete the school building section will be in contact with the school authorities.

A decision on which school building projects will advance to tender and construction as part of the 2006 schools building and modernisation programme will be taken later in the year.

Some 73 primary schools with major building projects including the school in question were authorised to progress through architectural planning during 2005. In addition 32 primary schools got approval to commence architectural planning while a further 89 schools were allowed to move to tender and construction.

School Curriculum.

529. **Ms Enright** asked the Minister for Education and Science the approach of her Department to the provision of pastoral care in primary and secondary schools; and if she will make a statement on the matter. [20725/05]

530. **Ms Enright** asked the Minister for Education and Science the support given by her Department to schools for the provision of pastoral care and chaplaincy services; and if she will make a statement on the matter. [20726/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 529 and 530 together.

The practice of looking after the personal and social well-being of children under the care of a school, encompasses a wide variety of issues, including health, social and moral education, behaviour management and emotional support. My Department provides a range of supports which assist the pastoral care systems in place in individual schools.

At primary level, the curriculum in general is designed with a view to enabling the child to live a full life as a child and to realise his or her potential as a unique individual; to develop as a social being through living and co-operating with others and so contribute to the good of society and to prepare for further education and lifelong learning. This is achieved through a broad range of subjects which develop different aspects of the child from social, personal and health education, religious education, physical education through to the academic aspects of the curriculum.

Similarly within the second level curriculum, social, personal and health education, SPHE, provides for the development of personal and social skills including self-awareness, respect for others, self-esteem and communication skills which can play an important role in encouraging a positive self-image. The key emphasis is on promoting self-esteem and physical and mental/emotional well being, and responsible decision making. Self management, communications, physical and emotional health, coping with loss, handling conflict, substance abuse, personal safety, relationships and sexuality are covered. Implementation of SPHE in schools is assisted by a full time support service which operates on an integrated basis in collaboration between the Department of Education and Science and the health boards.

Pastoral care teams in second level schools provide important assistance in promoting students' well-being and in ensuring that potential difficulties can be identified early. Guidance counsellors, home school liaison co-ordinators, chaplains, class year tutors and the services of the national educational psychological service, NEPS, can play an important role in this respect. In recognition of the vital importance of guidance in our school system, I recently announced the allocation of 100 additional posts for guidance from the commencement of the 2005-06 school year. This extra guidance provision will enable students to develop skills that will lead to effective choices and decisions about their lives.

The class teacher is also a significant catalyst in enabling schools to respond to educational and pastoral challenges. Teaching is an activity that contributes to the full development of the human person. My Department is committed to that development and to the delivery of an education that is relevant to individuals' needs and which creates a socially inclusive society.

Special Educational Needs.

531. **Mr. Healy** asked the Minister for Education and Science the position regarding the appointment of a special needs teacher to schools (details supplied); and if she will make a statement on the matter. [20728/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, my Department has issued a letter to all primary schools notifying them of their teaching allocation under the new general allocation model for the 2005-06 school year. The letter also includes details of any clustering arrangements that may apply. The three schools in question have been arranged in different cluster arrangements under the new model.

I wish to inform the Deputy that one of the objectives of the general allocation model is to maximise the extent of full-time permanent posts available to support the needs of pupils with higher-incidence special educational needs and learning support teacher requirements. Clustering facilitates the assignment of experienced

teachers as well as allowing for better training of resource teachers on the basis that permanent posts will retain teachers for longer periods. This ultimately benefits the pupils.

To this end, schools, particularly those with small enrolments, have been grouped in clusters where possible. In general, the permanent post allocation clustering arrangements cannot be altered unless in exceptional circumstances such as geographical location.

Part-time hours have been provided for schools in cases where it was not possible to form a cluster of general allocation hours. Schools that have been allocated part-time permanent hours may be aware of a local school(s) with part-time permanent hours that when combined could form a full-time permanent post. It is open to any such schools wishing to form a cluster by combining these hours to contact my Department's special education section in writing with details of their proposal. It should be noted that these arrangements apply to staffing associated with the general allocation model only.

Where it is not possible for schools to form permanent posts under the general allocation model, such schools may, for the purposes of creating temporary full-time posts, form clusters to combine permanent part-time hours allocated under the general allocation model with hours allocated for individual children with low incidence disabilities, or transitional hours retained for children with high incidence disabilities. Again, any schools wishing to form such temporary full-time posts should contact my Department's special education section in writing with details of their proposal. This arrangement will apply for the 2005-06 school year only and is being facilitated on the understanding that, as pupils with an individual allocation of hours leave the school at the end of that school year, the full-time temporary posts will be adjusted to the appropriate reduced level of part-time hours.

I can confirm to the Deputy that the schools in question have submitted a proposal regarding a revision of the clustering arrangements that had been notified to them. The proposal involves dissolving the cluster arrangements notified to them and creating a new permanent teaching post among the three schools. My officials are currently examining the proposal and will be in further contact with the school authorities as quickly as possible. My Department is also finalising a circular for schools which will contain detailed information on how the new system will operate. It is intended that this circular will issue at an early date. It is also intended that this circular will address issues that have been raised by schools with my Department since the system was notified to schools in mid-May.

Schools Building Projects.

532. **Mr. J. Breen** asked the Minister for Education and Science if funding will be made avail-

able for major capital works on a school (details supplied) in County Clare. [20730/05]

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 considered in the context of the school buildings and modernisation programme 2005-09.

Special Educational Needs.

