

DÁIL ÉIREANN

*Dé Céadaoin, 22 Meitheamh 2005.
Wednesday, 22 June 2005.*

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

*Paidir.
Prayer.*

Leaders' Questions.

Mr. Kenny: As the country's elderly population grows, it is critical to have a nursing home sector in which people have confidence and where the highest standards apply and are seen to apply. It is the responsibility of Government to ensure the law and the inspectorate regime in place are also of the highest standard to ensure that this happens. The Leas Cross affair, as exposed by Deputy O'Dowd and the "Prime Time" programme on RTE, has severely dented people's confidence in the Government's ability to ensure the highest standards in our nursing homes.

Yesterday the Taoiseach confirmed that a critical report on Leas Cross was submitted to the health authorities last autumn. He said it was very critical and raised serious issues. I have four questions for the Taoiseach in that regard. Why was so little done about the appalling level of care provided in Leas Cross until the "Prime Time" programme forced the Government to act? Second, why did the Taoiseach, on 1 June this year, tell the Dáil that the inspection regime was not the problem in Leas Cross when this report apparently flagged the fact, eight to ten months ago, that a serious situation had arisen there?

Third, why was Leas Cross management given advance warnings of inspections even though the authorities had such a critical report in their possession? The authorities were aware of the seriousness of the situation yet they continued to inform Leas Cross of when inspections would take place. Fourth, why has the Government failed to act on a solemn promise the Taoiseach gave four years ago to initiate a new inspectorate for nursing homes? The sad fact is that inspections took place but these were notified and were inadequate. The Government failed to act and has severely dented the confidence of elderly people and the public in this matter.

The Taoiseach: First, I wish to acknowledge the upset of the family of the late Peter McKenna, whose death prompted the issues we discussed here yesterday. His brother and sister have spoken movingly about his final days. Any family

would rightly be upset, as would I and any Member of the House. I did not acknowledge that fact yesterday. Clearly, the delay in finalising the report about his death and the delay in acting on it is not satisfactory for me or the Tánaiste. It demonstrates again that the system previously in place did not meet the needs of vulnerable patients. I accept there are 20,000 people in both private and public nursing homes but the point is that there must be standards that are adequate in every case. It is not a system people can stand over.

As the Tánaiste said yesterday, we will publish this report after it has gone through the necessary due process. It must go through this process to take account of the legal consideration that people mentioned in the report have a right to see the report. The Government is bringing forward the social services health inspectorate legislation which will deal with these issues.

With regard to whether these reports were brought to Government, I do not have blow by blow details. When there is a report by a health board or the Health Service Executive about a case, people think that every such report and examination is brought to the Government. It is not. As I understand it, in this case complaints were made or concerns were expressed — I do not know how it happened — in August 2003. The health board that was responsible for Leas Cross at the time initiated an examination in autumn 2003. Somewhere along its way it moved from being an examination of the Peter McKenna case to an examination of the inspectorate of the health board. I have never seen the report but I understand it is mainly about the Peter McKenna case but also discusses some issues regarding the health board.

I am subject to correction but my information is that from autumn 2003 to the first week of this month, which was after I answered questions in the House, that report was not completed. It was completed subsequent to me speaking in the House on 1 June. I believe it was finalised around 8 June.

With regard to standards for the future, the objective is to try to achieve proper standards for everybody. There are 20,000 people involved and, hopefully, the vast majority of them are extremely happy but in cases where it is otherwise, the social services inspectorate legislation will deal with it. We have invested enormous resources and staff to ensure these matters are dealt with properly. We will continue to do that to ensure we have the best standards in the future.

Mr. Kenny: The problem is that people view the Government as not taking any action on foot of the information it is given. There were five complaints about Leas Cross since December 2003 but nothing was done. The Minister of State, Deputy Callely, was informed of a serious case, in a different nursing home, where the consultant described the bedsores as the worst he had ever

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seen. The Taoiseach said on 1 June that the strongest inspectorate, because it is a dedicated unit, is in the former Northern Area Health Board where Leas Cross is located. If that is the strongest inspectorate, and given the consequences of that kind of inspection, notified or not, is the Taoiseach satisfied the inspectorate regime for other nursing homes throughout the country is sufficiently clear for action to be taken? When the consultant submitted his report did the Tánaiste, in her capacity as Minister for Health and Children, call in the official who received that report, in respect of which no action was taken? Irrespective of whether it was a draft or final report but given the explosive nature of its content, why was no action taken between receipt of the report and the broadcast of "Prime Time", when all hell broke loose?

When does the Taoiseach expect the report to be published or is it being held up by management in the Leas Cross nursing home? This is of considerable interest not just to the relatives of the patients involved but to the entire population. It no longer has any confidence in the Government because there is no leadership and nobody on the Government side seems to care about what is happening.

Mr. J. O'Keefe: It is time for the Taoiseach to move over.

The Taoiseach: The Deputy has asked several questions which I will try to answer quickly. The parties to the report have until 6 July to give their views. They include the family, the doctors and the members of the board in this case. I have already given the facts about the report.

I should have said that, as I understand the matter, the Department of Health and Children wrote to the then Eastern Health Board at an early stage. I dated the sequence of events from autumn 2003 but the case arose far earlier. In autumn 2000 the man died and the Department of Health and Children wrote to the then Eastern Regional Health Authority in autumn 2001, following the first representation about the case, but finalisation of the report was impeded due to lack of access to the medical records because the deceased was a ward of court. The High Court approval for access did not come through until August 2003. That is what happened in the intervening years. The process did not start until 2003 for those reasons.

The Deputy asked whether we can be satisfied the process was good enough, given that Leas Cross was in the former Northern Area Health Board which was considered to be the best area. Of course we are not satisfied. I have acknowledged that before. This was not good enough, although the Northern Area Health Board considered its inspectorate standards were of a high order. We cannot consider it was good enough. The Tánaiste expects that Professor Drumm, and the new legislation which she will present to the

House on the social services inspectorate, will ensure we reach the highest standards.

The Tánaiste has brought the question of why no action was taken to the highest level in the then health board. The report begun in August 2003 was not to my knowledge or that of anyone else brought to the Government's attention. I am not playing the blame game but the report was not brought to our attention. Only when it was suggested in the House that I look at the McKenna case did I become aware there was any report. That report was not completed until 8 June. The Government did not know about any report and could not have known about it as there was none until after the television programme was broadcast. Those are the facts.

Mr. J. O'Keefe: That is a very poor excuse.

Mr. Durkan: Deputy Callely did not tell anyone about it. He kept it a secret.

Mr. Rabbitte: Since the publication of the second Morris report on events in Donegal we have tried to get the Government to honour the report's one major recommendation, namely, to review the Garda Síochána Bill.

The Minister for Justice, Equality and Law Reform has adamantly and arrogantly refused to do as Mr. Justice Morris recommended. He has taken the position that he knows best. The man who was the greatest critic of the "nanny state" turns out to be the biggest nanny of them all. According to what we hear on the radio we have extracted amendments from the Minister that will hopefully improve the Bill but do not meet the requirements set out in the Morris report.

Regardless of what the Minister is saying to the Taoiseach, will the Taoiseach please concentrate on this matter for a second? The published list of amendments concerns pages 1 to 18 of the Bill. The Bill is 92 pages long. The Minister has published the amendments to page 18 — he should not behave like a schoolboy now, showing his homework to the master—

Mr. Durkan: It is unfinished homework.

Ms O. Mitchell: It is very late homework.

Mr. Rabbitte: There are amendments to page 18.

Mr. McDowell: Deputy Rabbitte is the boy who left his satchel at home.

Mr. J. O'Keefe: It is a change from being a bully boy in the school yard.

Mr. Rabbitte: There are 92 pages in the Bill and now facsimile machines are beginning to spurt white pages in no order, one here, one there, and the large amendments the Minister announced on radio have not yet been published. We are being asked to debate Report and Final Stages of this Bill without even having seen the

amendments. This is the way the man who so often lectured us is treating this House and legislation on such an important matter.

Why does the Taoiseach propose that this House should adjourn on 1 July? This is unprecedented in my memory. We would have plenty of time then to give this serious Bill the attention Mr. Justice Morris said it requires. What possible excuse is there for adjourning this House on 1 July, except that the Taoiseach and his Government want to escape this Chamber?

I want to ask two questions of which I have given the Taoiseach prior notice. Did the Minister for Justice, Equality and Law Reform seek the removal of the Garda Commissioner following the second Morris report?

Mr. McDowell: That is an outrageous allegation. There is no substance in it. The Deputy has no principles.

An Ceann Comhairle: The Minister is not involved in this question. Leaders' questions are directed to the Taoiseach.

Mr. Rabbitte: I did not make any allegation. I asked a question and I am very interested in the impact it has on the Minister.

Mr. McDowell: It is like the question "When did you stop beating your wife?". That is an outrageous allegation.

An Ceann Comhairle: The Minister should allow Deputy Rabbitte to continue asking his question.

Mr. Durkan: The Ceann Comhairle should throw the Minister out of the House.

Mr. Rabbitte: Has the Taoiseach received a note since yesterday on whether the current Minister for Justice, Equality and Law Reform, Deputy McDowell or his predecessor, Deputy O'Donoghue, told an untruth to the House? Deputy McDowell said he had not received the Carty report, which got him off the hook in terms of the advice he gave Deputy O'Donoghue, and gave him justification to resist the inquiry. Deputy O'Donoghue unfortunately told Deputy Howlin a year earlier that he had received the Carty report. Has the Taoiseach established which of them was telling an untruth to this House?

The Taoiseach: Deputy Rabbitte has asked three questions. We have now published all the amendments in full. They are all here, completed and before the House. That is in line with what we were asked to do. We were advised to wait until the debate before publishing the final amendments.

Mr. Costello: There is a guillotine on the Bill for tomorrow.

The Taoiseach: We have done as we were asked: the debate was held last week, the second Morris report was published the previous week and the Minister has taken both of these into account. We have a long debate on the Garda Síochána Bill. The heads of the Bill were published and a consultation process was initiated.

Mr. Costello: The heads of the Bill were published two years ago.

The Taoiseach: We received and examined a report from the Human Rights Commission. We had a lengthy debate in the Seanad. We had one of the longest Second Stage debates in the history of the Dáil, followed by an extensive Committee Stage debate. The Opposition asked that the two Morris reports be debated before Report Stage. We have done all of those things and the debate is about to conclude.

The amendments set out a new statutory duty to account for members of the Garda Síochána. The Minister has listened at length and conducted a detailed review of all the issues. I can go through the amendments, but I presume it is not necessary with only two minutes to do so. However, they set out to strengthen the Bill's provisions regarding the system of promotions for gardaí and the change in methods of appointment for the new Garda audit committee. They also strengthen the Bill's existing provisions regarding the accountability of the Garda Commissioner, make clear the Commissioner is fully accountable to the Minister, strengthen the Bill's existing provisions obliging the Garda Commissioner to supply the Minister with information of significance relating to policing, and the list goes on, including not only significant issues raised in the Morris report but those the Minister identified through his own consultation and review.

On yesterday's question, I read what the former Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, and the current Minister, Deputy McDowell, said last week, which I had not done yesterday. The latter outlined the sequence of events regarding the furnishing of information by the gardaí during Friday's debate. He made clear that the then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, behaved impeccably throughout. The Garda Commissioner appointed Assistant Commissioner Carty to examine the handling of the original investigation carried out into the death of Richard Barron. The Assistant Commissioner completed his investigation, which turned out to be extremely complex. He forwarded the file to the DPP for consideration of criminal charges against individual members of the Garda. In August 2000, the then Deputy Commissioner, Mr. Noel Conroy, forwarded to the Department of Justice, Equality and Law Reform a summary of Assistant Commissioner Carty's report. It was clearly felt that, as the Minister pointed out on Friday, no doubt in good

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faith, it would not be appropriate to forward the full report, as it was central to a criminal case.

The former Minister, Deputy O'Donoghue, pointed out in a series of oral parliamentary questions during 2000 and 2001 which he showed me overnight that he had received a report of the investigation from the Garda Deputy Commissioner — not the Carty report, which was the point that Deputy Rabbitte was making yesterday — and had serious concerns about the behaviour of the gardaí in Donegal. In the context of determining what action was appropriate on foot of those serious concerns, the Attorney General repeatedly requested sight of the Carty report, as did the Minister. There was therefore no contradiction in what the two Ministers said last week.

Mr. Howlin: There was a total contradiction.

The Taoiseach: There was none whatsoever.

The report was not provided to the Attorney General or the Minister for Justice, Equality and Law Reform by the Garda authorities at that stage on the basis of pending criminal cases. A partial version of the Carty report was eventually furnished in November 2001, the same month in which Shane Murphy, Senior Counsel, was appointed to review the matter. The complete Carty report, as was stated last week, including appendices, was not furnished to the Minister or the Attorney General until the very end of January or early February 2002. The point that Deputy Rabbitte made yesterday therefore falls.

Mr. Howlin: What about the further advice?

An Ceann Comhairle: Allow Deputy Rabbitte without interruption.

The Taoiseach: Just in case Deputy Rabbitte comes back, there was no truth whatsoever — not a shred — in the allegation that the Minister had called for the resignation of the Commissioner.

Mr. Rabbitte: The Taoiseach and Ceann Comhairle will recall a date in 1989 or 1990 when a predecessor of the former told the House that “no such meeting” had taken place. Now the Taoiseach is engaging in the same sort of semantic blather regarding the Carty report. The question from Deputy Howlin was whether the Minister had received the Carty report and what he proposed to do with it. The Minister led him to believe that he had received it and that, as a result of it apparently not bearing out the allegations made, he felt justified in shooting down any investigation, which was the advice from the then Attorney General.

It is entirely a matter of semantics whether it was a summary of the report or the report itself. What the Minister for Justice, Equality and Law Reform has said is that it was the report minus the appendices, which would have been the witnesses' statements. Regardless of whether it was a summary, partial, or full, Assistant Commissioner

Carty's report would have borne out the gravamen of the allegations in Donegal. There is no doubt that it would have borne it out.

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

Mr. Rabbitte: Yet the Minister shot it down. Regarding the long consultation on the Bill and its heads, the debate in the Seanad and the Human Rights Commission, all that had been done when Mr. Justice Morris drew his conclusions, and is nonsense and irrelevant. Mr. Justice Morris was looking at the Bill after that entire process had been completed, and he said it was inadequate and needed to be reviewed. Given the manner of production of last-minute amendments, some of which we have not even seen yet, there will be no opportunity for this House to scrutinise them and no opportunity for a proper debate. It is all on Report and Final Stages, which is a disgraceful way to deal with legislation, to treat this House and Mr. Justice Frederick Morris——

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

Mr. Rabbitte: It is a disgraceful way to treat the Garda Síochána and a disgraceful attempt by the Minister, Deputy McDowell, and his predecessor, Deputy O'Donoghue, to blame the Garda authorities for not giving them the Carty report when in fact Mr. Noel Conroy had given them its essence. They both had it and colluded to cover it up in this House as an excuse for not conceding an inquiry.

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

Mr. McDowell: Those are wild allegations.

Mr. Durkan: Everything is “wild”.

The Taoiseach: Deputy Rabbitte knows that is entirely untrue.

Mr. Rabbitte: I do not.

The Taoiseach: The Carty report was not given until late January or early February 2002.

Mr. Howlin: Publish what was given.

The Taoiseach: I am answering Deputy Howlin's leader. He has had plenty of time to talk about these issues.

The Carty investigation and its distillation, as the Minister has said on the record several times, was done by the then Deputy Commissioner Conroy. It was not done by Mr. Carty, and it was not even the Carty report.

Mr. Rabbitte: What has that got to do with it?

The Taoiseach: The Attorney General stated many times to the Minister, and put the point forward himself, that he could not act until he had the full report. When that full report was prepared, both he and the Minister acted.

Mr. Howlin: They told me that he was screaming for it.

An Ceann Comhairle: Deputy Howlin, please allow the Taoiseach without interruption.

The Taoiseach: It is entirely false to get a few dates and try to cobble something of that sort together when the Minister has made matters absolutely clear. To try to say the Minister is doing anything other than being entirely supportive of the Garda Síochána by introducing a modern Garda Síochána Bill, having gone through a detailed process and taken account of the issues with which the public, Mr. Justice Morris and this House are concerned in a lengthy debate is fatuous. The criticism is because, having listened to all that, he should have come forward.

Deputy Rabbitte has called the Minister arrogant. If he had not listened to any of the debate and gone through the entire process, introducing amendments beforehand, the Deputy could have said that about the Minister. However, he has waited, listened and had one of the longest debates in the history of the State before bringing forward amendments; yet he is still being described as arrogant. That is an entirely unreasonable approach.

An Ceann Comhairle: I call Deputy Sargent.

Mr. Rabbitte: What about the amendments on Report Stage?

Mr. J. O'Keefe: The Taoiseach knows there are 44 pages of amendments.

(Interruptions).

An Ceann Comhairle: Please allow Deputy Sargent without interruption.

Mr. Sargent: Perhaps I might ask the Ceann Comhairle if he has received a letter from me regarding time on Leaders' Questions. I would like to discuss it with him later.

An Ceann Comhairle: I have received a letter from the Deputy and brought it to the attention of the other leaders. For the benefit of the House, we are now almost 11 minutes over time.

Mr. Sargent: We obviously have work to do.

Perhaps I might ask the Taoiseach about the reply that he gave on 20 April in which he claimed hospital facilities were excellent once one had got through the accident and emergency department. Will he correct the record in that regard, especially concerning people vulnerable to infection and in particular people with cystic

fibrosis, who would not have to go near an accident and emergency department or hospital if more specialist cystic fibrosis centres were in place? I know the Tánaiste and Minister for Health and Children, Deputy Harney, has seen Dr. Ronnie Pollock's report, which was carried out for the Cystic Fibrosis Association of Ireland.

Apart from catching up quickly with a word in his ear from the Tánaiste, has the Taoiseach had a chance to evaluate the report's recommendations? Is he as aware as he should be that Ireland has the highest incidence of cystic fibrosis in the world?

11 o'clock
On average, a person with cystic fibrosis dies almost ten years earlier in Ireland — in his or her early 20s — than a person with the disease in the North or anywhere else. In the US, a person would on average live into his or her 40s, and much older in some cases. Will the Taoiseach increase the €300,000 the Tánaiste is giving to St. Vincent's Hospital, which treats 60% of adult cystic fibrosis patients, given the dangerously low level of services and facilities because of lack of funding? As a tangible way for the Taoiseach to help matters, will he indicate whether he will lift the cap on staff recruitment, which means the hospital cannot even recruit permanent staff with that paltry sum? It needs an additional €8 million to provide adequate services for cystic fibrosis patients. Will the Taoiseach at least indicate that he will lift the cap so that permanent staff can be recruited in the interim before the money is made available?

The Taoiseach: The Deputy knows the point I made. I said that accident and emergency facilities are under pressure for several reasons. However, the public constantly expresses satisfaction with the services it receives, whether as inpatients or outpatients, in theatres and in specialist services, in regard to maternity services, cardiac surgery and so on. International statistics indicate that these services are better than anywhere in the world and we should be proud of that.

Mr. Sargent: I asked about cystic fibrosis.

The Taoiseach: The point I made is that we have achieved enormous success in a range of health services.

The Tánaiste dealt with the issue of cystic fibrosis during yesterday's Question Time and has met the people concerned, as the Deputy mentioned. St. Vincent's Hospital is the national centre for cystic fibrosis patients and we have put significant resources into the process that is under way to upgrade the service and provide additional staff. More than €300 million has been spent on the new hospital that is about to open in Elm Park. As part of a €600 million programme for the health service nationally, the Tánaiste last night announced an additional €42 million for the fit-out of St. Vincent's Hospital.

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Treatment of cystic fibrosis patients is one of the high-level services the hospital provides. I hope the additional resources and staff and the ongoing process of updating the facilities will improve the delivery of this service, one of many provided at this excellent hospital.

Mr. Sargent: The Taoiseach has given a good illustration of the reason we must reform the procedures in this House. He does not answer the questions put to him and that is the case in regard to the question I asked about the resources needed for staffing at St. Vincent's Hospital. He did not even mention the cap on recruitment, the one specific point on which I requested a response apart from the general questions I put. I ask him again to address the minor consideration of allowing for the recruitment of permanent staff, even though the paltry funding of €300,000 is far short of the €8 million the hospital requires to provide these services. If he were to deal even with this matter, it would be some small progress.