533. **Mr. Carey** asked the Minister for Education and Science if a decision will be made on the allocation of special needs assistants to a school (details supplied) in Dublin 11; and if she will make a statement on the matter. [20772/05]

Minister for Education and Science (Ms Hanafin): The Deputy may be aware that the National Council for Special Education, NCSE, which became operational on 1 January 2005, now processes applications for special educational needs supports and decides on the level of support appropriate to the school.

Seventy-one special educational needs organisers, SENOs, have been recruited throughout the country and will be a focal point of contact for schools and parents. My officials have been in contact with the NCSE regarding the pupil in question. The NCSE has advised that the pupil was sanctioned the services of a shared special needs assistant, SNA. The decision was based on the relevant documentation submitted with the application. I understand that the school is of the opinion that the pupil should have the services of a full-time SNA.

The NCSE will undertake to review the decision on the level of SNA support granted on foot of a request from the school or parents-guardians, when accompanied by relevant additional information, which may not have been to hand at the time of the decision. The NCSE has outlined this process in its circular 01/05 which issued to all primary schools. It is, therefore, open to the school to submit further documentation to the SENO in support of the application for full-time SNA assistance.

Schools Amalgamation.

534. **Mr. Deenihan** asked the Minister for Education and Science the position regarding the amalgamation of schools (details supplied) in County Kerry; if she has received the local inspector's report; when a decision will be made on the amalgamation; and if she will make a statement on the matter. [20773/05]

548. **Mr. Deenihan** asked the Minister for Education and Science the position regarding the amalgamation of schools (details supplied) in County Kerry; if she has received the local inspector's report; when a decision will be made on the amalgamation; and if she will make a statement on the matter. [21027/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 534 and 548 together.

The school planning section of my Department has received the local inspector's report on the proposed amalgamation of the schools to which the Deputy refers. The next step is to carry out a technical inspection of schools and sites in question to establish which, if either, of the existing schools would be suitable as a host for the amalgamation or if a new site is required. Officials in school planning section of my Department will be in contact with the school authorities when a date is confirmed for the technical assessment.

The final decision on any amalgamation rests with the patron, subject only to my approval.

Special Educational Needs.

535. **Mr. G. Murphy** asked the Minister for Education and Science the terms under which special needs assistants with her Department may take a year's leave of absence. [20795/05]

Minister for Education and Science (Ms Hanafin): While a number of full-time special needs assistants, SNAs, have availed of unpaid leave of absence, there is no formal career break scheme in place at present. SNAs are employed directly by the managerial authority of each school and currently, any decision to grant leave of absence without pay for a period of at least one year is a matter for the relevant school authority.

My Department requires the managerial authority to have due regard for the exigencies of the school and possible negative effects in permitting such an absence. The welfare and educational needs of the pupil(s) must take precedence over all other considerations. Applications are currently sanctioned on the basis that the absence is of a minimum duration of one year commencing on the first day of the school year. Any application for an extension of the period of unpaid leave beyond one school year, is reviewed by the managerial authority on an annual basis. The combined periods of unpaid leave of absence granted to an SNA shall not exceed five years.

536. **Mr. G. Murphy** asked the Minister for Education and Science if it is possible for a special needs assistant to apply for transfer within different schools that employ her Department special needs assistants. [20796/05]

Minister for Education and Science (Ms Hanafin): Applications for special needs assistant support are now dealt with by the National Council for Special Education who process all applications for support from schools and communicate the decisions directly to the schools.

The responsibility for the recruitment and employment of individual special needs assistants is a matter for each school authority.

School Transport.

537. **Mr. Naughten** asked the Minister for Edu-

cation and Science the number of primary, post-primary and special needs pupils availing of the school transport service in each year from and including 1996-97 to date for each group; the cost of the service in each year; the parental contribution in each year; and if she will make a statement on the matter. [20823/05]

Minister for Education and Science (Ms Hanafin): The number of pupils availing of school transport services in a school year varies from time to time. Accordingly, the following figures are averages of pupils availing of the service within the years mentioned.

Year	Primary	post-primary pupils
1997	64,000	96,000
1998	61,000	93,000
1999	59,000	86,000
2000	60,000	79,000
2001	60,000	80,000
2002	59,000	77,000
2003	60,000	78,000
2004	60,000	78,000

The number of children with special needs availing of school transport for all of the above years is not readily available. However, between 8,000 and 9,000 children with special needs are currently availing of school transport services. Total expenditure in the same years was as follows: 1997 €49.572 million. 1998 €51.201 million. 1999 €57.978 million. 2000 €65.082 million. 2001 €77.058 million. 2002 €95.986 million. 2003 €101.734 million. 2004 €109.845 million. The parental contribution was in excess of €6 million for each of the above years.

Overseas Students.

538. **Mr. Naughten** asked the Minister for Education and Science, further to Parliamentary Question No. 345 of 1 March 2005, her plans to implement the recommendations; and if she will make a statement on the matter. [20825/05]

Minister for Education and Science (Ms Hanafin): The report on the Internationalisation of Irish Education Services was completed by the working group in September 2004 and was published in November 2004.

My Department is continuing to engage in a consultation process with the main stakeholders in the sector with a view to informing the implementation process and the preparation of the necessary legislation to establish education Ireland. As part of this process, my Department arranged for a conference entitled, Internationalisation of Irish Education, which was held in mid-May 2005 and was attended by all the relevant stakeholders and interests from the sector.

My Department has recently commenced the compilation of a register of approved courses to

facilitate the Department of Justice, Equality and Law Reform in the issuing of work permits to eligible students. This register of courses is being updated on a monthly basis.

School Staffing.