Does the Taoiseach recognise, despite all his claims that this state is the best and provides a wonderful service, that Ireland is a disgrace internationally in this area? We are the worst in the world in terms of mortality from cystic fibrosis. A staffing level of 175 is required but only 40 are provided and 3.3 consultants are appointed when 29 are needed. The estimated cost of providing the service is €9 million annually. The amount spent on cystic fibrosis is approximately the same as the overrun in the Department of Justice, Equality and Law Reform, money that is wasted. Can we save some of that money and give it to those who need it, those who, because of Government policy, are dying an average of ten years' earlier than sufferers in other parts of the world?

The Taoiseach: The Deputy has asked me to answer one particular question and I will do so. We are recruiting additional staff.

Mr. Sargent: Will they be permanent staff?

The Taoiseach: We are aware that additional staff is required in this area and the Tánaiste has given resources for that. More consultant staff are required for many of our specialist services. We have significantly increased the number of staff in the health service to more than 106,000 people and we will continue to do so. The provision of services for cystic fibrosis patients is an important area. I am not arguing that we do not need to improve the service. However, I object to the constant attempts to talk down the 106,000 people who provide a good service.

Mr. Sargent: I am not trying to talk down anyone. I am concerned that Ireland should reach international standards in this area.

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

Mr. Boyle: We are talking down the Taoiseach and his Ministers.

The Taoiseach: Our standards are internationally recognised. Our consultants and medics are considered internationally to be of a very high order. The Deputy and his colleagues seem daily to find an issue somewhere around the country about which they can complain. These people are out doing their best——

Mr. Gormley: We are talking about cystic fibrosis.

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

The Taoiseach: We acknowledge the improvements that are required and it is the reason we have put an additional €1 billion per year into the health service.

Mr. McCormack: Patients still cannot get a bed.

The Taoiseach: It is the reason the Tánaiste last night announced an extended capital programme of more than €600 million that will improve the health service throughout the State.

Mr. Sargent: Does the Taoiseach believe that is enough?

The Taoiseach: That should be acknowledged in this House now and again.

Mr. Sargent: That is unacceptable. The Taoiseach simply does not care about this matter.

Ceisteanna — Questions.

Dublin-Monaghan Bombings.

1. **Mr. J. Higgins** asked the Taoiseach when he expects to receive a report from Mr. Justice Henry Barron. [18923/05]

2. **Mr. Rabbitte** asked the Taoiseach when he expects to receive the next report from Mr. Justice Barron; and if he will make a statement on the matter. [20739/05]

3. **Mr. Kenny** asked the Taoiseach when he next expects to receive a report from Mr. Justice Barron; and if he will make a statement on the matter. [20755/05]

4. **Caoimhghín Ó Caoláin** asked the Taoiseach the further reports he expects to receive from Mr. Justice Barron; and if he will make a statement on the matter. [20935/05]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

Mr. Justice Barron previously reported on the Dublin-Monaghan bombings of 1974 and on the Dublin bombings of 1972 and 1973 and other

events prior to 1974. Those two reports were subsequently examined and reported on by the Oireachtas Committee on Justice, Equality, Defence and Women's Rights. The report on the murder of Seamus Ludlow is with the Government and we are checking what must be redacted for legal reasons. The issues are complex but I hope the report can be referred to the committee in the coming weeks.

I expect to receive the report of the Independent Commission of Inquiry into the Dundalk Bombings of 1975 and other events from Mr. Justice Barron at the end of this month. It will then be considered by the Government, as with the previous reports. This will complete Mr. Justice Barron's reports.

Mr. Rabbitte: That reply is similar to the answer we got from the Taoiseach on this matter on 11 May. In this regard, I wish to ask him in particular about the Seamus Ludlow murder and Mr. Justice Barron's third report. The Taoiseach told us on 11 May that he expected the report would be forwarded to the Oireachtas Committee on Justice, Equality, Defence and Women's Rights in the coming weeks. That has not been done and I presume he understands why this leads to its own suspicions, especially having regard to the speculation that surrounds this murder in terms of who may have been involved.

Will the Taoiseach say when this report will be referred to the committee? What consideration has the Government given to the recommendation that the British Government deserves to be the subject of a case in the European Court of Human Rights arising from what appears to be its manifest failure to co-operate on the investigation of this affair?

The Taoiseach: I answered a question on this quite recently, perhaps more recently than 11 May. I believe it was Deputy Costello who put the question on that occasion. In all cases such as that regarding Seamus Ludlow, I try to ensure the related report is released in as complete a form as possible without any redacting. The legal concern is that names are mentioned and the Deputy will appreciate that this has its own consequences. I hope this matter, which is currently under consideration, will be resolved without necessitating the release of too bald a statement. I prefer such reports to be as complete as possible upon release but there are problems in that regard.

Mr. Justice Barron now hopes to complete all his work before the holiday period at the end of July. His final report on the Dundalk bombings of 1975 and some other events will be presented to us within the next four weeks and his work will then be completed. This summer, we will, I hope, explore legal issues surrounding that bombing. I have not yet seen the Dundalk report or some of the others but, if there are names, we will have to follow the same checking process.

On the second question, I did as I promised by raising the issue with the Prime Minister, Mr.

Blair, at last week's meeting. Our discussions were short because we focused on European issues and did not have a detailed meeting on Northern Ireland. However, there will be a British-Irish Intergovernmental Conference next week, when I will follow this issue through.

Last week, I notified the Prime Minister of the debate in this House. I reiterated to him that I had an obligation to the House which had worked with me on this matter for the past five years and that in all cases I followed the views of the Oireachtas committee but that I would prefer for this matter to be resolved by the provision of information and assistance from the British side. I asked him to examine this matter before next Monday's meeting. We did not return last week to the blow by blows we have had on this matter. I will undoubtedly do that again next Monday. As I noted in my response to a previous question from Deputy Costello, I do not intend to drag the matter out. They will either do it or will not. If they will not do it, we must move on according to the wish of the Oireachtas committee.

Mr. Kenny: Following on from the reply given to Deputy Rabbitte, did the Taoiseach raise the matter with the new British Government and the Prime Minister? Earlier this month, the Taoiseach said that he would make a further attempt with the British Government but, if it were not forthcoming, he would then seek legal advice. What is his instinct, which is sharply honed in terms of the British Government, on this matter? Does he believe legal advice will have to be taken and, if so, is he making preparations for that? Has the British Government displayed any openness by announcing that it would initiate an inquiry into the allegation of collusion in the Dublin and Monaghan bombings?

The Taoiseach: As Deputy Kenny would expect, I do not want to pre-empt the question I asked him. He knows my feelings on this. I raised the issue last week in precisely the manner stated here.

I do not want to get into a European scene if that can be avoided. I have become an expert observer of the British security scene and have learned how it operates. I wish I knew how it worked on the inside but that is a different matter. I made the point that it would be far easier if the British system as well as Government co-operated on this matter. If this had been done a few years ago, these aspects would have been concluded. We will have to follow the other route if this is not forthcoming. I hope that they will change their mind on this matter.

I spoke briefly to the new Secretary of State for Northern Ireland and the Minister for Foreign Affairs, Deputy Dermot Ahern, went through the matter in detail with him. I raised it with the Prime Minister, Mr. Blair, last week. His senior officials were with him on that occasion. They know our views and are aware of the content of

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the Oireachtas report. I know that some Members have also taken the opportunity to make the British authorities aware of our views on an all party basis.

Caoimhghín Ó Caoláin: The Taoiseach states that he does not intend to drag the matter out. However, other Members have noted that when the issue was last addressed in this House, he said he would raise it at his next meeting with Mr. Blair and would offer a final opportunity to establish an inquiry into the Dublin and Monaghan bombings. Will the Taoiseach be frank with the House and tell us whether he raised this issue with the British Prime Minister? Did he put the issue to him and, if so, what reply was received? It was reported at the weekend that the Taoiseach will again meet the British Prime Minister in the coming week. Will that be the new last chance?

Has the Government reached a decision on whether it will proceed with a case to the European court if the British do not establish an inquiry? Will the Taoiseach advise us on the Cabinet's position on this matter?

Has a response been received from the British Prime Minister to the concerns expressed by Members over the British inquiries Act? This is totally unacceptable legislation. I have discussed these concerns with the Taoiseach on previous occasions. Did he raise them with the British Prime Minister and is there any indication that they are prepared to amend this legislation?

The Taoiseach: I do not want to be guilty of repetition. Deputy Rabbitte asked all but the last question put by Deputy Ó Caoláin. To briefly restate my reply, I said here a few weeks ago that I would raise the matter with the Prime Minister at my next meeting with him. I did so last Wednesday but our discussions primarily concerned the European Council meeting. I told him that I expect the British position to be presented next week, when a full session of the British-Irish Intergovernmental Council will be held. I hope that they co-operate and change their stance. By doing so, they would make it much easier for the Government, the Oireachtas committee and the whole process. We have repeatedly stated our position and Members have as well. They understand the message from this House and it has entered their system.

The Cabinet is not pre-empting matters because I will have to report back if the answer is "No". We will then have to ask the Attorney General for legal advice on implementing further steps. As I noted to Deputy Costello during a previous Question Time, that is our position. I do not see it continuing beyond next week, unless they ask for time to consider. They are aware that they are on notice next week to provide an answer, that we have pressed the issue at length and, if they will not assist us, we want to move to next phase. I believe they are wrong in this issue.

I waited until a new Government had been formed and left it for a few months during the pre-election period. We restated our position and will see what happens.

Regrettably, the legislation on commissions of investigation is now law. Deputy Ó Caoláin is aware that I opposed it at every stage and made this clear. I am glad that many people used my arguments in speeches in the Houses of Commons and Lords. However, the legislation was proceeded with. To be frank, I do not see any chance that it will be changed. That is not the state of mind. They have made up their mind that this is the way they will go. It creates difficulties for us, particularly in terms of the Finucane case, which we are attempting to address. We do not see how the commission of investigation legislation honours the position agreed in Weston Park.

I was careful in Weston Park in 2001 having learned from experience the need to be precise about what I agreed to. A detailed position of what we believed was written in. We were equally careful when we brought that forward to Mr. Justice Cory. Rather than quoting myself, I will cite the judge. Mr. Justice Cory, who is independent and was jointly appointed as opposed to being my appointee, made it absolutely clear he does not believe the legislation under investigation by the committee is compatible. Before his appointment nobody in this country, including me, knew this fine man who gave so much time to this. Mr. Justice Saville of all people also stated he holds that view. The British must deal with that position themselves.

Mr. Costello: I compliment the Taoiseach for dealing with the Dublin and Monaghan bombings effectively and efficiently since he took office. Initially he set up the preliminary investigation under John Wilson, the former Tánaiste, who was followed in turn by Judge Hamilton and Judge Barron. He referred all of the reports to the Oireachtas joint committee, accepted the findings of those reports and acted on each of them. I am heartened that the Taoiseach stated he took from the previous debate in the House on the matter, and that he would again speak to the British Prime Minister on whether the British Government was prepared to establish a committee of inquiry into the matter in its jurisdiction. I await the outcome of the meeting on Monday. On that previous occasion I asked if the response was negative would the Taoiseach begin the process of preparing a case, if it was required, for the European Court of Human Rights over the summer, and get the legal work done and put the notice of intent on the record.

Supplementary to that, I spoke with the British Ambassador at a public event in Boston approximately ten days ago, and raised the issue of the Barron report and the co-operation of the British Government. He stated the British Government had co-operated, and that a letter on the public inquiry would be forthcoming shortly from the

British Government. Has a letter been received from the British Government on this matter?

Even if the report on the further investigations into the Seamus Ludlow and Dundalk bombings cases is referred to the joint committee, it is unlikely that we will be able to proceed with it in the same form as we have done with the other two reports whereby we had a series of oral hearings, and brought in witnesses to allow them to tell the story. Perhaps it would be best if all reports were presented to the joint committee so that we can deal with them in the Autumn.

The Taoiseach: I accept what Deputy Costello stated on the last point. The Seamus Ludlow case is different to the 1975 Dundalk bombings and some of the other cases but during the summer I will endeavour to get everything to the committee. I accept the Seamus Ludlow report is not the same as earlier ones, the issue being that it must be redacted for legal reasons before we can move on it.

I have seen reports and heard about the letter and I assume it will come with the report next Monday. We will wait and see. I remain optimistic the British Government will change its mind, but if it is clear that is not the case I will follow through and move on it before the summer. I do not know how long the AG's advice will take or what the process is, but I will begin it.

Mr. Sargent: Perhaps the Taoiseach has answered this but I cannot recall hearing it. Earlier this month the Taoiseach stated the Seamus Ludlow report was with the Government and it was being checked for legal reasons. It has been with the Government since October 2004. Will the Taoiseach indicate why it is taking so long to come out of Cabinet? Is this a normal delay? When does the Taoiseach expect it? Will the Taoiseach accept it is important to have some groundwork done, notwithstanding his optimism on the British Government's response to the Dublin and Monaghan bombings? Is it not wise to speak to the Attorney General before the meeting to have some preliminary indications? Has any preliminary preparation been done with a view to taking a case or does he hope eternally the British Government will simply change its mind?

The Taoiseach: As I understand it, Mr. Justice Barron's report, unlike many other cases which had suspicion, doubts and fears, names the individuals involved in the assassination of Seamus Ludlow, and naming someone raises complex legal and security issues, which are being worked on. One of these is whether naming someone can be allowed. I am not competent to answer that question, but that is the dilemma.

I do not want to answer the question on the British Government before going through the process. We need its answer before we move forward. I do not want to pre-empt what it will do.

Mr. Sargent: Hope springs eternal.

Tribunals of Inquiry.

5. **Mr. Kenny** asked the Taoiseach the costs which accrued to his Department in respect of the Moriarty tribunal during May 2005; and if he will make a statement on the matter. [19039/05]

6. **Mr. Sargent** asked the Taoiseach the cost to date to his Department of the Moriarty tribunal; and if he will make a statement on the matter. [21055/05]

The Taoiseach: I propose to take Questions Nos. 5 and 6 together.

The costs my Department incurred in respect of the Moriarty tribunal during May 2005 amounted to €511,930. The day to day costs for the tribunal provided for in my Department's estimate for 2005 amounts to €4 million. However, provision of an additional €6.5 million has also been made to cover costs such as report publication and some element of award of legal costs in the event that the tribunal completes its work this year. The overall estimate for 2005 is therefore €10.552 million.

The total costs my Department incurred in respect of this tribunal since 1997 to 31 May 2005 is €20,131,318. This includes fees paid to counsel for the tribunal and administration costs incurred to date since its establishment. The total payment made to the legal team was €15,102,168 up to 31 May 2005.

Mr. Kenny: Somebody is doing well out of it. This the ninth year of the Moriarty tribunal and we have not had an interim report. Is the Taoiseach satisfied it will complete its work by the date scheduled for its completion? Is he satisfied the lower legal fee structure will take effect on the day it is intended to do so? It is hoped the possibility of its continuing beyond January 2006 has not been considered, and if it does will the lower legal fee apply in respect of the Taoiseach's Department and all others?

The Taoiseach: The date was agreed in the negotiations that took place last year with the outgoing Minister for Finance and the Attorney General. The date for the Moriarty tribunal report is 11 January 2006. As I understand it, that is still the date to which we are working. As the Deputy said, if that is not achieved, the new fee structure arrangement will come into place on the 12th.

Mr. Sargent: I take it the new fee structure is included in the reform of tribunals legislation. The Taoiseach referred to the 12th. Which date is the Taoiseach talking about?

The Taoiseach: It is 12 January next. The due date is 11 January, but if the report is not completed and work continues, it will revert to the new fee structure arrangement.

Mr. Sargent: Given that the Committee of Public Accounts has estimated that the State

[Mr. Sargent.]

faces a bill of approximately €800 million for witnesses to various tribunals, has the Taoiseach had any indication or estimate of costs in respect of the Moriarty tribunal? Aside from the costs he has given us, does he have information on witnesses' expenses? Has an estimation been done on that or an indication given?

The Taoiseach: I have answered the question on the fees.

Mr. Sargent: I am talking about witnesses' expenses. Does the Taoiseach have an indication of what will be added to the fees?

The Taoiseach: As I understand it, the additional provision of €6.5 million will cover costs of report, publication and some element of award of legal costs. In the normal course of events that would be included in the expenses. Provision has been made for that.

Mr. Rabbitte: I know we cannot discuss matters raised at the tribunal but does the Taoiseach believe it might be appropriate now for the Government to include in the legislative programme for the next term or next year a Revenue Act to guarantee the formal independence of the Revenue?

The Taoiseach: Under existing legislation the Revenue Commissioners are totally independent of the Department, never mind the system. If there is a requirement to strengthen that, I presume it could be included in a Finance Bill. If some proposal was forthcoming from the tribunal it could be done in a Finance Bill.

Caoimhghín Ó Caoláin: The Mahon tribunal has awarded costs to most witnesses at this juncture, at huge cost to the taxpayer. Recognising that there is also a massive bonanza for members of the legal profession, has this setting of costs in the Mahon case set a precedent in regard to the Moriarty tribunal? Can we anticipate a similar decision in that tribunal?

The last time the Taoiseach answered this sequence of questions he indicated the dates from which the new fees would apply in the various tribunals and advised that they were all negotiated individually. What is the explanation for the huge difference between, for example, the Abbeylara tribunal where the new fee comes in this month and those for the Mahon tribunal which, according to the last answer, do not kick in until March 2007? Why does it take so long for some to change to the new fee arrangements while others appear to be able to make the change very quickly? This is of concern to all taxpayers and I would appreciate an informative answer.

The Taoiseach: In fairness to the tribunals, when the discussions took place and the then Minister for Finance, Charlie McCreevy,

announced the changes he was making, account had to be taken of the outstanding modules of the tribunals' work that were already under way. Changes were made and we passed the legislation in this House. Some of the tribunals had a much longer timescale but others were due to continue to 2011 and beyond, but the changes we made in the terms of reference meant that the timescale was tightened. In making those changes we came to an understanding to try to tidy up the work in that the existing modules must be completed. That is the reason. They had to finish the work that was ongoing and if it continued after that, there would be a different position. A number of the tribunals will finish this year or early next year. The Morris tribunal will continue to September 2006 while the Mahon tribunal will go on until March 2007.

Infrastructure Programme.

7. **Mr. Kenny** asked the Taoiseach if he will report on the outcome of the May 2005 meeting of the cross-departmental team on infrastructure and public private partnerships; and if he will make a statement on the matter. [19040/05]

8. **Mr. Rabbitte** asked the Taoiseach if he will report on the results of the meeting of the cross-departmental committee of infrastructure and public private partnership held during May 2005; and if he will make a statement on the matter. [20740/05]

9. **Mr. Sargent** asked the Taoiseach if he will report on the outcome of the meeting of the cross-departmental team on infrastructure and public private partnerships in May 2005; and if he will make a statement on the matter. [21059/05]

The Taoiseach: I propose to take Questions Nos. 7 to 9, inclusive, together.

The cross-departmental team on housing, infrastructure and PPPs last met on 25 May. The main agenda items were ports, the CLÁR programme and North-South co-operation on infrastructure. The Department of Communications, Marine and Natural Resources made a presentation to the team on ports policy and capacity. The Department of Community, Rural and Gaeltacht Affairs also gave a presentation which focused on infrastructure delivery under the CLÁR programme. There was a general discussion on North-South co-operation in infrastructure. It is envisaged that a presentation on North-South co-operation will be given in the autumn.

Mr. Kenny: First, will the Taoiseach expand on the report by the Department of Community, Rural and Gaeltacht Affairs in respect of the projects under the CLÁR programme? What were the main elements of the discussion that took place? Second, will the Taoiseach indicate whether there are further proposals under the existing PPP structure for developments in the education sector? The Taoiseach will be aware that following the completion of a number of

schools, this gave rise to some concern expressed by the Comptroller and Auditor General about the cost to the Exchequer in the longer term. I assume the cross-departmental team on infrastructure would have considered the implications of that and perhaps the Taoiseach will indicate if there are further proposals in the education sector and if changes are proposed to that structure for the provision of education facilities under the PPP regime?

The Taoiseach: On that issue, the Minister for Finance has undertaken a review of the PPPs. He has given quite a lot of time to listening to the various participants and stakeholders in PPPs from different perspectives. Many of them felt there were too few projects that were too costly and some of the international companies said that the cost of doing their presentations and then losing out under the process was too burdensome, and that is the reason they were not engaging as much as possible. The Minister has finished the review and I understand he is to make some changes in that regard. I am not sure of the timescale involved — I was not party to the meetings — but I am aware he has examined that. Education is one of the areas on which there are different views. Some people say it was marvellous value and others argue the contrary.