539. **Mr. Bruton** asked the Minister for Education and Science if there is a planned reduction in teacher numbers for a school (details supplied) in Dublin 24; if so, the number of teachers to be dropped; and the reason for the reduction in teacher numbers. [20978/05]

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 the current school year the staffing of the school referred to by the Deputy comprises of a principal and ten mainstream class teachers based on an enrolment of 273 pupils at 30 September, 2003. In addition, the school has two learning support posts and three resource teaching posts. In accordance with the staffing schedule which issued recently to boards of management, the mainstream staffing of the school for the 2005-06 school year will be a principal and nine mainstream class teachers based on an enrolment of 238 pupils at 30 September 2004.

To ensure openness and transparency in the system, an independent appeals board is now in place to decide on any appeals. The criteria under which an appeal can be made are set out in Department Primary Circular 19/02 which is also available on my Department's website. The appeals board met on 14 June and will meet again in July and October to consider appeals on the mainstream teaching allocation to schools for the 2005-06 school year.

The closing dates for appeals for the forthcoming July and October meetings are 24 June and 7 October 2005, respectively. 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. The application form is available from primary payments section or on my Department's website.

I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operation of the independent appeals board.

Education Schemes.

540. **Mr. S. Ryan** asked the Minister for Education and Science if her attention has been drawn to the funding crisis facing the Educate Together national office which may be forced to scale down its activities from July 2005 if a resolution is not secured by that date; if she will report on her meeting with Educate Together on this

issue; and if she will make a realistic offer of funding to enable the ongoing work continue. [20991/05]

Minister for Education and Science (Ms Hanafin): My Department is currently engaged in discussions with Educate Together in regard to annual funding. The provision of some additional funding in 2005, to meet the immediate issues of concern to Educate Together, is under discussion along with their longer term needs. The current level of funding that my Department provides to Educate Together as a school management body is on a par with that provided to Foras Patrúnachta na Gaelscoileanna, the Church of Ireland Board of Education, the Islamic Board of Education and the National Association of Boards of Management in Special Education.

In regard to support for the establishment of new multi-denominational schools, it should be noted that my Department has supported the establishment of many new Educate Together schools in recent years. Of the 24 new schools granted provisional recognition in the past three years, 12 of them are under Educate Together patronage. My Department has made a number of changes in recent years which have made the provision of accommodation for new schools much easier. One of these changes, which was strongly welcomed by Educate Together, was the abolition of the local contribution to the building costs for state-owned school buildings, which had cost up to €63,500 per school. Other innovations include the development of the design and build model to provide permanent accommodation much faster, such as in the case of the new Educate Together school in Griffeen Valley, Lucan, which was designed and built in under 13 months.

Schools Building Projects.

541. **Mr. S. Ryan** asked the Minister for Education and Science if the two additional classrooms required by a school (details supplied) in County Dublin will be on site and operational by 1 September 2005. [20992/05]

Minister for Education and Science (Ms Hanafin): The provision of additional accommodation for the school in question is scheduled to be in place and operational by 1 September 2005.

Pupil-Teacher Ratio.

542. **Mr. Timmins** asked the Minister for Education and Science the pupil-teacher ratio by school for all the primary schools in County Wicklow. [20993/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available in my Department. If the Deputy has a query about a particular school, I would be happy to provide it.

School Staffing.

543. **Mr. Timmins** asked the Minister for Education and Science the outcome of an appeal by a school (details supplied) in County Wicklow to the primary staffing appeals board, heard on 14 June 2005; and if she will make a statement on the matter. [20994/05]

Minister for Education and Science (Ms Hanafin): The staffing of this school for the 2005-06 school year was considered by the appeals board on 14 June 2005. The board, having considered the appeal with regard to the criteria outlined in Department circular 19/02, was satisfied that a departure from the staffing schedule is not warranted in this case. The board of management of the school was notified in writing of the decision of the appeals board on 15 June 2005.

I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operations of the independent appeals board.

544. **Mr. Timmins** asked the Minister for Education and Science the grounds on which a primary school will receive the services of a concessionary teacher; if she will provide a list of the six primary schools in County Wicklow that have a concessionary teacher; and if she will make a statement on the matter. [20995/05]

Minister for Education and Science (Ms Hanafin): Before the introduction of the Giving Children an Even Break and Breaking the Cycle programmes, certain schools with disadvantaged status were awarded concessionary ex-quota teaching posts under the disadvantaged areas scheme. The posts were awarded on a permanent basis, and accordingly a number of schools continue to benefit from this additional teaching resource. The following schools in County Wicklow were granted ex-quota concessionary posts under the disadvantaged areas scheme: Sisters of Charity national school, Bray; St. Peter's national school, Bray; St. Joseph's national school, Rathnew; St. Ernan's boys' national school, Rathnew; and Glenealy No. 1 national school, Glenealy. In addition, a full-time temporary concessionary post was sanctioned for Newcourt special school, Bray, in August 2002 to facilitate the integration of pupils with St. Andrew's NS, which is on the same campus, and other local primary schools. The post supports pupils who may wish to access a local mainstream setting to gain access to particular subjects for the State examinations and who also may wish to learn in an integrated setting alongside their peers.

Site Acquisitions.

545. **Mr. Ferris** asked the Minister for Education and Science if she will make a statement on the procurement of a site to facilitate the amalgamation of schools (details supplied) in County Kerry and on the perceived hold-up regarding the transfer of land for this purpose

from St. John's Church to her Department. [20996/05]

Minister for Education and Science (Ms Hanafin): A site for the provision of a new school building is required to facilitate the amalgamation of the schools referred to by the Deputy. A suitable site has been identified and is being provided by the diocese. In the circumstances it is not necessary for my Department to acquire the site in question.