On the CLÁR programme, there has been a clear commitment in An Agreed Programme for Government to continue with and review the programme. It is a good example of a programme that delivers a significant community impact relative to what is not high overall expenditure. There are 20 measures in operation under the programme, including roads, water, sewerage, sports, community, health, communications, electricity, conversions and enhancement of village countryside and schools. The programme covers part of 18 counties and a population catchment area of 362 people, an increase of 78 since the programme started. Over the period, €71 million has been invested in the programme. The Exchequer provision for 2005 is €13.7 million.

Mr. Rabbitte: The discussions in respect of renewing the social contract will probably commence towards the end of the year. One of the major promotional points of the last agreement was the provision of an additional 10,000 social and affordable housing units. Will the Taoiseach or the cross-departmental team make a guesstimate as to how many of those houses will be lived in or completed by the end of the social contract, Sustaining Progress? With regard to the Taoiseach's cross-Border references, are any specific new cross-Border projects contemplated as a result of these discussions?

The Taoiseach: The group made a very positive report on housing, indicating that all of the land and sites have been fully put forward. The roll-out of those houses is moving on apace, comprising something like 3,500 units between this year

and next year. In addition, many sites are now rolling out. To be frank, the quick way to complete this process is through land swaps. This happened with the Harcourt Street site and another eight or ten sites are also under consideration. It is a quick way of building the houses.

At the last meeting I had with the group reporting to me on this issue, chaired by Des Geraghty, the developers stated it takes five years from the time they buy a site to the time the first residents move in. That is the process in the private sector, which is too slow. If we have the sites and are prepared to swap them, we should do so. We would then have the houses in three or six months, which would provide the best value. There is a process for achieving this. A complicated process has been worked out to achieve value for money. However, it is a quick way, rather than waiting for years for developments. The Harcourt Street site was a good deal and a number of other sites are being tendered for. It was a very positive report.

There are a number of issues with regard to cross-Border roads, which are now getting much attention. Our Northern friends are taking a lot of interest because they see the infrastructural changes in the South. The particular project we discussed at the meeting is the Dundalk to Ballymascanlon project, which is nearing completion. I understand the Ballymascanlon to Newry part of the project is due to get underway this year, which will be hugely significant. We are also looking at issues surrounding the State's investment in City of Derry Airport which, interestingly, has been welcomed by everybody although some might have complained about such an investment in the past. We are considering other areas of co-operation.

Mr. Sargent: At the May meeting, was there any hint of awareness about the challenges facing the country in regard to climate change, which the G8 will focus on in the days ahead, or in regard to the price of fuel, which will soon reach \$60 plus a barrel? For example, the cross-departmental committee is able to match that with its plans and spending targets being based on 80% of transport being road dependent. Is there any indication of a need to reassess this or to prepare for a post-fossil fuel economy in the long-term or medium-term? Will that have an impact not just on transportation but on planning, which is currently car focused? Is the committee simply following what was done previously and doing more of it, or is it able to think ahead and plan internationally to free us from this dependency on fossil fuel, on which we are more dependent than any other EU country?

Caoimhghín Ó Caoláin: With regard to the cross-Border contacts indicated by the Taoiseach and cross-Border roads, will the Taoiseach note that in my constituency, we still have two cross——

An Ceann Comhairle: Has the Deputy a question?

Caoimhghín Ó Caoláin: I am asking whether this opportunity will address those remaining cross-Border roads that have not reopened despite the systematic road reopening programme adopted some years ago. Two crossings in my constituency have not been re-established.

To broaden the understanding of infrastructure from roads alone, will the most important flagship project in regard to infrastructural development arising out of the Good Friday Agreement, namely, the Ulster canal, be addressed in the course of these further contacts?

The Taoiseach: I assure Deputy Sargent the Department of the Environment, Heritage and Local Government takes all issues into account and regularly reports on them. The Deputy should pursue the issues with the Minister, Deputy Roche. The Department is at all times considering new ways, and considering climatic conditions and land and spatial planning issues. On all of those issues, the committee is not just continuing but looking forward. For example, it seeks to move forward the western corridor, and is looking to rail initiatives and trying to expand—

Mr. Sargent: What of the Department of Transport?

The Taoiseach: If our population grows to 5 million, in particular if 2 million of the population are in the greater Dublin area, the use of rail will be the only way to go in the next 15 to 20 years. All of those issues are being considered.

The committee is focused on major infrastructural issues. Other issues can be pursued with local authorities in the relevant areas. County Monaghan has been served well by the roads programme, which provided bypasses and roads all over the place. A decade ago there was a problem with roads and potholes in that area but these have been consigned to the history books.

Caoimhghín Ó Caoláin: I asked on closed cross-Border roads.

Mr. McDowell: Or the odd culvert.

The Taoiseach: The case of particular roads should be taken up with the local council.

Caoimhghín Ó Caoláin: The issue has been raised many times. What of the Ulster canal?

The Taoiseach: The Ulster canal is one of the topics I always discussed with my good friend, David Trimble. He was a great advocate of it. It is good to see Deputy Ó Caoláin is continuing with that, despite David having moved on.

Caoimhghín Ó Caoláin: It is something else we shared.

The Taoiseach: I was very supportive of that long-started and positive project. I am not sure who we will link up with on the Northern side now that David is gone.

Requests to move Adjournment of Dáil under Standing Order 31.

Mr. Crawford: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of local and national importance, namely, the failure of the Government to follow through on the agreement with the IFA made prior to the 2002 general election regarding the procurement of land and property to allow the building of roads and infrastructure in general, which is not being implemented in spirit or reality. These property owners are being forced through compulsory purchase orders to sell their property regardless of damage to their long-term viability, and deserve reasonable treatment, compensation and the opportunity of roll-over tax.

Mr. Gogarty: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent national importance, namely, the need for the Minister for Education and Science and the Government collectively to look at ways of providing replacement funding for the Educate Together patron body, given its important role to date in providing support for a growing proportion of new school projects and the danger that our country's educational development and infrastructure will be adversely affected should it be forced to close most of its services, as currently seems to be the case.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of national importance, namely, the failure of Donegal gardaí to adequately investigate the fatal road accident on 12 June 2001 in which Sinéad McDaid was killed, or to preserve the scene of the accident. Why did Donegal County Council and the HSA not investigate the accident, which happened on a road where resurfacing work had commenced earlier that day? Why did Donegal gardaí not adequately investigate yet another Donegal road traffic accident of 27 December 2004 in which Stephen Gray was fatally injured?

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. 26, Garda Síochána 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. and business shall be interrupted not later than 10 p.m. Private Members' business shall be No. 56, motion re Morris tribunal reports

and establishment of commission into policing (resumed) to conclude at 8.30 p.m.

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for the late sitting agreed?

Mr. Kenny: On that proposal, and in respect of No. 26, I want to object. Rushed legislation is bad legislation and we have had previous experiences with the Department of Health and Children, the Department of Justice, Equality and Law Reform and other Departments. I understand from my spokesman and based on what Deputy Rabbitte said earlier——

An Ceann Comhairle: Perhaps on the Order of Business I will allow the Deputy to raise the point but this is merely dealing with the late sitting.

Mr. Kenny: I am aware of that but the late sitting will continue tomorrow with a guillotine on this Bill.

An Ceann Comhairle: The matter of the guillotine will come before the House tomorrow.

Mr. Kenny: I have already made points about this matter. This is a very important Bill and it is critical that the House and the country get a Bill that will stand up to all kinds of scrutiny.

An Ceann Comhairle: Does the Deputy oppose the late sitting?

Mr. Kenny: I do not object to the late sitting but I object to the Order for Report, Report and Final Stages to be guillotined tomorrow.

Mr. Rabbitte: The only parliamentary method available to us is to oppose the late sitting. I oppose the late sitting because, as I explained this morning, this is an entirely inadequate and disrespectful way to process a Bill of such importance. With some 40 pages of amendments, some of which are coming in as we speak, it is unconscionable that we make law in this way.

I ask the Taoiseach to agree to refer the Bill in its entirety to Committee Stage and to permit the House to sit for an additional week. This will allow us time to take advice on the amendments that have appeared this morning and last night, and give us the opportunity to scrutinise the main committee and to debate the issues, having regard to the specific request from Mr. Justice Morris that we do so. Mr. Justice Morris had the Bill, as it was, before him when he made his recommendation.

Why should the House rise on 1 July?

An Ceann Comhairle: We are merely debating the late sitting today. There will be an opportunity to debate the House rising at a later stage.

Mr. Rabbitte: I understand that and I am stating the Government has the option of continuing

the House for an extra week to ensure this matter is dealt with properly. Why should the House not sit for an extra week? There is no justification that can be advanced for the House rising on 1 July, other than the fact that the Taoiseach wants to get his Ministers out of here, wounded, battered and bruised as they are.

Mr. O'Dea: The Deputy should speak for himself.

Mr. J. O'Keeffe: They are running away with their tails between their legs.

An Ceann Comhairle: We are discussing the Order of Business for today. The Deputy is taking up the time of the House and the point he raises does not arise on this debate.

Mr. Rabbitte: If the Government needs access to accident and emergency units it will be in serious difficulty waiting for it. We must oppose this measure because of the manner in which the Government is treating the House and Mr. Justice Morris.

Mr. Cuffe: I agree with Deputy Rabbitte on the concerns about amendments being rushed through. While I accept that we are debating the need for a late sitting this evening, the prospect of the guillotine is on the horizon and it is best to raise it at as early a stage as possible. We are receiving amendments on the hour and that is not a good way to do business. We have already seen Bills coming back for amendment because they were rushed through in the first instance. We should allow more time this evening and over the coming weeks to allow the Garda Síochána Bill to receive the attention it deserves.

Caoimhghín Ó Caoláin: It is less than satisfactory to object to a late sitting that will accommodate some further address of the Garda Síochána Bill. Nevertheless, there is no other mechanism by which we can object to the fact that for the greater number of Deputies there has not been sight of the new amendments the Minister has introduced. We do not know if the Minister has completed his submission of amendments as more may yet present.

At the end of the day there is no other course than that this Bill, given the significant changes offered, should be recommitted to Committee Stage. There is no other course at this time. Irrespective of what time is necessary, it is better that we get this as near to right as possible. Certainly, the current course and the Minister's approach is designed for outright confrontation with all Opposition voices in this House, resulting once again in rushed, flawed legislation, of which he has considerable experience. Accordingly, I object to the late sitting.

Question put: "That the proposal for dealing with the late sitting be agreed."

The Dáil divided: Tá, 71; Níl, 48.

Tá

Ahern, Bertie.
 Ahern, Michael.
 Ahern, Noel.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Brennan, Séamus.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Collins, Michael.
 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.
 Fox, Mildred.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Harney, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.

Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McDowell, Michael.
 McEllistram, Thomas.
 McGuinness, John.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Nolan, M. J.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Flynn, Noel.
 O'Keefe, Batt.
 O'Keefe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Wallace, Mary.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.

Níl

Broughan, Thomas P.
 Burton, Joan.
 Cooper-Flynn, Beverley.
 Costello, Joe.
 Crawford, Seymour.
 Cuffe, Ciarán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Ferris, Martin.
 Gogarty, Paul.
 Gormley, John.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kenny, Enda.
 McCormack, Pádraic.
 McEntee, Shane.
 McGrath, Finian.
 McGrath, Paul.
 McManus, Liz.
 Mitchell, Olivia.

Morgan, Arthur.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Seán.
 Sargent, Trevor.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Upton, Mary.

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

Question declared carried.

Mr. Kenny: On the Good Friday Agreement, in a question the Taoiseach answered yesterday about meetings he had with the president of Sinn

Féin, Gerry Adams, he made it clear he would continue dialogue with Sinn Féin. Is there a difference between formal and informal meetings in the sense that the Taoiseach has asked his officials to find out why Mr. Kelly was rearrested

when he could probably have asked the Minister for Justice, Equality and Law Reform who has access to the files in the first instance?

An Ceann Comhairle: That does not arise on the Order of Business. Has the Deputy a brief question?

Mr. Kenny: My point is, when the Taoiseach meets the president of Sinn Féin or any other party on such a matter, would it not be appropriate from a bipartisan point of view for the Minister for Justice, Equality and Law Reform to be in attendance?

I bring another matter to the Taoiseach's attention because it has to do with an issue close to the area he represents as a Deputy. I attended a public meeting in Prussia Street last night where a number of women are very concerned about prostitution on streets in the locality. They feel that sooner or later somebody will be killed in the area because women with drug problems with children as young as two years have been seen getting into cars having been solicited for their services. They have requested meetings with the Minister for Justice, Equality and Law Reform on a number of occasions—

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

Mr. Kenny: In respect of the legislation—

An Ceann Comhairle: The Deputy has raised two questions that are out of order on the Order of Business. Members of the House have just complained about the lack of time to discuss what we are supposed to discuss here.

Mr. Kenny: With regard to the crimes Bill and an issue of serious concern in that locality, will the Taoiseach and the Minister for Justice, Equality and Law Reform take action to deal with the matter?

The Taoiseach: I do not have a date for the crimes Bill. However, the Minister for Justice, Equality and Law Reform has appointed Professor Finbarr McAuley to chair the statutory criminal law codification advisory group which will progress the codification of the legislation.

Mr. Rabbitte: Will the Taoiseach remind us of the current position on the work permits Bill?

The Taoiseach: It has been passed by Cabinet and is due for publication shortly, either next week or in the next few days. I will check it for the Deputy, but it has gone through Cabinet.

Mr. Sargent: We asked the Taoiseach earlier about the cross-Department team on infrastructure. With regard to legislation I want to ask about, the Taoiseach talked about looking at the situation - *à la* Humphrey Bogart rather than *à la* Taoiseach. Has the Taoiseach any plans to deal

with the high ratio spending on roads? Will he publish the Dublin metro Bill and ensure it becomes a reality, or the transport reform Bill? Will we get the opportunity to debate these in the Dáil any time soon? Can we have some action in this regard?

The Taoiseach: I do not have a date for the transport reform Bill. There is some work done on the draft heads, but there is no date for the heads yet. Some other transport Bills are due in 2006, but I have no date for that particular Bill.

An Ceann Comhairle: I call Deputy Naughten and ask him to be very brief and to confine himself to legislation. A number of people want to ask about legislation and I would like to facilitate them, but it looks as if I will not be able to.

Mr. Naughten: I offered yesterday also, but there was no Order of Business. When will the intoxicating liquor Bill come before the House because it seems both the Minister for Agriculture and Food and Greencore were intoxicated when they agreed to the closure of the Carlow sugar plant?

An Ceann Comhairle: We cannot have a statement. Has the Deputy a question on the legislation?

Mr. Naughten: In light of the compensation proposals being put forward this morning, it seems the Carlow plant is now not deemed eligible for anything because of the premature closure of the plant prior to the publication of these proposals.

Mr. J. O'Keeffe: They might as well turn it into a café bar.

Ms McManus: The Civil Registration Bill was published in 2003 and went through all the processes in this House. However, it has not yet been commenced as an Act. This is having an impact on situations regarding registration, such as parents trying to get registration of their children sorted out or people planning weddings. Why has the Act not been commenced? It seems to be tangled up with the issue of decriminalization.

The Taoiseach: The legislation is enacted. I will bring the Deputy's remarks to the attention of the Minister.

Mr. Hayes: Will the Taoiseach set aside some time for the Tánaiste to come in this afternoon to explain to the House what hospitals—

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

Mr. Hayes: There is huge confusion around the country about the number of hospitals the funding—

An Ceann Comhairle: That does not arise. There are other ways the Deputy can raise the matter. We will move on to No. 26, if the Deputy does not want to remain on the Order of Business.

Dr. Upton: Last weekend we were treated to the gruesome images of the slaughtering of 4,000 pigs in an inhumane and cruel fashion. The Department of Agriculture and Food refused to intervene. When can we expect the animal health Bill?

The Taoiseach: The Government has approved the heads of the Bill and it has gone for drafting. I do not have a date for the Bill, but I will ask the Department to bring forward a date.

Mr. Gogarty: Last night I raised the matter of important legislation whereby a coroner can only call one medical practitioner in an inquest. When will the coroners Bill come before the House?

The Taoiseach: That Bill will come before the House in 2006.

Mr. Stanton: This morning the Taoiseach mentioned legislation dealing with standards and services in nursing homes. What is the position in regard to that legislation and when will it be in the House?

The Taoiseach: What is the title of the Bill?

Mr. Stanton: I am not sure. The Taoiseach mentioned it this morning and I just want to know what it is all about.

The Taoiseach: I mentioned the health inspectorate Bill. The drafting of that legislation is a priority and it should be ready for the autumn session.

Mr. Broughan: Can we expect the electronic communications (miscellaneous provisions) Bill in 2005? Given that we do not have that Bill, will the Taoiseach ensure the Competition Authority urgently investigates the takeover of NTL by Chorus, given that the main shareholder is also one of the main shareholders of Sky television?

The Taoiseach: That legislation is due in the autumn session.

Mr. Crawford: I support Deputy Upton on the issue of the slaughter of the 4,000 pigs. What happened—

An Ceann Comhairle: That does not arise at this time.

Mr. Crawford: We need to discuss the matter in this House.

With regard to the proposed major hike in electricity charges, when will the electricity Bill come before the House? In light of the extraordinary

situation regarding non-co-operation by the National Roads Authority, when will the national roads infrastructure Bill be brought to the House so we can discuss the way property owners—

An Ceann Comhairle: I call the Taoiseach on the legislation.

The Taoiseach: The energy Bill is due in 2006.

Mr. Naughten: The Deputy asked about the electricity Bill.

The Taoiseach: The electricity Bill is due in 2006.

Mr. J. O'Keefe: Those bills come every month.

The Taoiseach: The national roads infrastructure Bill is now named the road (miscellaneous provisions) Bill. It is being drafted, but I do not have a date for it to come to the House.

Mr. Ring: Why was the Taoiseach not in Kilkenny on Sunday when Westport United won the FAI junior cup, on which I congratulate the team? We were very disappointed the Taoiseach was not there. We looked out for him.

Mr. Kelleher: He will try to get to the match next time.

Mr. Ring: I want to ask about the Abbotstown sports campus development Bill, but with the Ceann Comhairle's permission I would like to congratulate Westport United, a team from a small rural town, on winning the FAI junior cup. I am sure the Taoiseach would also like to offer his congratulations to Westport. I am glad to say that we beat Waterford Crystal.

An Ceann Comhairle: The Taoiseach, on the Abbotstown Bill.

Mr. Ring: The match was in Kilkenny. I congratulate the team. We went to Kilkenny, the marble city, and brought home the gold.

Mr. Timmins: The Deputy should have been in Hyde Park in Roscommon.

Mr. Callely: It is amazing that Westport wants the support of the Taoiseach, rather than the support of Deputy Kenny.

The Taoiseach: If Dublin had not been playing, I would have been there to support Westport United.

Mr. Ring: I thank the Taoiseach.

The Taoiseach: My priorities are right.

Mr. Timmins: When will the proposed alcohol products (control of advertising, sponsorship and marketing practices/sales promotions) Bill be published? Is the Taoiseach, who is a regular

attender at Croke Park, concerned that the stadium is slowly turning into the biggest super-pub in Ireland? It is important for the Taoiseach to give his view on the matter.

The Taoiseach: I cannot do that under legislation, obviously. The proposed alcohol products (control of advertising, sponsorship and marketing practices/sales promotions) Bill will be published later this year.

Mr. Timmins: Does the Taoiseach have any concerns about the increased drink culture at Croke Park? He must have noticed it as he has been there a few times this summer.

The Taoiseach: As long as it is not on the pitch, anyway—

Mr. Gormley: I would also like to ask about this country's drink culture and continuing problems with alcohol.

An Ceann Comhairle: Does the Deputy have a question on legislation?

Mr. Gormley: I do. It is directly related to legislation.

An Ceann Comhairle: To what legislation does the Deputy refer?

Mr. Gormley: I refer to the proposed alcohol products (control of advertising, sponsorship and marketing practices/sales promotions) Bill.

Mr. McDowell: That question has just been asked.

An Ceann Comhairle: The Taoiseach has answered a question about the Bill.

Mr. Durkan: Contrary to what many people think, four energy Bills are listed on the Order Paper at present. I refer to the energy (miscellaneous provisions) Bill, the natural gas regulation Bill, the Bord Gáis Éireann Bill and the electricity Bill.

Mr. Kelleher: What about the hot air Bill?

Mr. Treacy: The Deputy forgot the hot air Bill.

Mr. Durkan: The only thing that is spectacular about that is the absence of the Minister who is responsible. Can he be encouraged to come to the House with a view to introducing the Bills as a matter of urgency? I refer in particular to the electricity Bill, given the proposed hike in prices

An Ceann Comhairle: That has already been dealt with this morning.

Mr. Durkan: It has not.

Mr. McDowell: Was the Deputy asleep? He should take some pep pills.

Mr. Durkan: This part of it has not been dealt with.

An Ceann Comhairle: It has already been dealt with this morning.

Mr. Durkan: The proposed hike in prices will bring a 60%—

An Ceann Comhairle: It was dealt with this morning.

Mr. Durkan: —increase in electricity prices within three years.

An Ceann Comhairle: We have to move on to the next business.

Mr. Durkan: The Bills are before the House.

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

Mr. Durkan: I hope the Chair will allow him to answer.

The Taoiseach: I have already spoken about the electricity Bill. The energy (miscellaneous provisions) Bill will be published in this session.

Mr. Durkan: What about the natural gas Bill? I asked about that as well.

Mr. Treacy: It is on its way.

Mr. Durkan: Everything is mañana.

Mr. Treacy: The pipe is being laid.

The Taoiseach: The other one is this session.

Mr. Cuffe: In view of the concerns about high levels of radon being found in new dwellings, can the Taoiseach assure the House that the building control Bill will be introduced soon?

The Taoiseach: It will be introduced in the autumn session.

Garda Síochána Bill 2004 [Seanad]: Order for Report Stage.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I move: "That Report Stage be taken now."

An Ceann Comhairle: Is that agreed?

Mr. Stagg: It is not agreed.

Mr. Costello: I propose to move a motion that the Garda Síochána Bill 2004 be recommitted in its entirety.

An Ceann Comhairle: That motion is not in order at this point because the House has not yet decided to take Report Stage now.

Mr. Costello: I am merely trying to move things on.

An Ceann Comhairle: When the House decides to take Report Stage, it will be in order for the Deputy to move his motion to recommit the Bill. There is nothing before the House to be recommitment at this stage.

Mr. J. O’Keeffe: I wish to outline briefly why the proposal to take Report Stage now is not agreed. I do not accept the proposal to rush the Report Stage debate on the Bill. The Minister expects the Dáil to pass this legislation in the next 36 hours. As I was coming to the Chamber this morning, I was still being given further lists of amendments to be moved on Report Stage. We do not even have a composite list of the amendments to be considered on Report Stage. I have calculated that 44 pages of amendments have been tabled already. It seems that approximately 400 amendments will be moved.

The Minister has suggested that some of his amendments represent a dramatic response to the second report of the Morris tribunal. I do not oppose some of his proposed amendments. If his approach is as dramatic as he has suggested it is, however, the amendments need to be teased out and debated properly. Therefore, we need to adopt Deputy Costello’s suggestion of recommitment to Committee Stage, or we should pause for reflection and allow adequate time for debate.

Established parliamentary procedures, dating back to the 19th century or before, are in place to enable legislation to be considered properly over different stages. Such procedures have been followed as long as we have participated in parliamentary democracy on this island and on our neighbouring island. Under our procedures, issues of principle are considered on Second Stage and issues of detail are dealt with on Committee Stage. We have gone beyond those phases of the process in our consideration of the Garda Síochána Bill 2004. The new proposals will not be the subject of that critical process of examination because they have been introduced with unseemly haste and a short amount of time has been allowed for debate on them.

We need to pause for reflection if we are to ensure that the public can have confidence in the final Garda Síochána legislation. The Bill we are considering deals with issues which affect the positions of more than 12,000 members of the Garda. Some of the Minister’s proposals may affect such people. It may be popular to trample on the Garda in some ways in the aftermath of the second report of the Morris tribunal, but I will not stand for that. The Garda Síochána has to answer certain questions and certain changes need to be made. We need to be firm and fair in our dealings with this legislation. Some of the changes the Minister proposed may not pass the fairness test. I would like them to be amended so they can pass that test.

I do not believe the Minister, Deputy McDowell, is adopting the right approach to this legislation. I have made clear that Fine Gael will co-operate with the Government to ensure that a good Garda Síochána Bill can be passed this year. The leader of Fine Gael, Deputy Kenny, has proposed that the Bill be stalled during the summer recess so that it can be reviewed independently and brought into line with the recommendations of Mr. Justice Morris. The leader of the Labour Party, Deputy Rabbitte, has made a proposal that would give Deputies further time to consider the Bill. The House could sit well into July, if necessary, to achieve that. I will accept either of the approaches, which seek to ensure that the public can have confidence in the legislation and the Garda can be happy with it.

The process pursued by the Minister is a recipe for legislative disaster. It is absolutely inevitable that this legislation will result in a court challenge. I do not want that to happen. I want a good Bill to be put in place this year. Fine Gael will co-operate in that process, but it cannot co-operate in a process that might result in bad legislation.

An Ceann Comhairle: Before I call Deputy Costello, I remind him that we have not yet reached his proposal. We are still discussing the Minister’s proposal to take Report Stage now.

Mr. Costello: I am aware of that. I share Deputy Jim O’Keeffe’s concerns about the manner in which it is proposed to take Report Stage today. As my party leader, Deputy Rabbitte, has said, Mr. Justice Morris’s main recommendation was that the Oireachtas should review the Garda Síochána Bill 2004 in the light of his report. The House took four hours of statements on this matter on Friday, but Members were not given an opportunity to debate the issues with the Minister or to ask him questions. The Labour Party tabled a motion last night, on which discussion will resume tonight, in an attempt to further that debate. Clearly, in the two weeks since the Morris tribunal report was published, there has not been a proper opportunity to tease out the full implications of the report’s findings and recommendations. The Minister has responded, in the way he does, with amendments which are off the cuff and off the top of the head. He is changing his mind on the nature of the amendments not just from hour to hour but from minute to minute.

For example, already in the course of this Bill we have seen what happened with the first proposal two years ago for an ombudsman, which, when the heads of the Bill were published, was to be an inspectorate. That was then changed to an ombudsman commission. If we consider the proposals before us, that has been changed to what in effect is an ombudsman chairman with all the powers of an ombudsman. The Minister has done a full circle in the course of this legislation and, with pressure now on him, is beginning to see the light.

Mr. McDowell: It is very arrogant of me.

Mr. Costello: The Minister has already accepted one substantial amendment before us and has agreed to change. Regarding the other substantial amendments due to come before us, we got no warning of any kind about the Minister proposing to give power to the Garda Commissioner to dismiss Garda officers from sergeants right up to the rank of inspector. That is a substantial power which the Minister will now give to the Garda Commissioner. We have no opportunity to tease that out or to hear the views of people who will be directly affected by it. The Minister intends to force that issue through on Report Stage so that we cannot debate the matter, but merely listen to what the Minister has to say, speak once in reply and then hold our peace. That is no way to do business. It is ridiculous to introduce substantial amendments on Report Stage.

There are other substantial amendments involved. The Labour Party has prepared an entire Bill on the whistleblowers' charter. The Minister is at last beginning to recognise that such a charter is desirable and is incorporating it into the legislation before us. We need to tease out that matter too. It is a major issue, especially as one of our colleagues, Deputy Howlin, will appear next week in the High Court with regard to his being charged by the State and the Morris tribunal because he will not reveal his sources of material to the tribunal.

Mr. McDowell: He is not being charged by the State, it is a tribunal matter.

Mr. Costello: These are all serious issues and I am dissatisfied with the manner in which the Minister is conducting his business. He too should be dissatisfied. As a law officer, an adviser to the Government and a former Attorney General prior to becoming Minister for Justice, Equality and Law Reform, he should know better. He should hang his head in shame and agree with the proposal by the leader of the Labour Party this morning that we delay the progress of this legislation at least for a week, until July, to have a much more comprehensive opportunity to discuss the amendments the Minister is proposing, and others. We have major amendments to table with regard to a policing commission, a Garda authority, which we would like to see incorporated in the legislation.

I am strongly opposed to considering Report Stage of the Bill in the manner proposed.

Mr. Cuffe: I echo the comments of the previous two speakers. Normally, the Government proposes a Bill and the Opposition puts forward amendments. However, in the past few days we have received amendments from the Minister and have received notice that the Minister intends amending his amendments to his proposed legislation.

Over the past few days, my fax machine has been overheating as a result of the Minister's amendments. Like others, I have not even had a chance to count those amendments, let alone read them in detail. This makes a mockery of the parliamentary process. There should be a pause for reflection so that we can all come to grips with the proposed amendments. It is at best infuriating and at worst impossible to deal with the complexity of the amendments before us.

Aengus Ó Snodaigh: On the basis of the Government document, Regulating Better, we should not now continue to Report Stage. That document allowed for the different Stages and encouraged Ministers and Departments to publish heads of Bills and to inform Opposition spokespersons of their intentions. In the main, the Minister has not done so in terms of his amendments. On Committee Stage, the Minister indicated some of those amendments, but we are only getting to see them today. I did not receive a faxed copy of those amendments yesterday. This is not in line with the Minister's obligations under the Good Friday agreement that legislation which has implications in terms of human rights be seen by the Human Rights Commission. That has not been done because the substantial amendments tabled by the Minister go beyond the original terms of the Garda Síochána Bill. While some of them are to be welcomed, we have not had and will not have the time to properly consider them to see if they are correct. Anything done in haste in this House has usually come back to haunt it.

This is not the first time the Minister has produced substantial amendments — Bills within Bills — at the last moment. That habit of his continues. It is not correct procedure and it should be rejected. At this point, we should not carry on to Report Stage. We should take the time to look properly at the legislation and take full heed of what was in the Morris tribunal report and in the Minister's amendments. We can then take the time to support, amend or reject them, in full knowledge of what exactly is intended by the Minister.

Mr. F. McGrath: I have major concerns about what is happening this morning. Have we not learned from past experience that rushed legislation has great potential to be flawed legislation?

With my colleagues, I am totally opposed to proceeding in this manner. The Minister must realise that this is a serious matter. Of course we all want reform and efficiency, but the Garda Síochána Bill is a serious matter and we must get the amendments right and get them in order.

Considering the details of the amendments proposed, it is clear that there must be a broader debate. I urge the Minister to reflect again on this issue.

Mr. McDowell: I do not want to be provocative or confrontational. I published the heads of this

[Mr. McDowell.]

Bill two years ago. The Bill has been the subject of extensive public discussion, including preliminary discussion before the Oireachtas Joint Committee on Justice, Equality and Law Reform. It was the subject of a Human Rights Commission report and was then brought to Seanad Éireann. It went through five Stages in the Seanad in great detail. It then came back to this House, where it had one of the longest Second Stage debates in modern legislative history. It then went to Committee Stage. The committee sittings were lengthy and numerous, and on many occasions I told the committee that I would, if necessary, sit until dawn to get on with the work.

Mr. J. O’Keeffe: We would have been prepared to do so too if we had all the amendments at the time.

Mr. McDowell: At that stage, the Opposition parties asked to postpone the holding of Report

Stage until they had an opportunity to discuss the Morris tribunal report.

That was the sequence of events. We are now in a position to get this legislation on the Statute Book so that the implementation oversight body, chaired by Senator Maurice Hayes, can ensure that reform of the Garda Síochána gets going and is not long-fingered, as has been suggested by others, until we have another commission to look at the Garda, or the like.

The public expects us to legislate on this matter, not just to talk about legislation. The one item on which there is a major difference in principle between some of the parties in this House and others is whether there should be an independent police authority. In 1982, the Labour Party put that proposal into a programme for Government, but nothing happened in the following five years. The Labour Party resumed office in 1992 and was in office for another five years, but nothing happened. I intend to bring change, I am not interested in posturing about change.

Question put.

The Dáil divided: Tá, 68; Níl, 50.

Tá

Ahern, Michael.
 Ahern, Noel.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Brennan, Seamus.
 Callanan, Joe.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Collins, Michael.
 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.
 Fox, Mildred.
 Gallagher, Pat the Cope.
 Glennon, Jim.
 Grealish, Noel.
 Haughey, Seán.
 Hoctor, Máire.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.

Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McEllistram, Thomas.
 McGuinness, John.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O’Connor, Charlie.
 O’Dea, Willie.
 O’Donnell, Liz.
 O’Flynn, Noel.
 O’Keeffe, Batt.
 O’Keeffe, Ned.
 O’Malley, Fiona.
 O’Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Wallace, Mary.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.

Níl

Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connolly, Paudge.
 Costello, Joe.
 Cowley, Jerry.

Crawford, Seymour.
 Crowe, Seán.
 Cuffe, Ciarán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.

Níl—continued

Ferris, Martin.
Gormley, John.
Hayes, Tom.
Healy, Seamus.
Higgins, Joe.
Higgins, Michael D.
Hogan, Phil.
Howlin, Brendan.
Kenny, Enda.
McCormack, Padraic.
McGinley, Dinny.
McGrath, Finian.
McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Murphy, Gerard.

Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O’Keeffe, Jim.
O’Shea, Brian.
O’Sullivan, Jan.
Pattison, Seamus.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Ring, Michael.
Ryan, Seán.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Timmins, Billy.
Upton, Mary.

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

Question declared carried.

Mr. S. Ryan: Shame on the Government.

Garda Síochána Bill 2004 [Seanad]: Motion to Recommit.

Mr. Costello: I move:

That Dáil Éireann, pursuant to Standing Order 128(1) of the Standing Orders Relative to Public Business, directs that the Garda Síochána Bill 2004 in whole be recommitted to a Committee of the whole House.

Many of the arguments for this motion have been rehearsed both on the Order of Business and in the most recent contributions in the House. However, I wish to respond briefly to what the Minister for Justice, Equality and Law Reform has just said. He said this Bill has been around for a long time and it is time to conclude it. It is true it has been around for a long time. It is two years since the heads of the Bill were presented but the Bill has been lying around for the last two years without the Minister showing any alacrity in moving it towards its conclusion.

The Minister also said that he had allowed an extraordinarily long period for the submission of amendments — 20 hours — and that this should be more than sufficient. If that is the case, why is it necessary to bring forward on Report Stage substantial amendments which could have and should have been dealt with on Committee Stage? The Minister is well aware that substantial amendments should be dealt with on that Stage. That is the only opportunity to tease out the details of amendments and to assess whether they are proper.

The Minister is proposing to put through these substantial amendments on the nod. He probably will not get to all the amendments because he has produced an 80 page green booklet of amendments which does not include the substantial ones. The substantial amendments dealing with a whistleblower’s charter and the power of the Garda Commissioner to dismiss gardaí will be dealt with by guillotine and without a debate.

Mr. Costello: As legislators, we cannot afford to allow the Minister for Justice, Equality and Law Reform to behave——

An Ceann Comhairle: As the Deputy correctly said, it has been discussed on the Order of Business and in the earlier debate.

Mr. Costello:——in this fashion. It is a travesty of justice that the Minister for Justice, Equality and Law Reform, who was previously the Attorney General, is legislating in this manner. We oppose Report Stage and propose that the Bill be recommitted.

Aengus Ó Snodaigh: The Garda Síochána Bill and the changes it proposes are the result of a process of consultation. The Minister did not bother to vote in the previous division and is not present to listen to this debate on his major amendments. That shows the contempt he has for us as legislators and for the amendments he has tabled. They are substantial amendments that require to be dealt with on Committee Stage. They also should be referred to the Human Rights Commission. That has not been done so we should, at least, recommit the Bill and deal with the Minister’s amendments.

Perhaps somebody will give the Minister a copy of the Government’s document, Regulating Better, which outlines how to deal with substantial amendments and regulations. It was published by the Government last year but the Minister obviously has not bothered to read it.

Mr. Kenny: It is like *Hamlet* without the prince. The Minister of State, Deputy O’Dea, cannot deal with it and the Minister for Justice, Equality and Law Reform is not present.

Mr. J. O’Keeffe: The issue is simple. The amendments brought forward at this late stage by the Minister for Justice, Equality and Law

[Mr. J. O’Keeffe.]

Reform are either of substance or not. The Minister has claimed that they are dramatic and are a response to the reports of the Morris tribunal. On that basis, the amendments are substantial. If that is the case, they deserve to be debated properly. The way to do that is through a Committee Stage debate. For that reason, I support the proposal of my colleague, Deputy Costello, to recommit the Bill.

A number of issues should be mentioned. There are issues to be dealt with by the Garda Síochána arising from the reports of the tribunal.

1 o’clock Changes must be made. We need to put the Garda Síochána under the microscope and we must ensure there is proper transparency and accountability. At the same time, however, we must not trample on the rights of the 12,000 men and women who serve in the Garda Síochána and whose morale is now at its lowest ebb.

Two of the proposed amendments from the Minister might be necessary but they must be properly discussed. One of the amendments involves the summary dismissal of an existing member of the Garda Síochána—

An Ceann Comhairle: The Deputy cannot discuss the amendments. He must be brief.

Mr. J. O’Keeffe: —where the Commissioner is of the opinion that the person’s membership of the force would undermine public confidence in the force. The second similar amendment involves directing a member of the Garda Síochána to account for any act done or omission made while on duty. The principle is satisfactory but the follow-up process, which might end with the dismissal of that member, needs to be teased out. There must be fair and due process. For example, I received a telephone call last night—

An Ceann Comhairle: I would prefer that the Deputy did not go into detail.

Caoimhghín Ó Caoláin: The Ceann Comhairle should listen to the Deputy.

Mr. Roche: The Deputy said he would be brief.

Mr. J. O’Keeffe: I wish to give one example.

An Ceann Comhairle: The Standing Order allows for a brief comment on the substance of the motion before the House. The Deputy may not go into detail.

Mr. J. O’Keeffe: A member of the force for 25 years, a married man with five children, who has never been involved in disciplinary proceedings of any kind, raised this issue. He asked what would happen to him, his wife and children if he could be dismissed without any possibility of recourse to due process, if a superior officer used that procedure against him without proper processes.

We owe it to the public to draw up a Bill in which it can have confidence. We owe it to the Garda Síochána to draw up a Bill which it can believe is in its interests too, and that fully provides for and implements due process. The way the Minister is dealing with the Bill will not achieve that outcome. These provisions will end up in court as sure as night follows day, unless they are properly teased out, debated and dealt with, and the way to do that is to recommit the Bill to Committee Stage to ensure we pass a Bill of which we can all be proud.

Mr. Cuffe: I thought things were bad earlier but I picked up another 48 pages of amendments between the start of the division and now.

Mr. S. Ryan: The Deputy must be joking.

Ms Burton: Where is the Minister? He has left the House.

Caoimhghín Ó Caoláin: Where is the Minister?

Mr. Quinn: Where is the Minister?

Mr. Timmins: The facsimile machine is out of order.

Mr. Cuffe: I have visions of the Minister upstairs at the photocopier.

An Ceann Comhairle: I ask Deputies to show a little courtesy to a Member of this House whom the Chair has called and who is speaking.

Mr. Cuffe: I am concerned at the ability of the House to digest the number of amendments being tabled at this late stage.

Mr. Roche: They are being tabled by the Opposition.

Mr. Cuffe: I have just received 50 pages. In addition there is an amendment in substitution for amendment No. 6 on the principal list of Government amendments. They are being pushed too quickly. I urge the Minister to give us some time. It is very difficult for us and our staff to digest and comment on the many amendments being proposed.

Some look like minor amendments, for instance, changing the word “volunteer” to “reserve” but no doubt some are substantial. Out of courtesy to the House we should be given some time to digest them.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): This is a Bill which was initiated—

Mr. Rabbitte: Where is the Minister?

Mr. S. Ryan: He is in a coffee bar.

Mr. Hayes: Will the Minister please stand up?

Mr. Gormley: He is in a café bar.

Mr. Ring: Deputy Brian Lenihan is only a deputy Minister.

Mr. Rabbitte: The Minister is giving an interview.

Mr. J. O’Keeffe: Should we apply for a writ of *habeas corpus* to bring the Minister before the House?

Ms Burton: Deputy Brian Lenihan is the Minister for playgrounds, not for police.

Mr. B. Lenihan: This Bill was initiated in Seanad Éireann.