Website Usage.

546. **Mr. Lowry** asked the Minister for Education and Science if action will be taken against websites (details supplied); and if she will make a statement on the matter. [21009/05]

Minister for Education and Science (Ms Hanafin): I have stated on a number of occasions that I believe that placing comments about teachers on the Internet is extremely unfair. Every student would complain if his or her teacher went on a website and put up his or her report or went to the local supermarket and stuck it on the notice board. No teacher would do that to a student and, therefore, it is not appropriate for a student to do it to a teacher. Not all the comments on the website are negative — a significant proportion of them are positive. Nonetheless, it is not appropriate for an individual in any profession to have his or her work commented upon on the Internet by anonymous commentators. The worldwide web is international and my Department has no means available to it to shut down this site.

School Enrolments.

547. **Mr. Kehoe** asked the Minister for Education and Science if her attention has been drawn to the protests being undertaken by schools (details supplied) in County Wexford that are excluded from the catchment area; if disruptions will continue; the action she will take to prevent this; and if she will make a statement on the matter. [21010/05]

Minister for Education and Science (Ms Hanafin): My Department has been engaged with the post-primary school referred to by the Deputy for some time regarding the necessity of operating an enrolment policy that respects its defined catchment area. This school is heavily oversubscribed as a result of a significant number of pupils enrolling from outside its catchment area, including from the primary schools to which the Deputy refers. This development can impact negatively on those who are entitled, as of right, to a place in a particular school by virtue of the fact that they reside in the area and attend the appropriate feeder schools. It also invariably impacts negatively on the school or schools which these pupils should rightly attend and in which considerable capital investment has been made

for this purpose. It is a matter for all school authorities, in the context of their enrolment policies, to limit enrolment to within their defined catchment areas to ensure that such situations do not arise.

Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under section 29 of Education Act 1998 to appeal that decision to the Secretary General of my Department. Section 29 of the Education Act 1998 provides parents with an appeal process where a board of management of a school or a person acting on behalf of the board refuses enrolment of a student. An appeal will generally not be admitted unless it is made within 42 calendar days from the date the decision of the board of management was notified to the parent or student concerned. However, a longer period for making appeals may be allowed as an exception where it is accepted that circumstances did not permit the making of an appeal within the 42 day limit. Where an appeal under section 29 is upheld, the Secretary General of my Department may direct a school to enrol a pupil.

Question No. 548 answered with Question No. 534.

School Staffing.

549. **Mr. G. Murphy** asked the Minister for Education and Science, further to Parliamentary Question No. 58 of 14 June 2005 if she accepts that in exceptional circumstances the new directives on resource teachers is going to cause serious problems for some persons (details supplied); and if some appeal process will be put in place. [21028/05]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the school was previously in a clustering arrangement with four other schools. As a result of the allocation of additional resources to schools in the cluster, it was necessary to revise the clustering arrangements. The revised clustering arrangement means that the school will no longer be clustered with the previous base school. It is a matter for the board of management of the new base school to determine the teacher who will fill the general allocation post to service the revised cluster. The posts being provided under the new general allocation scheme are designed to ensure each school has enough resource teaching hours to meet the needs of children with high incidence special needs, such as dyslexia and children with learning support needs. Resource teaching hours for children with low incidence special needs such as hearing impaired will continue to be provided on the basis of an individual application for each child.

With regard to which pupils in the school with high incidence special needs and learning support needs will receive support from the resource teacher, this decision will be made at school level.

Each school will have enough resource teaching hours to provide its pupils with support appropriate to their needs. The school can then use its professional judgement to decide how these hours are divided between different children in the school, to ensure that all their needs are met. Research shows that some children with special needs respond better with one-to-one tuition. Others, however, do better when taught in small groups. Often it is best for resource teachers to work with children in the classroom rather than taking them away to a separate room, as the children then have to catch up work done by the rest of the class in their absence. The response needed depends on the child.

School Accommodation.

550. **Mr. Stagg** asked the Minister for Education and Science if her attention has been drawn to the fact that a school (details supplied) in County Kildare is full and that its board of management is accepting no further enrolment of pupils in any classes for the school year commencing in September 2005; her plans to resolve the accommodation crisis at the school; and if she will make a statement on the matter. [21033/05]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that I have sanctioned the provision of an additional temporary classroom for the school to which he refers. The classroom will be in place for September 2005 to meet the anticipated demand for pupil places as identified by the school authority. Going forward, it is proposed to provide a new 16 classroom school to meet the long-term accommodation needs of the area. In this regard, the property management section of the Office of Public Works, which acts on behalf of my Department in relation to site acquisitions generally, has been instructed to explore the possibility of acquiring of a suitable site for this development.

551. **Mr. Penrose** asked the Minister for Education and Science if additional accommodation will be provided at a school (details supplied) in County Westmeath; and if she will make a statement on the matter. [21034/05]

Minister for Education and Science (Ms Hanafin): My Department does not have an application from the school to which he refers for additional accommodation. The Deputy will be aware that, where an immediate need arises for temporary accommodation to be provided to cater for an increase in enrolments straight away, the school can apply to my Department for temporary accommodation. Where a future need for permanent extra school places arises, the provision of extra permanent accommodation is considered under the new planning model for educational infrastructure which ensures, in future, school provision will be decided only after an open and transparent consultation process.

[Ms Hanafin.]

The main feature of the new model, being introduced initially on a pilot basis, is the publication of area development plans, which will set out a blueprint for schools' development in an area into the future. Included in the pilot is the area around N4-M4, which incorporates the locality referred to by the Deputy. The publication consultation process on this plan was recently completed and the Commission on School Accommodation hopes to be a position to publish its final plan shortly.