Mr. Stagg: On a point of order, I propose that we adjourn the proceedings to allow the Minister for Justice, Equality and Law Reform to come into the House.

An Ceann Comhairle: That is not a point of order.

Mr. Durkan: On a point of order, it is normal practice in the taking of major legislation in the House that if the sponsoring Minister is absent the Opposition must be informed.

An Ceann Comhairle: That is not a point of order. I call the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Brian Lenihan, to speak without interruption.

Mr. Rabbitte: On a point of order, is the Ceann Comhairle saying it is in order for the House to proceed in this fashion when the Minister who has created the circumstances is sufficiently contemptuous not to come into the House as amendments continue to roll off the facsimile machine?

Mr. McCormack: The Minister is at a photo call.

An Ceann Comhairle: That is not a point of order. It is obvious to the Chair that Members want to disrupt the business of the House.

Mr. Kenny: On a previous occasion the Minister for Justice, Equality and Law Reform was in the bar when there was an Adjournment debate about a murder case in Cork.

Mr. Naughten: This is a disgrace.

Mr. Kenny: The Minister is now in Dublin Castle launching a matter concerning child care. He should be here when legislation is being discussed.

Ms Burton: He should have sent the Minister of State to do that.

Mr. McCormack: The photograph would not look so good.

An Ceann Comhairle: That is not a point of order.

Mr. J. O’Keeffe: The Minister is treating the House with contempt.

Mr. Stagg: On a point of order——

An Ceann Comhairle: I am hearing the Minister of State, Deputy Brian Lenihan. I will hear the point of order when he has finished. Deputies cannot come in here and one after another stand up to make frivolous points of order. The Chair has ruled on the matter. I am hearing the Minister of State.

Mr. B. Lenihan: This measure received substantial and unguillotined consideration in that House.

(Interruptions).

Mr. Hayes: Where is the Minister?

An Ceann Comhairle: If Deputy Hayes opens his mouth again he will leave the House.

Mr. Stagg: On a point of order——

Mr. S. Ryan: Where is the Minister?

Mr. B. Lenihan: The Garda Síochána Bill was initiated in Seanad Éireann and received substantial and unguillotined consideration in the Seanad. It proceeded to this House where there was a lengthy Second Stage debate.

Mr. Stagg: The Ceann Comhairle is in breach of Standing Orders by not taking correct points of order when they are called by Members. The Ceann Comhairle is out of order.

An Ceann Comhairle: That is not a point of order.

Mr. Stagg: The Ceann Comhairle is protecting the Government.

Caoimhghín Ó Caoláin: The Minister for Justice, Equality and Law Reform is holding the House in contempt by his absence, which is not appropriate.

An Ceann Comhairle: That is not appropriate.

Mr. Roche: That is rich coming from the Deputy whose party held this House in contempt for many years. It is nice to have him and his colleagues in here.

Caoimhghín Ó Caoláin: My question is appropriate. Is it not appropriate that the Ceann Comhairle would suspend the proceedings to allow the Minister to come before the Dáil?

An Ceann Comhairle: Deputy Ó Caoláin has known since he came into this House that Ministers or Ministers of State take the business as they decide. The House is never suspended because a particular Minister is not here.

Mr. Kenny: In the interests of common sense will the Ceann Comhairle suspend this sitting until the Minister returns from Dublin Castle? Serious issues are being raised here in the Minister's absence. I understand he is on his way back. The Ceann Comhairle should suspend the sitting until he arrives to answer these questions.

Mr. Gormley: On a point of order——

Mr. Quinn: Once again the Minister has sent the Minister of State, Deputy Brian Lenihan, in to do his dirty work.

Mr. J. O'Keeffe: We should send the Garda Síochána out to find the Minister.

An Ceann Comhairle: We can deal with this bit of business. I call Deputy Gormley.

The Dáil divided by electronic means.

Mr. Stagg: Given the contempt that has been shown for the House through the display of arrogance by the Minister in walking out before the debate had begun and the seriousness of the matter in hand, as a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means.

The Dáil divided: Tá, 48; Níl, 68.

Tá

Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Costello, Joe.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Ferris, Martin.
Gogarty, Paul.
Hayes, Tom.
Healy, Seamus.
Higgins, Joe.
Howlin, Brendan.
Kenny, Enda.
McCormack, Padraic.
McGinley, Dinny.
McGrath, Finian.
McHugh, Paddy.

McManus, Liz.
Mitchell, Olivia.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Murphy, Gerard.
Naughten, Denis.
Neville, Dan.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Keeffe, Jim.
O'Sullivan, Jan.
Pattison, Seamus.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Ring, Michael.
Ryan, Seán.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.

Níl

Ahern, Michael.
Ahern, Noel.
Ardagh, Seán.

Blaney, Niall.
Brady, Johnny.
Brady, Martin.

Mr. Gormley: The Ceann Comhairle must accept that Members on this side of the House want to see order in the House and the way to restore order is for the Ceann Comhairle to listen to our reasonable request.

An Ceann Comhairle: That is a point of disorder, it is not a point of order.

Mr. Gormley: It is a point of order. We would like the Minister for Justice, Equality and Law Reform to come into the House to deal with this important Bill.

An Ceann Comhairle: One Member from each party had an opportunity to speak. We are now putting the question.

Mr. Quinn: The Ceann Comhairle should listen to the Deputy.

Mr. S. Ryan: We should get the reply.

Mr. Quinn: Where is the Minister?

Question put.

An Ceann Comhairle: As Deputy Stagg is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put.

Níl—*continued*

Brennan, Seamus.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cregan, John.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Dermot.
Fleming, Seán.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Hanafin, Mary.
Haughey, Seán.
Hector, Máire.
Keaveney, Cecilia.
Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.

Lenihan, Conor.
McEllistrim, Thomas.
McGuinness, John.
Martin, Micheál.
Moloney, John.
Moynihan, Donal.
Moynihan, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Flynn, Noel.
O'Keeffe, Batt.
O'Keeffe, Ned.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Power, Seán.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.

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

Question declared lost.

Sitting suspended at 1.35 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed).

Priority Questions.

Rail Services.

22. **Ms O. Mitchell** asked the Minister for Transport if he has considered allowing private sector operators to tender for container rail freight services; if so, the actions which have been taken to facilitate this; and if he will make a statement on the matter. [21507/05]

Minister for Transport (Mr. Cullen): In accordance with Directive 2004/51/EC the market for international rail freight services will be opened from 1 January 2006. This will enable any railway undertaking established in the EU, whether publicly or privately owned, to provide international freight services on the existing Irish rail network. From 1 January 2007, the domestic freight market will be opened. Under the proposed arrangements CIE, as the owner of the rail network, will be entitled to recoup the costs associated with allowing access to their network. In preparation for market opening, my Department is open to discussions with any interested operator.

Ms O. Mitchell: Unfortunately there will be no rail freight in Ireland by the time we are open to international competition. It seems almost incredible in this day and age when we are so conscious of rising oil prices, the large number of deaths on our roads, growing traffic congestion and the increased cost of building roads, that we are closing down all our rail freight services. From June 27 we will have no container traffic whatsoever except where firms are willing to take an entire train at a time. Nothing will come out of Dublin Port despite the infrastructure there to provide a rail freight service. A large investment by the State will be run into the ground.

When we discussed this in committee the Minister maintained it is not economically efficient to use rail freight in this country unless it is for an entire train. Does the Minister accept he is getting his information from Iarnród Éireann which has done nothing whatsoever to develop the freight service? Several logistic companies told me that in 15 years CIE or Iarnród Éireann never contacted them to market or increase their business. It is clear Iarnród Éireann wants to get out of the business. It has gradually withdrawn services and now will take only full train loads. This smacks of a monopoly company trying to have the business suit it rather than it suit its customers.

Does the Minister accept it is extremely short-sighted to allow Iarnród Éireann divest itself of infrastructure such as freight wagons, rolling stock, freight yards and depots? It might be reminiscent of the situation regarding the Harcourt

[Ms O. Mitchell.]

Street line as in ten years' time it may be critical to the country. This area has not been explored. Does the Minister have a role to play in ensuring the infrastructure is not deconstructed in such a way that it cannot be put back in place?

Mr. Cullen: As Deputy Mitchell knows, I agree with her on this issue, and I find it deeply frustrating. We made a large investment in the rail infrastructure, and there is no question of decommissioning it. Perhaps Deputy Mitchell is referring to some of the rolling stock issues. I have engaged on this issue and many Deputies, primarily Deputy Mitchell, have contacted me on this issue. I have tried to impress my view upon the chairman of the CIE group, that it is in all our interests to have the maximum amount of freight carried on our rail network.

I do not take my evidence exclusively from Iarnród Éireann. As I may have stated publicly, I saw the experience of the substantial international container shipping company, Norfolk Shipping Line. It approached Iarnród Éireann and persuaded it to put on extra trains to deliver container traffic from the west of Ireland into Bellvue Port, which happens to be in my constituency. but that is beside the point. I encouraged this as I saw it as a precursor to the private and public sectors working together.

Recently the private sector company stated that, in spite of the good work done by Iarnród Éireann fulfilling all the criteria required, the project failed to succeed. Individual customers would not use rail services because it was more cost effective to use roads, which came as a great disappointment to Norfolk Line and Iarnród Éireann. There was no block to putting the system in place.

I make it clear to the House that my Department is open to discussions with any interested operator and we would like to hear from anybody who thinks they can make this work. It is simply not cost effective for an individual company to get a container to its location, load it, get it delivered from that point to a rail station, load it on to a train, deliver it to the rail head or shipping head and then unload it. The evidence I have been given is that rail freight works on huge numbers over long distances. I am not using that as an excuse. I am trying to convey to the Deputy that I have tried to acquaint myself with the problem. It is a nut we would all like to crack but I do not intend to decommission any of the rail line currently in place. The market opening may encourage some of the people in the private sector who said they would operate trains to come forth.

Ms O. Mitchell: I understand CIE intends to divest itself of freight facilities and yards at both Limerick and Cork but I hope the Minister can stop that. While I accept it is difficult to compare head to head with road transport, there are externalities that operate and I believe road transport

will become increasingly expensive. One container is the equivalent of 18 heavy goods vehicles on our roads. There is an enormous cost to all of us in switching from the container to the heavy goods vehicles. I ask the Minister to ensure that, at the very minimum, CIE does not divest itself of any of the infrastructure or lands currently in use or previously used for freight so as to ensure that in the near future, when I believe this method will become cost efficient, it will be available to us.

Mr. Cullen: I agree with the Deputy. I have had discussions with the company and I will continue to impress upon it the points the Deputy makes. In fairness to all the CIE companies, whether it is Dublin Bus, Bus Éireann or Iarnród Éireann, they have all become much more efficient and have improved their productivity. Many of them have done a great job in transforming themselves in recent years. We cannot ask them to be commercially sensitive and maximise the moneys they earn on the one hand and expect them not to be an exceptional burden on the taxpayer on the other. The problem we will face is whether it is a good idea that the taxpayer should subvent freight movement throughout the country. That is a road I would be loath to go down in terms of the taxpayer subsidising the private sector for the movement of their goods throughout the country. That is a serious question that must be answered.

Ms O. Mitchell: They made no effort whatsoever to——

Mr. Cullen: I take the point. The Deputy has made the point publicly, and made it well. I would be on the same track — no pun intended — as would most people. I hope we can come to a decent outcome on this issue.

Public Transport.

23. **Ms Shortall** asked the Minister for Transport the reason for the delay in announcing the ten-year plan for public transport; and if he will make a statement on the matter. [21561/05]

Mr. Cullen: I do not accept that there has been any delay in publishing the plan. An outline of the draft transport investment framework is currently under active consideration by the Cabinet Committee on Infrastructure, Housing and PPPs. When the committee has concluded its consideration I will bring my proposals to Government as quickly as possible.

The transport investment framework will build on the work already completed under the transport element of the national development plan. It will also take account of the work already done on investment priorities under the current capital envelope to the end of 2009 and of the various strategic studies already completed by my Department and its agencies, including A Platform for Change, the strategic rail review and the national road needs study. More specifically, my

Department has engaged with Córas Iompair Éireann, the Railway Procurement Agency, the National Roads Authority, the Dublin Transportation Office and other local authorities to identify the broad direction and priorities under the investment framework.

It is a fundamental requirement that in so doing we propose an integrated solution to the transport challenges facing us and not merely a sectoral response.

It is not possible to outline the specifics of the draft framework or the level of funding to be made available pending the completion of its consideration by the Cabinet committee and a decision by the Government. However, the broad direction of the framework is expected to be along the following lines: completion of the major inter-urban motorways by 2010 and the upgrading of the rest of the national road network over the period of the framework; transformation of the transport system in the greater Dublin area, with a particular focus on the public transport network; completion of the renewal of the national rail network, with a major focus on the provision of enhanced services; upgrading of the public transport services in provincial cities and in the regions; addressing the management of the demand for transport; ensuring the accessibility of the public transport system to people with disabilities; and mainstreaming the rural transport initiative into the transport investment programme.

Ms Shortall: I put it to the Minister that there has been a considerable delay. This plan was first announced in the budget last December and the Minister told me in a reply to a parliamentary question in March that he had made the presentation to the Cabinet sub-committee. Three months have passed since that presentation and no decision or announcement has been made. Will the Minister accept that the effect of that is that all developments regarding transport have been put on hold? The Minister has created considerable uncertainty within the transport companies and meanwhile people continue to sit in cars in congested streets, wait in long bus queues and are squashed into overcrowded trains and the Luas while he cogitates on this and we wait for him make a decision. Time is ticking away. The Minister's predecessor did very little in terms of an overall plan for transport. The Minister promised this plan but six months after the announcement a decision has not yet been made on it.

When does the Minister expect to be in a position to announce the details of the famous ten-year plan? Can he tell the House what will then be the status of A Platform for Change, the previous framework for transport development for the city? What is the status of that framework now and are there various elements of it on which we have all been waiting for umpteen years? Will they be put in place now or fast-tracked or will they be shelved? Will this turn out to be another pre-election stunt as was A Platform for Change?

I looked at the Minister's Department website today and saw this map showing plans for a metro that will go from Bray, through Finglas to Dublin Airport, with a spur to Blanchardstown and going all the way to Clondalkin. Does the fact that this map is on the Minister's website mean that this is current transport policy? Will this be part of the Minister's ten-year plan? Will the Minister let us know his intentions in that regard? We need some action because people are sick and tired of waiting for a decent public transport system.

Mr. Cullen: I would make two points in response to the Deputy. First, there is a five year plan and budgeting framework in place and all of that becomes part of the overall ten year investment. There is no stoppage on companies. I note in a positive way that the NRA is continuing to roll out its programme. Bus Éireann is continuing to fulfil its orders and enhance its rolling stock. Iarnród Éireann is doing the same. The Luas investment has gone ahead. The investment in the DART is visible as we speak, although I realise inconvenience is caused to customers at week-ends. There is a huge amount of work going on.

Ms Shortall: When will the Minister announce the plan?

Mr. Cullen: I have a fairly clear view at this stage of the framework but the question the Deputy will pose to me is whether I have applied due diligence to the costs. The figures involved in terms of the financing are very significant, as the Deputy can appreciate. In fairness, the Minister for Finance wants to be sure that the moneys we put in to the budget line for the next ten years will not be out of kilter with the costs as they arise. That is a substantial exercise and it has given rise to various questions about some aspects, which are quite legitimate and must be answered. If there is a delay it is a delay in a positive sense in terms of trying to finalise these points.

Ms Shortall: When does the Minister expect to be able to announce it?

Mr. Cullen: I am not in absolute control of this in the sense that I am waiting for people to get back to me on some technical and financial aspects. As soon as that happens I will go back to the Government as quickly as possible. I accept it is much better from the Government's point of view and that of the different companies involved in public transport that they have clarity on the issue as quickly as possible to allow enhanced activity in terms of what is required in all the areas of public transport. I do not have an argument with the Deputy on that but I have to be sure that the day I announce this plan on behalf of the Government, and when people look at figures, the hard cash will be provided with it, unlike previous plans or visions. Everyone will welcome that because it will bring certainty to companies,

[Mr. Cullen.]

whether they are in the public or private sector, in terms of investment.

The third point was about A Platform for Change. The Platform for Change proposals are being integrated with this plan. There are specific Platform for Change proposals, Luas proposals, metro proposals and Iarnród Éireann proposals, all of which have much merit. We must ensure that when we finalise those proposals they all integrate and that, whether we choose one or the other, they connect up. The Deputy has heard me say previously that if we are investing in inter-city rail it is important that it can connect to the main hub of transport, be it Luas, metro or DART connectivity, and that all of that works in a cohesive way. It is not about favouring one company over the other but about considering what delivers for Dublin. There are other rail proposals and substantial road proposals for the rest of the country, which are key to the spatial strategy. We have engaged with local authorities to be absolutely sure they are lined up with what we want to do. The local authorities have rightly made the point that we should be well aware of the sort of investment they want to make and the direction of their planning proposals, for example, where major new housing or commercial developments will take place.

We want to plan the transport network now, not when developments are completed. It has been one of the curses of the country up to now that we have built first and introduced transport years later. I do not want to go down that road again.

An Leas-Cheann Comhairle: We must move on to the next question.

Ms Shortall: Plans were in existence in the past but the Government did not deliver on them — that is the difficulty. I asked the Minister when he might announce details of the ten-year plan. The public wants to know when they can expect relief from the chronic congestion they deal with daily, particularly in Dublin city. The Minister has already given the go-ahead to the extension of the M50. However, despite the spending of countless millions of euro and all the inconvenience to the public, there will not be any improvement of traffic congestion because the Government has failed to deliver on the commitments made under A Platform for Change. When will the Minister fast-track the major public transport initiatives in the pipeline, which have been researched and costed, and which await decision and action by the Government? That is what we want to know.

Mr. Cullen: I do not agree with the Deputy's opening statement. Next week, the opening of the final stage of the M50 will make a huge contribution to the completion of the network.

Ms Shortall: It will not make any difference to congestion.

Mr. Cullen: Having a motorway connecting the M11 and the M1 is a huge step forward.

Ms Shortall: The environmental impact statement stated it would not make any difference to congestion.

Mr. Cullen: Anybody I have met who travels regularly from Cork to Dublin — this is not political — told me the transformation of that road is astonishing. That includes those who used to have to fly because of the traffic.

An Leas-Cheann Comhairle: We must move on to the next question. We are well over time.

Ms Shortall: Does the Minister accept the findings of the EIS on the M50?

Mr. Cullen: I am not blind to the problems on the M50.

Ms Shortall: It will have no impact on traffic congestion.

Mr. Cullen: I accept there are problems on the M50. I have made clear that my view of the resolution of the problems in Dublin, including, in large measure, those on the M50, will be the development of a public transport network to create an alternative mode of transport.

Ms Shortall: All the Minister is doing is talking about public transport. We want decisions and action.

An Leas-Cheann Comhairle: We must move on to the next question.

Mr. Cullen: I am some months in this office. I have told the Deputy I will make decisions. I have done so on aviation; I intend to do so on this issue as quickly as possible.

Ms Shortall: When?

Mr. Cullen: As quickly as I can.

An Leas-Cheann Comhairle: We must move on to the next question.

Ms Shortall: The Minister is making promises but there is no action.

Mr. Cullen: There is action.

Ms Shortall: People are sick and tired of traffic congestion.

Mr. Cullen: Neither the Deputy nor I have a magic wand to turn around tomorrow morning and end the real problems that exist.

Ms Shortall: Nobody said anything about a magic wand.

An Leas-Cheann Comhairle: We must move on to the next question.

Rural Transport.

24. **Mr. McHugh** asked the Minister for Transport if he will put in place a rural transport service to cover the north-east Galway region to enable elderly persons with no transportation of their own to be provided with transport to local towns and services; and if he will make a statement on the matter. [21489/05]

Mr. Cullen: My Department is funding the provision of public transport in rural areas on a pilot basis through the operation of the rural transport initiative, RTI. The RTI has been operating since 2002 and, under it, funding is made available to 34 community organisations throughout the country to provide local transport services. It is not proposed to expand the number of projects pending the conclusion of the pilot phase of the RTI at the end of 2006. I have already announced that from that date I intend to put the scheme on a permanent footing. The RTI makes a daily difference to the lives of thousands of people and it is for this reason I have put it on a permanent financial footing.