Special Educational Needs.

552. **Mr. Ring** asked the Minister for Education and Science the way in which the general allocation system will affect the resources available to a person (details supplied) in County Mayo in mainstream school. [21049/05]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, a new general allocation scheme has been announced under which schools will be provided with resource teaching hours, based on their enrolment figures, to cater for children with high incidence special needs such as dyslexia and those with learning support needs. 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 will be 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 posts being provided under the new general allocation scheme are designed to ensure each school has enough resource teaching hours to meet the needs of children with high incidence special needs such as dyslexia and children with learning support needs. Resource teaching hours for children with low incidence special needs such as hearing impaired will continue to be provided on the basis of an individual application for each child. It is a matter for each school to determine the pupils with high incidence special education and learning support needs that will receive this support.

Each school will have enough resource teaching hours to provide its pupils with support appropriate to their needs. The school can then use its professional judgement to decide how these hours are divided between different children in the school to ensure all their needs are met. Research shows that some children with special needs respond better with one-to-one tuition. Others, however, do better when taught in small groups. Often it is best for resource teachers to work with children in the classroom rather than taking them away to a separate room, as the children then have to catch up work done by the rest of the class in their absence. The

response needed depends on the child. The school in question has been allocated one full-time post and 2.5 part-time hours under the general allocation system.

553. **Mr. Bruton** asked the Minister for Education and Science if she has investigated the shortage of appropriate places for the education of children with special needs on Dublin's north-side; and the options which are open for a person (details supplied) in Dublin 9. [21068/05]

Minister for Education and Science (Ms Hanafin): The Deputy may be aware that the National Council for Special Education, NCSE, which was established recently and which has been operational since 1 January 2005, is responsible for processing applications for special educational needs supports and deciding on the level of support appropriate to the school. A total of 71 special educational needs organisers, SENOs, have been recruited throughout the country and will be a focal point of contact for schools and parents. My officials have been advised by the NCSE that the local SENO has made contact with the parent of the pupil in question regarding his placement in a special school in September 2005 and contact has been made with a school in this regard. A decision from the school will issue to the parents shortly.

Schools Building Projects.

554. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the status of an application for the provision of a general practitioner room at a school (details supplied) in County Kerry which was submitted to her Department in 2002; and if she will make a statement on the matter. [21091/05]

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 considered in the context of the School Buildings and Modernisation Programme 2005-2009.

Special Educational Needs.

555. **Ms Cooper-Flynn** asked the Minister for Education and Science if she will examine the file for two special needs persons (details supplied) with a view to providing for their needs as agreed by their parents and the national school they are attending. [21111/05]

Minister for Education and Science (Ms Hanafin): The Deputy may be aware that the National Council for Special Education, NCSE, which was established recently and which has been operational since January 2005, is responsible for processing applications for special educational needs supports and deciding on the support appropriate to the school. A total of 71

special educational needs organisers, SENOs, have been recruited throughout the country and will be a focal point of contact for schools and parents. My officials have been in contact with the NCSE regarding the matter referred to by the Deputy. The NCSE has advised that a meeting between the local SENO and the school has been arranged in the coming days to discuss the matter.

Schools Building Projects.

556. **Mr. Sherlock** asked the Minister for Education and Science the progress regarding the provision of a new school building in respect of a school (details supplied) in County Cork. [21117/05]

Minister for Education and Science (Ms Hanafin): Before committing significant capital resources to the planned new school, it is essential to confirm that the provision of a new second level school in the area is absolutely warranted. To consider the matter thoroughly, a review of second level provision in the area has been initiated in consultation with the school authority. This review will take into account factors such as current and projected pupil numbers at the school, the likely impact of housing developments and existing provision in the general area. A decision will then be taken on best to provide for current and emerging needs.

557. **Mr. Sherlock** asked the Minister for Education and Science the progress regarding a school (details supplied) in County Cork, concerning the provision of a new school building. [21118/05]

Minister for Education and Science (Ms Hanafin): The property management section of the Office of Public Works which acts on behalf of my Department regarding site acquisitions generally is continuing to explore the possibility of acquiring a site for the school referred to by the Deputy. The question of the provision of the new school building will be considered in the context of the School Buildings and Modernisation Programme 2005-2009 when a site has been acquired.

558. **Mr. Sherlock** asked the Minister for Education and Science if she proposes to publish a school buildings programme for 2005. [21119/05]

Minister for Education and Science (Ms Hanafin): Since the commencement of this year, I have announced the first phases of the 2005 school building and modernisation programme which provided details of 122 major school building projects that will prepare tenders and move to construction during the next year; an expansion to 171 in the number of schools that will be invited to deliver their building projects on the basis of devolved funding; 20 schools that will be provided with prefabricated accommodation in the system; 43 schools that will be authorised to

commence architectural planning; and 590 schools approved for funding under the 2005 summer works scheme. I plan to make further announcements in the coming period relating to the schools building and modernisation programme that will include details of schools identified as suitable for construction under public private partnerships and schools whose projects will further progress through the design process.

School Closures.

559. **Mr. Sherlock** asked the Minister for Education and Science if it is intended to reopen a school (details supplied) in County Cork; and if she will make a statement on the matter. [21120/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers closed early in the 2004-05 school year due to the decline in enrolments. My Department is not in receipt of a proposal to reopen the school.

Schools Building Projects.