Area Development Management Limited administers the RTI on behalf of my Department. ADM and the individual RTI groups are solely responsible for all the operational aspects of the initiative, including the areas to be served by transport, and neither my Department nor I have any role in these matters.

This year I have allocated €4.5 million for the RTI, which is a 50% increase on the allocation for 2004. This should allow individual RTI groups to make some modest expansion of services in some areas. The provision in 2006 will be €5 million. This will bring the total national development plan, NDP, provision to more than €18 million, compared with the original NDP commitment of €4.4 million.

In the period up to the end of 2006 my Department will engage in a wide-ranging consultation process to seek proposals for a permanent structure for the RTI. In developing these proposals I will pay further attention to the transport needs of rural communities such as those to which the Deputy referred.

Mr. McHugh: I thank the Minister for his reply. However, it does not give hope to the thousands of rural people who do not have a transport service. Will the Minister admit that the service as currently constituted is unsatisfactory and discriminatory in the sense that it covers some rural areas but not others. To put it mildly, it is unsatisfactory that one person might have a service while a neighbour might not. It is also discriminatory given that a free travel scheme is in place but rural residents cannot avail of it, which is wrong.

While the Minister's party gets much support from rural areas, it does not treat those areas well

by not ensuring the service is available for use by everybody, not just a select few. For example, a transport initiative is in place to cover part of my constituency of Galway East but a large chunk of the constituency has no service. I do not understand why it will take a total of three years before the Minister reviews the scheme. As a pilot project, why was it not run for one year to assess its operation before making an evaluation and developing proposals to put it on a permanent footing?

The Minister may not be aware that some people in rural Ireland live in a tunnel of loneliness and isolation because they have no contact with others for weeks at a time. If they had a transport service, they could avail of it, perhaps for weekly trips to a local town to do shopping, meet people and have some contact with others.

Does the Minister have the will to take this on now rather than waiting for 2006? The scheme has proved itself and the Minister and his officials have enough experience of it to make a judgment as to how to move forward. There is no need to wait until 2006. It is unfair on rural people who do not have a service to drag the process out for another year and a half.

Mr. Cullen: This is one of the most successful schemes ever introduced here. I have taken the time to assess it, having viewed its operation, met those who use it and travelled on the buses. Shortly after I came into office, many Deputies persuaded me of the value of the scheme. I was strongly persuaded it should be made permanent and provided with increased funding, given its huge impact, as the Deputy rightly noted, on the lives of many who are isolated in rural Ireland and unable to access services, meet friends, travel into towns and feel part of everyday living. The service has clearly transformed lives, as all its users I met have told me.

In response to what colleagues and those who use the service said, I increased the budget by 50% this year. Nothing like this was done in any other area. I have further indicated what the figure will be next year. Despite an original commitment of €4.4 million for the total period, we will have spent €18 million. It would be wrong to state there is not a huge a commitment to this initiative.

All the groups involved have responded positively to my announcement because they now have certainty on what will happen this year, certainty in their budgeting for next year and certainty that the scheme will become permanent. In the meantime, we are talking to all the different groups involved to ascertain the best structure for a fully rolled-out permanent scheme throughout the country. I would like every part of rural Ireland to be able to avail of this service, which is the object of the exercise.

Some 35 schemes are in operation at present. They are well funded and delivered approximately 65,000 RTI transport services last year, totalling more than 500,000 passenger trips. The

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impact is very significant and we will do more. There are two successful schemes in County Galway, one in Bealach in Connemara and the other in south-east Galway. We would like to have these schemes extended not just to Deputy McHugh's area but to other parts of the country, and we are well on track to achieve this. All the organisations involved have thanked me for what I have done and for allowing them the timeframe in which to maximise the work of the schemes.

Some of the schemes work extremely well in that almost the entire budget goes into the service. In some schemes the proportion of the budget that goes into the administration is high relative to the amount that goes into the service. This concerns me and I do not think it is necessary. Some people have tried to set up large organisations to run this while others have shown me how this can be run in a cost efficient manner in co-operation with the local authorities. More services can be obtained because the more money that is put into services, rather than administration, the more one benefits. I want to look at why this has happened in some areas so we can maximise the money to the benefit of the customer.

Mr. McHugh: What exactly does the Minister mean when he says he will put the initiative on a permanent financial footing from 2007? Is he referring to the initiative as it currently exists, or will those areas still be without a service? Does he mean there will be blanket coverage?

Mr. Cullen: That is a good question. That is why I have asked the groups what they want. The one thing that is certain is that this scheme will not end. This was tried as a pilot scheme and it will now be a permanent scheme for the entire country. It will not be limited to those that have it currently. I want to look at how we can expand it around the country and make the most of it.

Public Transport.

25. **Ms O. Mitchell** asked the Minister for Transport the number and details of private operator bus passenger licences for new routes awarded by his Department's licensing unit each year from 2002 to date; the number of such requests awaiting a decision; his Department's policy toward the role of private bus operators in providing commuter services in major urban centres; the number and location of new routes commenced by Dublin Bus and Bus Éireann each year from 2002; and if he will make a statement on the matter. [21508/05]

Mr. Cullen: My Department was unable at short notice to collate the information requested for the years prior to 2004. This information will be forwarded directly to the Deputy as soon as possible.

The numbers of passenger road licences issued to private operators for new routes and the numbers of new routes by Dublin Bus and Bus Éireann noted each year from 2004 to date are as follows: 138 passenger road licences were issued to private bus operators for new routes in 2004; there were 24 notifications to State bus companies for new routes; and in 2005 so far, 72 licences have been issued to private operators and there have been two notifications to the State for new routes.

The information provided relates only to new routes. There may be cases where existing routes have been amended to include new services, re-alignment of an existing route or to extend the existing route, for example to a university, and this information is not included in the records supplied. However, the Department will be happy to forward this information to the Deputy should she require it.

The commencement of new routes by State bus companies is an operational matter for Dublin Bus and Bus Éireann. However, the information given includes the proposed implementation date and the date the proposed route was noted by my Department. I can advise the Deputy that as of 17 June 2005, there is a total of 74 applications for passenger licences for new routes on hand in my Department. These applications are at various stages of processing. In the case of two applications carried over from 2003, my Department has had extensive correspondence with the applicants and they are now at an advanced stage of consideration. I expect decisions will be given shortly. Of the remaining number, 24 applications on hand were carried over from 2004.

The Road Transport Act 1932 provides the legislative basis for entry to the public transport market by private bus operators. In accordance with this legislation, private operators are licensed to operate coach and bus services within the State. At any time there are approximately 500 licences held by private bus operators for a range of public bus services including regular scheduled services, school and college services, occasional bus services for special events such as concerts, city tours and so on.

My Department is required, under the provisions of the Road Transport Act, to apply a range of criteria in considering applications. These include a public interest test and issues such as frequency, capacity, adequacy or otherwise of existing services and availability of buses. Generally, the "public interest" is interpreted as being best served by enhancing and facilitating an expansion of the range of public transport services available to the public as opposed to allowing unrestricted competition for market share.

The adequacy or inadequacy of existing services and the net benefit to the public interest of a proposed service is assessed by the Department on the basis of the best evidence available to it. This includes evidence submitted by the applicant in support of the licence application,

and outcome of consultations with such interests as local authorities and regional, community and business groups. The Department also examines applications for their added value to the public in terms of the route and locations to be served, the timing of services and the days on which services are available, in order to maximise the availability, regularity and frequency of service.

Additional information not given on the floor of the House.

The Road Transport Act 1932 does not provide for any distinction between passenger road services in rural or urban areas. In accordance with standard practice, all licence applications and notifications are dealt with on a first come, first served basis. However, pressing or exceptional circumstances can be taken into account in determining the order in which applications are dealt with. This would, for example, cover applications for passenger services to operate in conjunction with other transport modes such as Airport services or Luas feeder services, time-bound applications such as tour services or student services and commuter services, for example, in conjunction with the development of a quality bus network.

Such exceptional treatment is based on added value in terms of integrated transport, reducing congestion and meeting peak demand. However, due consideration must be given to all existing services and prior applications for passenger services on the same or similar routes in accordance with the Road Transport Act. The provisions of the Road Transport Act no longer provide an adequate basis for regulating the bus market and discussions are currently taking place with all the stakeholders with a view to replacing the Act with a modern regulatory framework, in line with the commitment in the programme for Government.

In this context, I propose to establish an independent national public transport commission to, *inter alia*, allocate Exchequer subvention for public transport services, both bus and rail, through public service contracts, to license commercial bus services and regulate fares on all rail services, Luas and buses.

Ms O. Mitchell: I feel almost moved to tears because I have asked this question year in, year out and nothing seems to change. I have raised the issue of additional capacity for Dublin Bus. We are looking for more busses, not a fanciful interconnector or a metro. Busses are cheap and flexible and can be delivered relatively quickly.

Why is that not happening? Dublin Bus does not have the busses and no one else is allowed to provide the service. There are almost 200 applications on hand, of which 74 are for new licences, in some cases for two years. The Minister has received more applications for licences where the applicant simply wants to enhance the service and the Department will not provide an answer.

There is a major conflict of interest between the Minister as the licensing operator for private operators and as shareholder of CIE. How can the Minister stand over a situation where someone waits over 18 months to get a licence and the very day they receive a licence and put their buses on the route Dublin Bus or Bus Éireann appears on the route for the first time? Neither could provide a service until they had some competition.

I ask the Minister to do one of three things and I do not care about the ideology involved. He can give buses to Dublin Bus, give licences to private operators or he can appoint a regulator and let the regulator organise the buses.

People need extra capacity. People, whose children are growing up, are growing old waiting on any kind of bus service. Entire communities were promised by the previous Minister that if houses were built on the basis of sustainable development, buses and trains would follow. None of it has happened. The houses are there, the children are growing old, in some cases there is a second generation, yet no bus has arrived.

It is unforgivable as the public interest is not being served. I do not know whose interest is being served. I cannot believe there is no progress on this matter because the Taoiseach wants to keep the unions happy. I cannot believe the public interest should be dumped to such an extent that this reason is the motivating factor. When will we see some action that will get extra capacity? It can be done quickly and we can put people out of their misery.

Mr. Cullen: If it is any consolation to the Deputy I first spoke on this Bill in the House over 20 years ago. The Road Transport Act 1932 is totally inadequate. It no longer provides an adequate basis for regulating the bus market.

Ms Shortall: The Government has been in power for eight years.

Mr. Eamon Ryan: The Minister's party has been in Government for 18 of the last 20 years.

Mr. Cullen: We need a completely different framework to deal with it. I understand the Deputy's frustration. Now I have the opportunity to do something about it and I intend to do so. I wish to clarify one point relating to the number of buses and the capacity of Dublin Bus. The capacity of Dublin Bus has expanded enormously.

Ms O. Mitchell: It has not expanded as much as the population.

Ms Shortall: There has not been one extra bus.

Mr. Cullen: The type of buses has changed, resulting in a capacity expansion of 25%. The number of buses may not have changed but the type of vehicle and the capacity has changed. There has been a huge expansion in the capacity

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of Dublin Bus. I am not making the point for political reasons but because it is misunderstood.

The Deputy is correct in stating that a conclusion must be reached. I do not think it is right the Minister or Department as the shareholder in a State company is also the regulator in the market. There is a conflict of interest and one cannot be both gamekeeper and poacher. We need an independent body to look after the issuing of licences and the subvention for the provision of public services through the bus network.

Ms O. Mitchell: Will there be a regulator or a public body for procuring services before the next general election?

Mr. Cullen: With the help of Deputies Olivia Mitchell and Shortall I certainly hope so.

Ms O. Mitchell: The Deputy is the Minister in charge of the Department.

Ms Shortall: It was in the programme for Government and it was dropped.

Mr. Cullen: I will do everything I can. The Bill is being readied. I am working on the Bill, despite everything else.

Ms Shortall: What is the Bill to which the Minister is referring? The Bill is off the programme.

Road Safety.

26. **Mr. Crowe** asked the Minister for Transport if he has satisfied himself that the best practices in terms of ensuring passenger and driver safety are being followed on public transport buses; if he has had any communications on this issue; and if he will make a statement on the matter. [21477/05]

Mr. Cullen: An extensive range of requirements must be satisfied to use a bus in a public place. In this regard all buses are required to comply with statutory requirements for the construction, equipment and use of vehicles as set out in the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 to 2002, the Road Traffic (Construction and Use of Vehicles) Regulations 2003 to 2004, and the Road Traffic (Lighting of Vehicles) Regulations 1963 to 1996.

Safety standards applied under these regulations relate, *inter alia*, to maximum passenger accommodation including the circumstances where standing passengers may be carried, maximum dimensions, overall vehicle weight and axle weight limits and the fitment of speed limiters. Notwithstanding the general speed limits that apply to vehicles, single deck buses are subject to a maximum speed limit of 80 km/h with double deck buses subject to a maximum speed of 65 km/h. Buses over one year old are liable to annual roadworthiness testing in accordance with

the European Communities (Vehicle Testing) Regulations 2004.

In order for a private bus operator to operate a passenger road service, the operator must hold a passenger licence issued by my Department in accordance with the Road Transport Act 1932. One of the requirements to be satisfied for such a licence is that each bus to be used on the proposed route is licensed as a large public service vehicle in accordance with the Road Traffic (Public Service Vehicles) Regulations 1963 to 2002.

Tachograph recording equipment in passenger vehicles comes under Council Regulations (EEC) Nos. 3820/85 and 3821/85 and Statutory Instruments Nos. 392 and 393 of 1986. These regulations are enforced in respect of buses with a seating capacity of more than 17 persons, including the driver. Tachograph record sheets are used daily by the driver and these record the hours driven, breaks and rest periods.

The basic rules provide that after four and a half hours driving, a driver must take a break of at least 45 minutes; a daily driving period shall not exceed nine hours, but may be extended twice in any one week to a maximum of ten hours; in each period of 24 hours, a driver must have a daily rest period of at least 11 consecutive hours; and after six days driving a driver must observe a weekly rest period of 45 hours.

The tachograph record sheets are inspected on a regular basis by inspectors from my Department. The enforcement occurs at the premises of operators and at roadside checks. Both operators and drivers have a responsibility to ensure compliance with the regulations and both are prosecuted in the case of non-compliance on drivers hours.

Additional information not given on the floor of the House.

All other passenger vehicles that do not come within the scope of the above regulations are covered by section 114 of the Road Traffic Act 1961 and Article 15 of the Road Traffic (Public Service Vehicles) Regulations 1963 applies also.

These regulations are enforced by the gardaí and provide that a driver shall observe a break of 30 minutes after five and a half hours driving; a driving time of 11 hours and a rest period of ten hours must be observed in each period of 24 hours; and, in accordance with the regulations of 1963, a driver shall observe a weekly rest period of 24 hours after each period of seven days driving.

Bus Éireann and Bus Átha Cliath have confirmed to my Department that they comply fully with all relevant legislation concerning drivers, vehicles and health and safety.

As with all matters of public importance, my Department receives correspondence concerning these issues from time to time. I am, however, satisfied that the aforementioned regulations and controls provide a framework for a safe, con-

venient and comfortable bus transport system both for passengers and drivers.

Mr. Crowe: The Minister is aware that there have been a number of high profile accidents recently and no doubt we will receive a report on them in due course. Is anyone in the Minister's Department carrying out an overview of these accidents and what caused them? Is the Minister aware that some Dublin Bus drivers are regularly clocking up to 90 hours plus per week? Others have medical certificates stating that they are unfit for driving work, yet they are being pressurised daily to undertake such work. Does the Minister have any view on this matter? Is he satisfied that cost-cutting, particularly on bus maintenance, is not endangering passenger and driver safety? How often do health and safety officers call to maintenance depots and is prior notice given before their arrival?

Concerns have been expressed about the use of substandard seats on Dublin Bus vehicles, which have caused serious back injuries to many drivers and miscarriages for pregnant women, fuel fumes in the lower decks of buses and faulty brakes prompting drivers' fears of brakes going on fire. Is the Minister aware of any of these issues? I have received correspondence about these matters and I understand that similar letters have also been sent to Ministers and other Deputies. We never hear the Government's view on these issues, however.

An overall investigation is needed into public transport safety. During the summer recess the Minister's Department should investigate this whole area, including the concerns I have raised. Perhaps answers could be provided not only to me but also to the Joint Committee on Transport.

There is growing concern among drivers about the pressure under which they are working. I am not sure if this matter comes within the Minister's remit, but it affects drivers and their passengers. Will the Minister bring together a number of people to investigate these matters? The request is a reasonable one given that a number of serious accidents have occurred recently involving buses.

Mr. Cullen: I have no knowledge, and no information has been presented to me, that Dublin Bus, Bus Éireann or any other State companies are breaking the law on a daily basis, as the Deputy has suggested. If that were the case, it would be a matter of the most serious gravity. If the Deputy has evidence of this wanton law-breaking, as he has suggested, by State companies and those who work for them, he should present the evidence either to the Garda Síochána or to me, and I will pass it on to the Department. My understanding is, however, that Dublin Bus and Bus Éireann, the two State bus companies, operate at all times under the strict letter of the law. It has never been suggested to me, either in writing or orally, as the Deputy has done, that anything other than the highest standards are applied by those companies.

We are all concerned with recent tragedies that have occurred in the public transport area. We all await the outcome of those reports which are compiled by the Garda Síochána and others, not by my Department.

The accusations the Deputy has levied in the House are extremely serious for the employees of the companies, whom he has accused of being complicit in law breaking, and equally from the viewpoint of management which, the Deputy claimed, has exerted undue influence on workers to encourage them to break the law. These are extremely serious charges and the Deputy should present the evidence to me or to the Garda Síochána.

Mr. Crowe: Is the Minister saying that he has not received correspondence from drivers about this? My information is that letters were sent to the Department, although it may have been before the Minister's appointment. The letters were sent, however, and I am told that other Deputies received similar correspondence.

The Minister has not answered the question about substandard seats for drivers on Dublin Bus causing serious back injuries. The Minister does not appear to be aware of that problem, the dangers of miscarriage for pregnant women or fuel fumes on the lower decks of buses. Has the Minister been on a bus and smelt such fumes? Is he aware of faulty brakes or drivers' fears of brakes going on fire? Is the Minister aware of any of these matters or is he in the dark, as was the kitchen downstairs earlier?

I am making a simple request arising from my concerns and those of the drivers involved. This is a priority question and perhaps other Deputies received the same correspondence that I did. I am concerned because I think there is a tragedy waiting to happen. I will pass on the information that I have been given to the Minister. If he suggests it should also be furnished to the Garda Síochána, I will do that as well. My understanding is, however, that when drivers produce letters from their general practitioners stating that they are unfit to drive buses, pressure is put on them to drive on those routes. That is second-hand information but it has been furnished to me. It is a serious accusation but I felt it was important to raise it here as I have been given that information.

Mr. Cullen: I reiterate that I would be deeply concerned if such practices occurred in any State companies, as I am sure all of us would be. I would like to see evidence of such practices, however. That needs to be established. The day-to-day operation of the companies is a matter for the companies themselves. As Minister, I do not have a role in interfering with the daily operation of any of the companies concerned, and rightly so, nor would any Minister under whose remit State agencies operate. Such bodies are legally given that independence of operation and they should be allowed to get on with the job.

[Mr. Cullen.]

I would be interested to receive whatever the Deputy has to send to me. I cannot personally recall receiving in writing any of the accusations to which the Deputy referred, but I will certainly check in my office whether such information was sent directly to me.

Other Questions.

Public Transport.

27. **Mr. Eamon Ryan** asked the Minister for Transport the research that has been carried out on the proposed new Luas Line to Rathfarnham as was recommended in the Dublin transportation platform for change transport plan 2002; if a preferred route alignment has been identified; and the estimated cost and timescale for the construction of the project. [21098/05]

Mr. Cullen: My Department is preparing a ten-year transport investment framework. The draft framework takes account of the work done on investment priorities under the current capital envelope to the end of 2009. It also takes account of the various strategic studies completed by the Department and its agencies, including A Platform for Change which recommended, among other things, the development of a new light rail line to include Rathfarnham.

An outline of the draft ten-year transport investment framework is under consideration by the Cabinet committee on infrastructure, housing and PPPs. I will bring specific proposals to Government in due course once the Cabinet committee has concluded its work.