560. **Mr. J. Higgins** asked the Minister for Education and Science the reason a school (details supplied) in Dublin 15 has not received funding for a sports hall; and when the funds will be allocated. [21129/05]

Minister for Education and Science (Ms Hanafin): An application for a new PE hall at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria for largescale building projects, which were revised following consultation with the education partners last year. The project has been assigned a band rating under the criteria and its progress will be considered in the context of the school building programme from 2005 onwards.

School Staffing.

561. **Mr. Naughten** asked the Minister for Education and Science, further to Parliamentary Question No. 765 of 14 June 2005, the result of the appeal; and if she will make a statement on the matter. [21152/05]

Minister for Education and Science (Ms Hanafin): The staffing of this school for the 2005-06 school year was considered by the appeals board on 14 June 2005. The board, having considered the appeal with regard to the criteria outlined in Department circular 19/02, was satisfied that a departure from the staffing schedule is not warranted in this case. The board of management of the school was notified in writing of the decision of the appeals board on 15 June 2005. The Deputy will appreciate that it would not be appropriate for me to intervene in the operations of the independent appeals board.

Schools Building Projects.

562. **Ms O'Sullivan** asked the Minister for Education and Science when she will sanction the building of an extension to a school (details supplied) in County Donegal; and if she will make a statement on the matter. [21165/05]

Minister for Education and Science (Ms Hanafin): An application for an extension has been assessed and will be prioritised using the published prioritisation criteria. The project will provide a general purposes room and ancillary accommodation. The project will be considered in the context of the School Building and Modernisation Programme 2005-2009.

EU Directives.

563. **Ms O'Sullivan** asked the Minister for Education and Science the way in which and when it is proposed to implement EU Directive 2003/20/EC; and if she will make a statement on the matter. [21166/05]

Minister for Education and Science (Ms Hanafin): EU Directive 2003/20 requires seat belts to be used where they are fitted. This directive must be transposed into national law by 9 May 2006. The wearing of seat belts and the three for two rule are intrinsically linked, which means that school children who are travelling on buses equipped with seatbelts from next May will be provided with a single seat. Any additional vehicles required to address the capacity issue, arising from the abolition of the three for two seating arrangement on these buses, will also be required to have seat belts fitted.

School Transport.

564. **Ms O'Sullivan** asked the Minister for Education and Science if her Department has clarified if it will be appropriate to retrofit seat belts in some of the current school bus fleet; if so, the number and percentage which will be retrofitted; and if she will make a statement on the matter. [21167/05]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that EU Directive 2003/20 requires seat belts to be used where they are fitted. This directive must be transposed into national law by 9 May 2006. Separately, proposals to extend the requirement for seat belts to be fitted in all new vehicles, except for city buses used in stage stop routes, have been developed at EU level. When the directive is adopted, all new school buses being registered from a future date, yet to be determined, will require to be fitted with seat belts. It is not expected that this directive will provide for any mandatory retrofitting of seat belts in existing buses.

The question of the fitting and the mandatory use of seat belts on school buses, outside of these legislative requirements, is at present under con-

sideration in my Department. Before any decision is made, the issue of the type, or types, of seat belt to be fitted must be determined having regard to the differing sizes of the student passengers being carried. My Department is working closely with the Department of Transport and Bus Éireann on this issue and any decisions reached will be guided by expert advice.

Whatever conclusion is reached, the provision of seat belts on school buses, if that is what is recommended, would have to be introduced on a phased basis having regard to the logistical difficulties involved in sourcing right-hand drive buses equipped with any appropriate seat belts and the fact that not all the buses in the current fleet may be suitable for the retrofitting of seat belts.

565. **Ms O'Sullivan** asked the Minister for Education and Science the number of buses deployed and funded by her Department in the school transport system; the number of these buses operated by private operators and the number operated by Bus Éireann; the number of buses serving primary schools only; the number serving second level schools only and the number serving both; the number currently fitted with seat belts; the cost of replacing the fleet with seat belt fitted vehicles; and if she will make a statement on the matter. [21168/05]

Minister for Education and Science (Ms Hanafin): More than 3,000 vehicles are used to transport children each day to school. In the region of 80% of these vehicles are owned by private contractors and the remaining 20% are owned by Bus Éireann. The numbers of buses serving primary schools are 1,317 minibuses, 350 medium buses and 312 large buses. The numbers of buses serving post-primary schools are 405 minibuses, 278 medium buses and 436 large buses. Buses serving both primary and post-primary schools are in the region of 254 minibuses, 178 medium buses and 290 large buses. These figures are based on a census taken in October 2004 and include taxis.

Bus Éireann has advised my Department that the most recent figures available indicate that 1,590 vehicles have seat belts and 1,483 are without seat belts. The figures include taxis. It would be premature to provide figures regarding the cost of replacing the fleet with seat belt fitted vehicles until the entire matter, including retrofitting of vehicles with seat belts, is examined and costed.

Pension Provisions.

566. **Ms Burton** asked the Minister for Education and Science when she will sanction a pension scheme for staff of the National Educational Welfare Board; the entitlements of the staff in the absence of a scheme; and if she will make a statement on the matter. [21305/05]

Minister for Education and Science (Ms Hanafin): The pension scheme for staff of the National Educational Welfare Board, NEWB, is at present being operated on an administrative basis pending approval a draft superannuation scheme for the board. The pension arrangements of the staff are in accordance with the model scheme of the Department of Finance.

The model scheme, which is a standard public service scheme, needs to be updated to take account of the Protection of Employees (Part-time Work) Act 2001. It has not been possible to complete this work to date because discussions between union groups and management groups in the public service regarding the implementation of the Act have not been completed.

Discussions are now at an advanced stage and it is expected that a circular giving full effect to the pensions provisions of the Part-time Work Act will be shortly issued by the Department of Finance. The formal approval of the Department of Finance will then be sought for the draft NEWB scheme, as updated to take account of the necessary provisions for part-time workers.

Special provision will be made in the NEWB scheme — and such provision is regularly required when new schemes are being introduced — for the school attendance officers who have transferred, in accordance with section 40 of the Education (Welfare) Act, to the NEWB from employment by local authorities. The superannuation arrangements of the staff in question will not be less favourable than the arrangements which applied to them under the local government superannuation scheme.

Decentralisation Programme.

567. **Mr. Lowry** asked the Minister for Defence the status of and progress made in the planned decentralisation of the Civil Defence to Roscrea, County Tipperary; and if he will make a statement on the matter. [21023/05]

Minister for Defence (Mr. O'Dea): In the context of the White Paper on defence, the Government decided to decentralise the Civil Defence branch of my Department to Roscrea, County Tipperary. Of the 18 staff serving with the Civil Defence Board, 13 staff in the following grades, have indicated a willingness to relocate to Roscrea: director general — one; assistant principal — two; higher executive officer — five; executive officer — two; clerical officer — two; technical officer — one. To date, there have been 111 applications for transfer to Roscrea, in the following grades: assistant principal — five; higher executive officer — ten; executive officer — 22; staff officer — four; clerical officer — 70.

The Office of Public Works, which has responsibility for the provision of official accommodation for Departments, has issued tenders for the fit out of a leased building in Roscrea and a contract has been placed. The contract is

expected to take six months to complete. Part of the staff of the Civil Defence Board has already been moved to temporary accommodation in Roscrea since 10 September 2004.

Overseas Missions.

568. **Mr. Kelly** asked the Minister for Defence the number of Defence Force members who lost their lives on United Nations missions overseas and who are still listed as missing in action or missing, presumed dead; the names of the troops concerned; if he will provide a brief description of the circumstances in which each died; and if he will make a statement on the matter. [21308/05]

Minister for Defence (Mr. O'Dea): I am advised by the military authorities that on 15 September 1961, Trooper Patrick Mullins and Corporal Michael Nolan were killed in action in the Congo when their armoured vehicle was hit by anti-tank fire from armed elements. While the remains of Corporal Nolan were recovered, those of Trooper Mullins were not. An investigation into Trooper Mullins's death by the military authorities at the time concluded on 29 January 1962 that he was killed in action at Ave Du Cuivre, Lubumbashi, Elisabethville, Katanga, in the Republic of Congo as a result of the hostile action outlined. Trooper Mullins is classified by the military authorities as "dead, presumed to have been killed".

On 27 April 1981, an observation post in south Lebanon manned by two members of the Irish Battalion serving with the United Nations interim force in Lebanon, UNIFIL, Private Hugh Doherty and Private Kevin Joyce or Seoighe, came under attack. Private Doherty was later found dead from gunshot wounds and Private Joyce was missing. Some equipment was also missing. The attackers are unknown. Extensive diplomatic and military efforts to locate him have proved fruitless to date. Private Joyce is classified as "missing in action presumed dead".

Motor Taxation.

569. **Mr. Callanan** asked the Minister for the Environment, Heritage and Local Government if he will introduce a reduced motor tax rate on MPV's for families with three children or more. [20742/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The long-standing approach to motor taxation in Ireland involves determining the taxation category of a vehicle by reference to factors such as engine size, vehicle weight, type of vehicle and the purposes for which it is used. Motor tax for private cars is related to engine capacity and in this regard offers a degree of flexibility in the cost of tax. A seven seater vehicle with a lower engine capacity would, therefore, be liable for a lesser rate of motor tax than one with a higher engine capacity. It is not, therefore, proposed to review the basis

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of assessment for motor tax as proposed in the question.

Local Authority Funding.

570. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if he expects that the grant provided by his Department to Kildare County Council for the upgrade of the Liffey bridge in Leixlip will be spent in 2005. [20786/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A grant of €900,000 was allocated this year by my Department to Kildare County Council for improvement works at Salmon Leap Bridge, Leixlip. My Department has been advised by the council that it expects to complete the work and draw down the grant in the current year.

Road Network.

571. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government his views on the situation whereby a person (details supplied) was fatally injured on the Culdaff Road, County Donegal, on 12 June 2001 as a result of a car skidding on chippings on a resurfaced road on which inadequate signs were erected, in a case in which no investigation was carried out; and if he will make a statement on the matter. [20867/05]

575. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government his views on the failure of local authorities to ensure that the regulations in regard to road construction and roadworks are properly adhered to, thus avoiding resultant death, including that of a person (details supplied); and if he will make a statement on the matter. [20862/05]

576. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government his views on the failure of local authorities and the NRA to enforce the regulations requiring proper standards of practice in road construction and roadworks which has resulted in death and serious injury; and if he will make a statement on the matter. [20863/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 571, 575 and 576 together.

The improvement and maintenance of non-national roads in its area is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act 1993. Various documents have issued to road authorities relating to road works. These include my Department's guidance document, Surface Dressing, the National Roads Authority's Specification for Road Works and the Department of Transport's Traffic Signs Manual. My Department published Guidelines on the Depth of Overlay to be

Used on Rural Non-National Roads in 1999. Since then, local authorities have been regularly reminded of the need to apply surface dressing to dense bitumen macadam overlays as soon as is practicable for skid resistance purposes.