Mr. Eamon Ryan: It would be nice if the Minister answered the question. Has his Department done any research since the study, A Platform for Change, was produced in 2002? The Government approved it as official policy, within which an indicative timescale was included. This Rathfarnham Luas line, which would connect with the Dundrum line, through the connectivity about which the Minister spoke earlier, would commence, possibly, in 2006 and be completed by 2010. Given that the Government has officially approved this route, that it has an indicative timetable and the broad research on it is done, what further research has the Minister done on it? Has he an estimated cost on the proposal and when does he think it can be completed? As the Minister has not answered my question, I presume he has not got those details. How can he consider this project as an example within the ten-year frame if he has not done the detailed cost and route analysis to work out whether it is one of the projects that should go ahead?

As a Deputy for the area, I think the route should go ahead. From my awareness of the logjams day in and day out in the area, I think this project would give a much better return than

many of the mad, over-designed roads being built around the country. This route, like the hugely successful other Luas lines, would carry tens of thousands of people in and out of Dublin every day. The Government has officially approved this route as evidenced by the plan approved before the last election and the initial route work has been done by the DTO. Has the Minister followed up on that and done the detailed cost estimates and research so that it can be included in the ten-year plan?

Mr. Cullen: I will not get into the detail of individual projects in the House in advance of publication of the plan, despite the many of my colleagues who have been pressing me on various projects.

Ms O. Mitchell: This project was already in the five-year plan.

Mr. Cullen: The RPA is charged with the roll-out of the Luas. It has been talking to all of the local authorities and has assessed the cost effectiveness of many different options throughout Dublin. Some, obviously, appear far more cost effective than others. There is a great willingness on the part of the private sector to invest substantially in Luas lines in different areas, which is extremely helpful to the State. The more money we can get into these projects from the private sector, the greater number of projects we can deliver. In terms of the technical and financial assessment of the projects, the RPA is charged with that.

Mr. Eamon Ryan: I do not presume the Minister's decision, and as the Minister, it is his decision. I simply want to know if the Minister has a projected cost for this project and if so, what is it?

Mr. Cullen: Many of the Deputy's constituents, from all parties, have been on to me about how valuable is this project. The RPA is carrying out its assessments on a myriad of projects on the Luas lines in Dublin, some of which we have asked specifically about. It must cost some of them and ensure they stand up and are deliverable. In advance of the final decisions being taken in Dublin, I will not comment on any specific route. I will not go further than I have gone this afternoon with the Deputy.

Ms Shortall: I asked the Minister earlier about the map on the Department's website, a copy of which I downloaded and have here. This map has been on the website since before 2002; it was the 2002 pre-election transport stunt. What is the status of this map? It shows Rathfarnham linked by metro to Bray and northside to Finglas and Dublin Airport. As it is on his website, will the Minister tell us about its current status? Is it fantasy or was it just an election stunt in 2002? Why is it still on the website and does it mean anything? Does the Minister intend to implement it?

Mr. Cullen: That proposal would not be adequate now to meet the needs of what is required for Dublin. I am in the process of substantially enhancing some of the projects outlined on that map. The two Luas lines are up and running with substantial passenger numbers. The public sees Luas as very successful and wants more. We are trying to finalise the marrying of Luas, possibly metro, DART, intercity trains and buses, and bus lanes etc. into a cohesive outturn for delivery of public transport in Dublin. I hope one of the consequences of this will be to reduce traffic in the centre of Dublin and provide public transport as the real alternative. Some people will like that. The reality is that we must also manage the traffic in Dublin and elsewhere.

Ms O. Mitchell: I am quite appalled to hear that the RPA is assessing projects that were the basis of the Minister's election platform in 2002 as projects that had been selected and agreed by the Government. This morning I got on the Luas at its third stop at 8.15 a.m. At every stop after that people were turned away because the line was at capacity. The Rathfarnham line, to which my colleague referred, feeds into that line. Is it not true that the Rathfarnham line cannot go ahead unless there is an upgrade to metro? That is the only way we can have that line. Given that is the case, can the Minister give us a timescale for the Rathfarnham line?

Mr. Cullen: I congratulate the Deputy, as she certainly knows what she is talking about. That is one of the key issues. It regards segregation and non-segregation and how the two can work together or whether they can work cohesively. I am happy that the evidence presented to me is that they can, and we have good examples of that from Germany. The Deputy is right. We can get greater capacity on metro type carriages and with a metro type system than on Luas. We can also get far higher frequencies on it. Metro carriages are up to 100 m long as opposed to the current length of Luas carriages, which is approximately 35 m.

Ms Shortall: When will the Minister do it? We know all this.

Mr. Cullen: I am trying to indicate by my answer that I am engaged on this. I have learnt much in recent few weeks. I have listened to Deputies Mitchell and Shortall, who lead on these issues more than others, but their questions are not easily answered. The Deputy knows that as well as I.

The transport budget for the country is not limitless. No matter what substantial projects we carry out over the next ten years, every wish list cannot be accommodated in our economy, even if we shut down all resources into education and health. The balance of what I have picked up, particularly from those who promote the excellent platform for change argument, is an emphasis

on an integrated network and public transport rather than roads, as Deputy Ryan has been suggesting for some time. I hope we will have this shortly.

Mr. Eamon Ryan: The Minister's flattery of some of the Opposition spokespersons on transport is truly touching — such a great meeting of minds.

Mr. Cullen: It was an honest assessment. I am damned if I do and damned if I do not.

Mr. Eamon Ryan: I would worry if I were Deputy Mitchell at getting such flattering compliments from across the floor. I will move away from questions about a specific project. Six additional Luas lines were to be built as part of the platform for change. The Minister says the RPA is looking into this area. Did the Minister instruct the RPA to look at all six and come up with detailed costings and route analysis for each of them? After he has made his decision on which ones to select, will the Minister make available the costings on the route alignments to assist Deputies here, when there is a change of Government after the next election, to possibly revise some of the ten-year timetable? Hopefully, we as a future democratically elected Government will be able to do that.

Mr. Cullen: I doubt that day will ever come. However, I look forward to seeing how the different approaches between the three parties will be resolved in the area of public transport. To answer the question, I have asked all of the bodies that have proposed projects to do assessments for me. On a number of routes there were proposals for DART, metro and other conflicting modes of transport. Obviously, we want to get the most efficient and best mode of transport. The possibility of some new Luas lines is more advanced than others for a myriad of reasons. They may be more obvious and we could probably deliver them more quickly and easily. We may be able to overcome difficulties with other routes by doing something with metro or otherwise, but we will wait to see the outcome of the assessments.

Decentralisation Programme.

28. **Mr. McCormack** asked the Minister for Transport if he is satisfied with the progress made to date in the decentralisation of State agencies under his control; his views on the number of posts to be decentralised in each location; the number of personnel identified and willing to move to these locations; the work which is under way to ensure full-take up of this scheme to fill the specified number of posts in each location; and if he will make a statement on the matter. [21220/05]

Mr. Cullen: A number of posts, including 40 posts in the road haulage division of the Department of Transport and ten posts in the National

[Mr. Cullen.]

Safety Council, have been identified as early movers under the decentralisation programme. The 50 posts in question are being relocated to Loughrea. I am satisfied with the progress being made in this regard. Nineteen people in the Department of Transport have expressed interest in moving to Loughrea. In the context of the Driver Testing and Standards Authority Bill, which is before the House at present, I am considering whether additional road safety functions, including some of the functions proposed for Loughrea, can be given to the authority. That could increase the level of flexibility associated with the decentralisation of the 50 posts identified for Loughrea. Implementation plans have been prepared in the meantime. The Office of Public Works is making good progress in identifying a suitable site at Loughrea.

Plans for other agencies are at an early stage because they have not been identified as early movers by the decentralisation implementation group. Discussions are continuing between the

Department of Transport, the agencies and the Department of Finance. Implementation plans are being updated. There may be some variations in the plans for the relocation of posts as implementation plans are finalised, but I expect the projected numbers in each location to be achieved. There is a particular issue with the Bus Éireann numbers. While the proposal to relocate some headquarters posts in the company to Mitchelstown remains unchanged, the company has identified just 86 posts as being suitable for decentralisation. The target number of Bus Éireann posts to be decentralised is 200. The difficulty presented in that context is being examined by the company.

The table that follows this response outlines details of the number of posts under the aegis of the Department of Transport which will be decentralised to various locations and the number of applicants who have indicated their willingness to move to the locations in question. The Department of Finance is in discussions with the unions and staff associations of the State agencies with a view to progressing this issue centrally.

Agency	Location to which it is proposed to decentralise agency	Target number of posts to be decentralised	Number of expressions of interest from within the agency	Number of expressions of interest from outside the agency
Road haulage division of the Department of Transport	Loughrea	40	19	73
National Safety Council	Loughrea	10	0	29
National Roads Authority	Ballinasloe	90	1	63
Irish Aviation Authority	Shannon	100	2	10
Railway Safety Commission	Ballinasloe	20	0	4
Bus Éireann	Mitchelstown	200	0	13

Ms O. Mitchell: I am in favour of decentralisation in cases in which it makes sense, as long as it is done in sufficient numbers to create a critical mass. I do not accept the Government's scattergun approach. I am particularly disturbed by the proposal to decentralise specialist agencies such as the National Safety Council, the Irish Aviation Authority and the Railway Safety Commission which are under the aegis of the Department of Transport. One cannot expect members of staff from the Department of Community, Rural and Gaeltacht Affairs, for example, to be able to perform the specialist functions which are undertaken in such bodies.

The Minister said that 86 jobs in Bus Éireann have been deemed to be suitable for decentralisation, but none of those who are employed in those 86 jobs is willing to move. Just two employees of the Irish Aviation Authority have expressed an interest in being decentralised to Shannon. No officials from the Department's road haulage unit or the Railway Safety Commission are interested in the decentralisation programme. Nobody in the National Roads Authority wants to go to Ballinasloe.

Should the entire scheme, other than the parts of it involving non-specialist staff from the Department of Transport, be abandoned? I have concerns about the loss of value that will result from the loss of specialist staff. Problems will be encountered when the various agencies try to recruit specialist staff to fulfil the terms of the decentralisation programme, which does not seem to make sense. Is the Minister reconsidering the project? I suggest that he should do so.

Mr. Cullen: The answer to the Deputy's final question is "No". I am committed to the decentralisation programme. Like many Deputies, I can cite examples of the successful operation of the previous decentralisation programme throughout the country. When it was proposed to decentralise the Land Registry to Waterford, which is in my constituency, everyone said it was not possible to transfer a large number of specialist staff who were dealing in a specific legal field. It was suggested at the time that such officials would be unwilling to move. While it took time to organise that transfer, it was completed and it has worked extremely successfully. I think a similar pattern will be followed in this instance.

It is proposed under the decentralisation programme to transfer 40 officials in the road haulage division of the Department of Transport to Loughrea. Some 19 people in that section have expressed an interest in the move, as have 73 workers in other parts of the public service. That particular move is well over-subscribed. Some 29 public servants have expressed an interest in taking one of the ten National Safety Council positions which are to be moved to Loughrea. That is also well over-subscribed. Some 63 people from outside the National Roads Authority have declared an interest in the decentralisation of 90 jobs with the authority to Ballinasloe. Deputy Olivia Mitchell cited the correct figures for Bus Éireann, the Irish Aviation Authority and the Railway Safety Commission.

Decentralisation is a good thing for local economies throughout the country. It will help to attract business, for example. If the State expresses a willingness to locate in certain areas, the confidence of companies which are considering similar moves will be boosted. The decentralisation process can be difficult in some circumstances. Deputy Mitchell was right to identify that it becomes more difficult when specialist and technical jobs are being transferred. That should inspire us to bring all our efforts to bear to make the programme work, rather than causing us to abandon the process.

I have practical experience of the decentralisation system, as I have said. While I was not directly involved as a Minister in the decentralisation of some Land Registry posts to Waterford, I remember well the arguments which were made at that time. People said that the Land Registry would not function and that the technical staff would not move. Some members of staff agreed to move and many people were recruited within the Waterford region. The Land Registry operates successfully in Waterford today.

Ms O. Mitchell: I am not sure I have made my point. What is the point of moving bus mechanics to Mitchelstown when most Bus Éireann services operate from Dublin? It does not seem to make any sense. I am not against decentralisation — I am in favour of it if it makes sense. The Minister has said that things are looking rosier and that more people are willing to transfer. Loughrea seems to be the place to go, for some reason. When does the Minister expect the first of the agencies under the aegis of his Department to be decentralised? What agency will be the first to be moved? When will that happen?

Mr. Cullen: The early movers have been identified and the details in that regard will be finalised in a report that is due in August. The Office of Public Works has made great efforts to identify and acquire sites throughout the country, often with the assistance of local authorities. I know that many sites have been identified. This issue will become clearer when the report, which will deal with a number of issues, is published in

August. It has been decided that revised implementation plans have to be submitted by August. The matter is being worked on at present.

Ms O. Mitchell: Does the report relate to the Department of Transport or to all bodies affected by the decentralisation programme?

Mr. Cullen: It will have relevance throughout the system, as I understand it. I am interpreting the documentation I have read about the matter in good faith.

Ms Shortall: I will not use the term “decentralisation” because that is not what is involved in the Government’s proposal. It is a complete misnomer. The Government is proposing to relocate staff on the basis of reasons which appear to be solely political. I would like to ask the Minister about the original proposal to relocate 200 Bus Éireann posts from Dublin to Mitchelstown. The plan has caused significant concern among staff, who are not prepared to contemplate such a drastic move because they and their families are settled in Dublin. We know that no member of the staff of Bus Éireann has applied for decentralisation to Mitchelstown. The Minister has said that 86 jobs in Bus Éireann are capable of being decentralised.

Mr. Cullen: That is what the company says.

Ms Shortall: Why did the Government announce that 200 jobs in Bus Éireann would be relocated to Mitchelstown? Was that figure just plucked out of the air?

Ms O. Mitchell: Yes.

Ms Shortall: Was the announcement made for political reasons? Who originally suggested that 200 Bus Éireann jobs could be shifted? Leaving aside the fact that none of Bus Éireann’s employees is prepared to move and the debate on the benefits or otherwise of the decentralisation of Bus Éireann, how did the Government get it so wrong when it suggested that it was possible to transfer 200 jobs to Mitchelstown?

Mr. Cullen: The Deputy is right. I have stated clearly that there is a particular issue with the plan to decentralise Bus Éireann to Mitchelstown. I do not deny that. The Government has announced that intends to move 200 jobs to Mitchelstown and it intends to see that plan through.

Ms Shortall: What was the figure of 200 based on?

Mr. Cullen: I was not involved in the collation of the information at that time. I will not take the blame for it. I was not directly involved in the collation of the figure in question.

Ms Shortall: Was anything collated?

Mr. Cullen: It was. Most of the figures which were specified when the Government announced that it planned to decentralise jobs to various locations throughout the country were spot on. There is a particular issue in the case of the plan to decentralise Bus Éireann posts to Mitchelstown. The company has said that just 86 posts are suitable for decentralisation. The Department has asked it to re-examine the matter. I am waiting to hear from the company again. It seems there was a miscommunication between the question that was asked and the information that was given by the company in response.

Ms Shortall: Why did the Minister ask Bus Éireann to re-examine the matter if none of its employees is prepared to move?

Mr. Cullen: I want the management of Bus Éireann to be certain that it has applied correctly the criteria which were specified.

Ms O. Mitchell: It does not matter whether the number of posts that nobody is willing to take up is 86 or 200. It makes no difference.

Mr. Cullen: We must work on the problem. I do not deny that we need to bring clarity to this matter. I would not like to colour the entire decentralisation programme on the basis of this issue.

Ms Shortall: Why is the Minister continuing with the plan as it applies to Bus Éireann?

Mr. Cullen: There are a couple of odd and difficult cases.

Ms Shortall: Is it not a nonsense?

Mr. Cullen: It is not.

Ms Shortall: It is a nonsense as it applies to Bus Éireann.

Mr. Cullen: I do not think the Labour Party's candidate in the Mitchelstown area at the next general election will speak about 86 jobs.

Ms Shortall: I ask the Minister not to bring politics into it.

Mr. Cullen: No, I do not think the candidate will be thinking——

Ms Shortall: What is the rationale for suggesting that Bus Éireann can be decentralised to Mitchelstown?

Ms O. Mitchell: Sustainable jobs are needed in Mitchelstown.

Mr. Cullen: The rationale is that——

Ms Shortall: Why is the Government pursuing the proposal if no member of staff has applied to participate in it?

Mr. Cullen: The simple rationale behind the proposal is that Bus Éireann is a rural-based company that operates direct routes into Dublin. For buses coming into Dublin one naturally needs a Dublin facility to deal with them, but it does not mean that one could not have a substantial number of people — almost half of the number identified — in the country, based in Mitchelstown, as opposed to having people in Dublin too. That is a reasonable position.

Ms Shortall: Is the Minister continuing to pretend to the people of Mitchelstown that Bus Éireann will move there?

Mr. Cullen: I am not pretending anything.

Ms Shortall: The Minister has pretended from the start. He continues to ignore the fact that this will not happen.

Mr. Cullen: I am adhering to the programme. I have been fair in admitting to the issues involved, and that matters are not quite right, but I do not consider that 86 posts identified for Mitchelstown is somehow a pretence.

Ms Shortall: The Minister is pretending that everyone will go, that this move will take place.

Public Transport.

29. **Mr. Connaughton** asked the Minister for Transport if he has satisfied himself with the significant delay in the bus licensing unit within his Department; the reason for the lengthy delay in securing a decision regarding a passenger licence faced by service providers; and if he will make a statement on the matter. [21218/05]

42. **Mr. Cuffe** asked the Minister for Transport when the national transport regulatory office will be established; the role he expects such an office to fulfil; the geographical area it will have responsibility for; the transport modes and services he expects it to have remit over; and the legislative changes required to facilitate its introduction. [21102/05]

Mr. Cullen: I propose to take Questions Nos. 29 and 42 together.

The Road Transport Act 1932, which provides the legislative base for the issue of bus route licences, is administered by the bus route licensing section of my Department. Given the wide range of issues which must be taken into account in assessing an application for a bus route licence under the 1932 Act, the process is both time-consuming and complex. The workload in the area continues to increase significantly, given the increase in applications for new bus route licences and amendments to existing licences. Despite the best efforts of the staff concerned, who have

achieved significant increases in their productivity, a backlog of applications has developed which has given rise to significant delays in the process. I have asked my Department to increase the staffing resources available to the section, and this is being done. In addition, work is proceeding on the development of new information technology systems which, when available, will help to improve matters.

However, despite increases in resources and improved productivity of staff, the Road Transport Act 1932 is inadequate in terms of providing a basis for a modern, effective regulatory system for the bus industry. As I have indicated previously before this House, the bus market will continue to grow in the coming years and I am committed to providing opportunities for both public and private companies to deliver increased public services and to ensure the taxpayer and the customer get a high quality of service and best value for money. This will require the replacement of the Road Transport Act 1932 with a modern legislative framework.

To this end, I propose to establish an independent national public transport commission to, *inter alia*, allocate Exchequer subvention for public transport services, both bus and rail, through public service contracts, licensed commercial bus services and regulated fares on all rail, Luas and bus services. The establishment of this body will require primary legislation, which will include provision for the repeal and amendment of some existing transport legislation, notably the Road Transport Act 1932.

In addition to modernising the regulatory framework, I am currently finalising plans for a major programme of investment in public transport and considering the structures and arrangements which will need to be put in place to ensure the best possible return is achieved from this investment. In this context, I am giving consideration as to how best to ensure the timely, co-ordinated and integrated delivery of public transport investment in the greater Dublin area. Work is ongoing in my Department to identify the best way forward. However, I envisage that whatever arrangements are put in place, they will work effectively with the proposed national public transport commission. Operational planning of services will remain with the public transport providers. Officials in my Department are continuing to meet with stakeholders on how to modernise the regulatory structure governing public transport. That includes public companies, a number of which I have met, and private companies. Their views are interesting and useful.

Ms O. Mitchell: Under priority questions, the Minister has dealt with the regulatory framework. Everything he says sounds wonderful but I have heard it so often before that it lacks all credibility.

Why is the bus licensing unit taking so long to make decisions? We have heard much about congestion, the stress it causes for people and its cost to business and individuals, not to mention the

toll it takes on people's health. On the one hand we have people who want a bus service, including new communities within and outside Dublin trying to commute into the city, while on the other hand there are bus companies which want to give them a bus service. The Minister is in the middle, preventing a service being given to the people who want it. It makes no sense to thwart the public will.