My Department has no function relating to national roads. Responsibility for national roads is a matter for the relevant road authority and the National Roads Authority, which operates under the aegis of my colleague, the Minister for Transport. Donegal County Council has advised my Department that the specific case referred to in Questions Nos. 575 and 571 is the subject of ongoing legal proceedings and, accordingly, while all road fatalities are greatly to be regretted, it would not be appropriate to make specific comment at this stage.

Local Authority Housing.

572. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government when he will make a decision on the down sizing scheme for those who have tenant purchased their homes but who still want to down size with their local authority. [20592/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Cork City Council has submitted a revised scheme of letting priorities to my Department which includes a provision to introduce a scheme whereby elderly persons who own an existing house can apply for a city council tenancy and sell their house to the city council at a reduced market value. A decision will be made on the revised scheme shortly.

EU Directives.

573. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government when work will be completed in his Department after Directives 2003/4/EC and 2003/35/EC have been transposed into Irish law. [20606/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Work is continuing in my Department on the transposition of the EU directives dealing with public access to environmental information, 2003/4/EC, and public participation in certain environmental decision making procedures, 2003/35/EC, and will be finalised as soon as possible.

Social and Affordable Housing.

574. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the progress which has been made with the application by a housing association (details supplied) in respect of a project for the Lifford area of County Donegal. [20701/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department recently

approved the invitation of tenders for the project, which will be carried out under the capital funding schemes for voluntary and co-operative housing projects.

Questions Nos. 575 and 576 answered with Question No. 571.

Waste Disposal.

577. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government when he will meet a group (details supplied); and if he will make a statement on the matter. [21017/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have received an invitation on behalf of residents of Rathcabbin to meet with them to discuss their objections to a local waste facility. This matter is at present the subject of legal action as well as of a proposed decision by the Environmental Protection Agency, which is statutorily independent in the exercise of its licensing functions. I am advised that it would be inappropriate to proceed with a meeting while legal action is in process.

I share with the group a concern to ensure that the highest levels of environmental protection are maintained and that where problems occur they are satisfactorily resolved through rigorous and transparent planning and licensing procedures. I am confident that the best interests of the community and the environment will be served by working within these procedures.

Water and Sewerage Schemes.

578. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government when work will commence in the development of the Terryglass sewerage scheme. [21018/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I recently approved North Tipperary County Council's tender recommendation in respect of the provision of new waste water collection and treatment systems at a number of locations on County Tipperary, including Terryglass. It is now a matter for the council to arrange with the successful tenderer for the commencement of the works.

Air Quality.

579. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the position with the status of Greystones, County Wicklow, as a smokeless fuel zone; the reason Greystones was not designated in the original round; the proposals for the future with regard to the designation of Greystones; and if he will make a statement on the matter. [21154/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The 1990 regulations banning the marketing, sale and distri-

bution of bituminous coal were originally made to address the winter smog situation prevalent in the Dublin area at that time and have since been extended to 15 other areas taking account of the analysis of air quality monitoring data and also of population size. On foot of these criteria, the ban applies to two towns in County Wicklow, that is, Bray and Arklow, but not to Greystones.

A June 2002 voluntary agreement between my Department and the Solid Fuel Trade Group provided, *inter alia*, for the delivery of significantly cleaner standards for bituminous coal and petcoke on a phased basis. Under this agreement, there is at present a temporary moratorium on the designation of further coal ban areas during the life of the agreement except where required to ensure adherence to air quality standards. The agreement also provided for an initial review by end 2003 and a final review by end 2004, with the ambition of setting further targets from 2005 onwards.

My Department reviewed the operation of the voluntary agreement in 2003 but the final review due by the end of December 2004 was postponed following the granting of a moratorium on the step down to 2004 sulphur levels in petcoke for the 2004-05 heating season. The moratorium was requested by the trade group and was granted to help the industry through a difficult interim supply period, triggered by exceptional levels of demand for petcoke tonnages internationally which made the sourcing of lower sulphur fuels problematic for the industry.

The agreement is now undergoing its final review and discussions are under way with a view to exploring further how to maximise environmental benefits from the solid fuel sector. It is not proposed to pre-empt the outcome of these discussions by extending the ban on the marketing, sale and distribution of bituminous coal before completion of the final review.

Waste Disposal.

580. **Mr. Deasy** asked the Minister for the Environment, Heritage and Local Government if he will provide funding to Waterford County Council to assist it with the remediation of two landfill sites for which an exorbitant amount of money is needed; and if he will make a statement on the matter. [21306/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The management of landfills, including necessary after care when such facilities close, is a matter for the operators of those facilities, in accordance with relevant statutory obligations. Funding is available to local authorities from a range of sources, including general purpose grants from my Department's local government fund.

Planning Issues.

581. **Mr. Durkan** asked the Minister for the

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Environment, Heritage and Local Government if his attention has been drawn to the fact that unauthorised development files are only accessible under the Freedom of Information Act; and if he will make a statement on the matter.
[21314/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Planning and Development Act 2000 requires planning authorities to include on the planning register particulars of any enforcement notice issued, including the date of the notice and whether it has been complied with or withdrawn, as appro-

priate, and of any subsequent decisions on enforcement made by the authority, including the reasons for them. Furthermore, under section 154 of the Act, anyone who makes a complaint will be notified by the planning authority of its decision to proceed or not to proceed with enforcement action.

I am satisfied that there is a case for protecting the confidentiality of complainants and the reports of the planning authority during the deliberative process. Subject to these points, however, I will consider at the next available opportunity whether to extend the public access provisions of section 38 of the Planning and Development Act 2000 beyond planning application files to local authority planning enforcement files.