I accept the difficulties caused by the Road Transport Act, and all the difficulties involved in setting up a new regulatory framework, but the Minister could take action on this matter now. He could issue temporary licences to get people into buses and out of cars, and reduce the congestion which is destroying life in Dublin and the towns outside it, to which people have been forced to migrate because of the high cost of housing in Dublin.

The Minister's reply sounds wonderful, but if he cannot deal with the bigger picture immediately — I know he will try to do something before the general election — can he deal with individual issues, such as providing licences? I understand that in his Department there are currently 180 requests for licences, either new or enhanced. Could they be dealt with, perhaps in the next three months?

Mr. Cullen: I have given the Deputy the figures and she can see that a substantial number of new licences has been issued, both to private and public companies. I agree with the Deputy that the existing legislation and framework for the issuing of licences are completely inadequate. The Road Transport Act 1932 does not provide the necessary framework and raises complex legal issues regarding the framework and the consultation processes that must be gone through in order to make a decision with different communities, local authorities and so on. It is very cumbersome. I am happy to issue licences to private sector and public sector companies but I want a good mix of resources in those sectors, delivering the bulk of transport needs in Dublin and throughout the country in the future. It is not possible to do that adequately under the existing Act. The system and structure in my Department do not meet the requirements of a modern economy to provide the necessary framework.

Ms Shortall: The Minister seems to be developing policy on the hoof.

Mr. Cullen: No.

Ms Shortall: The Minister has been talking about a new commission for awarding licences. Very recently he announced, in the newspapers, a transport authority. What will the relationship be between the commission and the authority? A transport authority should surely be in a position to issue licences.

Mr. Cullen: The Deputy is correct. I am enunciating two different bodies, one of which relates to the delivery of services. What I said this afternoon relates to the issuing of licences and to the issuing of the subventions whether they be to the private or public sector, while seeking value for money. All that relates to the technical side. The Deputy will probably agree there is a large range of bodies in Dublin with views on public transport. In parallel with a roll-out of substantial investment in infrastructure over the next ten years or so, we need a specific and sophisticated body to—

Ms Shortall: Why did the Department oppose such a body when Dublin City Council tried to include it in its development plan in the past six months? Why did the Department oppose a Dublin transport authority?

Mr. Cullen: I do not know what the Deputy has in mind but I know what I have in mind.

Ms Shortall: Six months ago, the Department opposed a transport authority.

Mr. Cullen: The Deputy is turning the question around. I have been more open than anyone else in this House with regard to parliamentary questions. I have given the Deputy fresh information every time.

Ms Shortall: It is different every time the Minister announces it, and on many occasions it is contradictory.

Mr. Cullen: The Deputy does not like it when she sees us taking action. We will have the licensing regime in place as quickly as possible, certainly before the next general election.

Ms Shortall: The Minister has done a complete U-turn in the past six months.

Written answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Carey — the need to review the decision to expand the operation of the Jamestown Road driver test centre in Finglas, Dublin 11; (2) Deputy Ferris — the need to discuss funding for a sexual assault treatment unit at Kerry General Hospital; (3) 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; (4) Deputy Finian McGrath — the need to discuss the potential loss of the 12th classroom teacher at Scoil Mhuire Marino, Griffith Avenue, Dublin; (5) Deputy Cowley — the need to ask the Minister for Transport why

the HSA refused to investigate a fatal road traffic accident on the Culdaff Road, Donegal (details supplied); (6) Deputy Seán Ryan — the need to discuss the lack of services available to a four year old boy (details supplied) who has autism and a global development delay and the need for the Department to intervene; (7) Deputy Costello — the need for the Minister to implement the findings of the review report on the Carmichael Centre, North Brunswick Street, Dublin 7; (8) Deputy Crowe — the need for the Minister to require FÁS to reverse the decision to axe 28 jobs initiative positions in Tallaght; (9) Deputy O'Connor — the need to ask the Minister for Enterprise, Trade and Employment to give assurances that the 28 jobs initiatives positions to be lost on 1 July in Tallaght will be saved; (10) Deputy Neville — the need to consider the recent report by the Joint Oireachtas Committee on Health and Children on orthodontic services; (11) Deputy Morgan — the necessity for the Minister for Health and children to outline what action she intends to take to address the situation at Our Lady of Lourdes Hospital Drogheda; (12) Deputy Broughan — the urgent need for the Minister for Enterprise, Trade and Employment to ensure that full cost of living increases are granted to An Post workers and pensioners; and (13) Deputy Naughten — the need for the Minister for Agriculture and Food to outline the Irish position on the EU Commission sugar proposals published today.

The matters raised by Deputies Costello, Cowley, Carey and Naughten have been selected for discussion and will be taken at the conclusion of business.

Garda Síochána Bill 2004 [Seanad]: Report Stage.

An Leas-Cheann Comhairle: Amendment No. 1 is out of order.

Amendment No. 1 not moved.

Mr. Costello: I move amendment No. 2:

In page 9, between lines 28 and 29, to insert the following:

“(2) The Garda Síochána Acts 1923 to 2003 (so far as unrepealed by this Act), the Garda Síochána (Compensation) Acts 1941 to 2003 (so far as unrepealed by this Act) and this Act may be cited as the Garda Síochána Acts 1923 to 2004.”.

I am pleased to have the opportunity to contribute to the debate. I would have preferred if the amendments were discussed on Committee Stage rather than Report Stage so that we would have an opportunity to tease out properly the implications of the new amendments tabled by the Minister and other Members and to give the legislation due respect, given that a number sections

would be regarded by anybody in his or her right mind as requiring careful scrutiny and analysis. We are dissatisfied that Report Stage will be dealt with over two days and the guillotine will fall before we get to the substantive amendments. The amendment seeks to provide for the correct collective citation so that the appropriate Acts covered by the legislation are listed and that is clear to anybody reading it.

Minister for Justice, Equality and Law Reform (Mr. McDowell): The amendment was also tabled on Committee Stage and I indicated I could not accept it. The Attorney General's advice through the Parliamentary Counsel is that a collective citation would not be appropriate because there would be a conflict between interpretation sections in various statutes and this Bill supersedes the other statutes.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendment No. 3 is out of order.

Mr. J. O'Keefe: On a point of order, the amendment seeks the establishment of an independent commission to monitor and review the workings of the Act, the institutions established thereunder and the operations of the Garda within two years of coming into operation. How can such a commitment—

An Leas-Cheann Comhairle: The Deputy is aware of the procedure whereby if he is in doubt about anything, he should contact the Ceann Comhairle's office.

Mr. J. O'Keefe: I am not in doubt about the need for an independent commission to assess the workings of the legislation.

An Leas-Cheann Comhairle: That would involve a potential charge on the Exchequer.

Mr. J. O'Keefe: How?

An Leas-Cheann Comhairle: We cannot enter into a discussion on it. The Deputy should consult the Ceann Comhairle's office.

Mr. J. O'Keefe: There is no time for consultation because I only received a letter in this regard when I walked into the Chamber this morning. How could the establishment of a commission involve—

An Leas-Cheann Comhairle: If the Deputy wants a reply to his question, he should contact the Ceann Comhairle's office.

Mr. J. O'Keefe: The position of the Opposition from the point of view of tabling reasonable, constructive amendments is ludicrous. This amendment follows up an amendment tabled by my colleague, Deputy Costello, which will be

bombed out of the House by the Government later. It is an effort to put in place the first common plank of our platform for the next Government whereby there would be agreement on an independent commission. It is a hugely restrictive process if Opposition Members cannot make constructive proposals because there might be a cost to the Exchequer.

Amendment No. 3 not moved.

An Leas-Cheann Comhairle: Amendment No. 14 is related to amendment No. 4 and both may be discussed together. Recommitment of the Bill is necessary in respect of these amendments. Is the recommitment agreed to?

Mr. J. O'Keefe: The Government rejected our proposal earlier to recommit the Bill.

An Leas-Cheann Comhairle: That proposal was to recommit the entire Bill.

Mr. J. O'Keefe: Is the Minister selectively recommitting amendments?

An Leas-Cheann Comhairle: Yes.

Mr. J. O'Keefe: We have had no notice of that proposal.

Notice taken that 20 Members were not present; House counted and 20 Members being present,

Mr. J. O'Keefe: What is being recommitted?

Mr. McDowell: We are relocating the definition from one position to another and the Bills Office has indicated that, technically, I should recommit the Bill in respect of the amendment to move the definition in the text. I must obey the rules like other Deputies. The fact that we are moving the definition of the Committee of Public Accounts up the page requires a recommitment.

Mr. J. O'Keefe: I am glad the Minister has deigned to advise the House about the reason for this mysterious process. Since I last spoke on the Bill I have received a second additional list of amendments. This is in addition to the seven or eight lists of amendments that have been given to me since this morning. It is objectionable, now that we have commenced the debate on Report Stage, to have even more amendments foisted on us which we will have no time to consider.

Question, "That the Bill be recommitted in respect of amendments Nos. 4 and 14", put and declared carried.

Bill recommitted in respect of amendment No. 4.

Mr. McDowell: I move amendment No. 4:

[Mr. McDowell.]

In page 10, between lines 1 and 2, to insert the following:

“‘Committee of Public Accounts’ means the committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General;”.

This is a technical drafting amendment by Parliamentary Counsel to place this definition in its correct alphabetical position. References to the Committee of Public Accounts are made in sections 35, 70 and 112. The Bills Office considered that I should recommit the Bill in respect of this amendment so we could have a Committee Stage discussion about its relocation on the page. I am happy to abide by that decision.

With regard to the other points made by the Deputies, I note that Deputy Ó Snodaigh is again intent on using up more valuable time in this debate by calling a quorum when it was unnecessary.

Mr. Costello: The Minister cannot afford to talk. He was not present this morning.

Mr. McDowell: The public is watching this debate and if the Opposition is going to play games——

Mr. Costello: The least the Minister can do is apologise.

Mr. McDowell: ——and interrupt the proceedings with calls for a quorum, it will draw its own conclusions about what is happening.

Mr. Costello: The first thing the Minister should have done was apologise to the House for leaving this morning. He should have been here for the business of the House.

An Ceann Comhairle: I understood that Members are discussing amendment No. 4. The issues raised by the Minister and Deputy Costello do not arise under that amendment.

Mr. Stagg: Throw out the Minister. He usually walks out anyway.

Mr. Costello: He was the one who started the provocation by rounding on the House as if this side of the House was responsible.

An Ceann Comhairle: I call Deputy Ó Snodaigh.

Mr. Costello: The Chair is aware that we would be well along with the business of the House by now if the Minister had not left the House and——

An Ceann Comhairle: Deputy Costello, Deputy Ó Snodaigh has been called.

Mr. Costello: ——left us unable to do so.

An Ceann Comhairle: Deputy Costello is being disorderly. Deputy Ó Snodaigh has been called.

Mr. Costello: He has not apologised to the House for leaving.

An Ceann Comhairle: Deputy, you will have to apologise to him yourself for disrupting the business. I call Deputy Ó Snodaigh.

Mr. Costello: The House deserves an apology from the Minister. It is the least he could do.

Mr. J. O’Keeffe: We understand he had to get his photograph taken in Dublin Castle. He could not avoid that opportunity.

An Ceann Comhairle: It does not arise under the amendment.

Aengus Ó Snodaigh: As the House is in committee we can discuss the amendment and its changes. We are also allowed to respond to comments made by the Minister when he presented the amendment. I will not do so now. I do not oppose what the Minister suggests in this case but had he been here earlier to agree with our motion for recommitment of the Bill, we would not have to go through the process of recommitment each time the Minister wishes to introduce amendments that were not discussed on Committee Stage, of which there are several. It is not I who has wasted time. Our time would have been better spent this morning and we would be further along with the Bill if the Minister had bothered to stay and listen to the debate.

Mr. J. O’Keeffe: It is not a matter for the Minister to allocate the time that should be made available to this country’s Parliament to discuss the 284 amendments before the House which, according to the Government, must be dealt with over the next 30 hours. Suggestions from the Minister that the Opposition is wasting time because its Members raise points——

Mr. McDowell: They are still at it.

Mr. J. O’Keeffe: ——which they consider legitimate is a further indication of the absolute arrogance of this Minister and the contempt he has for the Parliament.

Mr. McDowell: Time wasting again.

Mr. J. O’Keeffe: His further comments reinforce my point. I have no problem with the relocation of the definition of the Committee of Public Accounts to a different part of section 3. However, it leads to a further matter which the Minister can deal with now or at a later stage. According to the Minister, a number of issues will be dealt with in the Bill. One of these is a whistleblowers’ charter but I have not seen anything

about it so far in the 284 amendments. I admit, however, that I have not been able to peruse each of them.

Mr. Costello: We are still working on them.

Mr. J. O’Keeffe: I have put down an amendment to section 75. I have consistently believed that there must be scrutiny in this House of the operation of the Bill. That involves the proposal I made to establish an Oireachtas security committee. Does the Minister have a comment on that?

Mr. Costello: It is amazing that the first amendment the Minister has presented to the House requires recommitment, considering the amount of time we spent trying to get our amendments recommitment so there could be a proper debate on them. The Minister now requests that this side of the House agree with him to recommit the Bill in respect of this amendment even though all the amendment does is move a definition from the bottom to the top of the page under section 3.

The Minister has admitted that he does not know why this is being done. It is a definition of the Committee of Public Accounts and we are moving it from one place to another. A specific recommitment request was made and granted to do that. Will the Minister make further recommitment requests? Will there be recommitments every time it suits the Minister to have what he considers to be an appropriate measure of debate on his amendments? Will we not be allowed to have a debate on any of our amendments?

The Minister should have been present this morning to explain what he is doing now. He did not have the good grace to offer an apology for his absence.

An Ceann Comhairle: The Deputy is being repetitive and is moving away from the amendment before us.

Mr. Costello: Until 1.30 p.m. we could not get our business done because the Minister was not here to do it.

An Ceann Comhairle: The fact that we are on Committee Stage does not give Members or the Minister greater latitude in going outside the terms of the amendment before the House.

Mr. Costello: The Minister was the first to take such latitude, as he always does. He goes off on a tangent and, unless one is listening carefully to him, he stays on that tangent, which is generally irrelevant to what is being discussed. Given that in this case we are merely moving a definition and the Minister requires recommitment of the Bill in respect of the amendment to do that, will he clarify whether he will do that with other amendments? It is no good telling Members he does not know what the technicality is and why it is neces-

sary to do it in this way. He must find out and explain the reason for it.

Mr. Boyle: The amendment involves moving the reference to the Committee of Public Accounts from lines 27 and 30 to lines 1 and 2. Regardless of the reporting responsibilities to the Committee of Public Accounts, will the Department and the Minister take due cognisance of the committee’s findings as and when it reports on matters regarding the Department? Yesterday the committee released a report on over-expenditure incurred on behalf of the Department, and work undertaken on its behalf by the Office of Public Works.

The Minister’s colleague, the Minister of State, argued against the right of the Committee of Public Accounts to make those findings. It is somewhat irrelevant, within the deluge of irrelevancies which will continue for the next few days, that the Minister should introduce an amendment of this nature. The Minister’s behaviour has shown us how he treats the institutions of this House.

An Ceann Comhairle: We are wasting the time of the House. There are many amendments and I request Deputies—

Mr. Boyle: This amendment refers to the Committee of Public Accounts and how it is placed in this Bill. The way in which the Minister and his Department interact with the committee is very relevant.

An Ceann Comhairle: That does not arise out of the amendment.

Mr. Boyle: It concerns a committee and we are speaking on Committee Stage.

An Ceann Comhairle: Yes, but on Committee Stage one must speak to the amendment.

Mr. Boyle: I am using the opportunity to challenge the Minister on whether he is prepared to stand over statements made by other Government representatives about findings regarding his Department. It is important to know how that will impinge on future findings regarding his Department and how the Committee of Public Accounts will view this Bill, if it is enacted.

I will be brief on the general point because I am covering for my party colleague, Deputy Cuffe, who is attending the Oireachtas Joint Committee on Environment and Local Government. It is unacceptable for those of us in Opposition to receive a second set of amendments, which now number 284, at this late stage. Although we are temporarily on Committee Stage, in effect between today and tomorrow—

An Ceann Comhairle: That does not arise and I request Deputies to stay within the Standing Orders. We are discussing a single amendment

[An Ceann Comhairle.]

and have heard the same point repeated this morning and this afternoon about Deputies' concerns about the number of amendments. If we are to have any chance of getting through them, we must deal with amendments before us and not omnibus statements about the Bill in general.

Mr. Boyle: I note the Ceann Comhairle's comments but the two or three minutes during which I have been speaking scarcely constitute an omnibus statement. I am merely adding my weight to statements other speakers have made in this context.

An Ceann Comhairle: That does not make them legitimate.

Mr. Boyle: This is the first opportunity we have had to speak on this Stage of the Bill and I wish to register my protest and that of my party at this continuing process. I have attempted to keep to the amendments, by referring directly to the Committee of Public Accounts and my perception of the Minister's interaction with that committee and its role in this Bill.

Mr. McDowell: We have spent 20 minutes discussing a technical amendment. In response to Deputy Jim O'Keeffe's proposal for a security committee for the Houses, under Article 15 of the Constitution it is a matter for each House of the Oireachtas to establish committees for itself. I cannot by legislation force or provide for any House to establish a committee which it is not otherwise obliged to have.

Mr. J. O'Keeffe: The Minister's view of such a committee is relevant.

Mr. McDowell: I was about to say that.

Mr. J. O'Keeffe: Does the Minister's view relate to mine?

Mr. McDowell: I share the Deputy's view that a security committee would be a good idea. On Committee Stage of this Bill I said the Oireachtas Select Committee on Justice, Equality, Defence and Women's Rights has a wide remit in regard to European matters. I have no objection to the establishment of a specialist security committee of one or both Houses to deal with security issues as distinct from civil law, equality and other issues.

Mr. J. O'Keeffe: Does the Minister agree this committee should be fully resourced and have similar powers to those of the Committee of Public Accounts?

Mr. McDowell: Fully resourced, yes, but whether it should have powers similar to those of the Committee of Public Accounts is a different matter.

Mr. J. O'Keeffe: Does the Minister agree that the Chairman should be a member of the Opposition, to move it outside the loop?

Mr. McDowell: That is a matter for the House.

Aengus Ó Snodaigh: As the Minister said, this is a technical amendment. Whether we spend 20 minutes or 20 hours debating it is irrelevant. The House is intended for debate. As the Minister said on Committee Stage, the objective is to get the Bill right. That applies to the whole Bill, whether in the context of one technical amendment or several such amendments.

We sought additional time to ensure we got everything in the Bill correct this time. We had a great opportunity to change the Garda Síochána into the best police force in the world. That will not happen given the way in which the Minister has presented us with amendments today.

Most of the changes the Opposition proposed to make this Bill and the Garda Síochána more successful in the long term have been ruled out because they involve a charge on the Exchequer. That is a ridiculous point because some of the measures proposed would save the Exchequer money but that is not taken into account.

It is all right to spend 20, 25 or 30 minutes on an amendment involving the Committee of Public Accounts if we want this Bill to be right.

Mr. Costello: I support the amendment but will the Minister say what the police force is called? Is it a hybrid English and Irish name, "the Garda Síochána" or is it "An Garda Síochána"?

An Ceann Comhairle: The Deputy is referring to the next amendment, namely, amendment No. 5.

Mr. Costello: Is that not the amendment we are discussing?

An Ceann Comhairle: No. We are discussing amendments Nos. 4 and 14.

Mr. McDowell: We are still wasting time on amendment No. 4.

Mr. Boyle: We are still on Committee Stage.

Mr. Costello: As we are still on Committee Stage and no doubt will be told when we leave it, we can discuss the substance as well as the placing of the amendment. The Minister has not explained why he needed to recommit to transpose this subsection. He has not explained, in response to Deputy Boyle's question, what will happen to the findings of the Committee of Public Accounts. The recent report found that the Minister's Department and the Office of Public Works had been found wanting in the manner in which they conducted their business. What is the outcome of that?

The Comptroller and Auditor General will examine the operation of the Garda Síochána and the Committee of Public Accounts will discuss that report. It may find that tens of millions of euro of taxpayers' money are wasted on projects. Will that be the end of the matter? What is the next stage for dealing with such a report? Does the Minister know how his Department is responding to the Comptroller and Auditor General's criticisms of the way taxpayers' money was spent?

The most recent example of this is Thornton Hall, an incredible white elephant, bought for almost €30 million when land that is more accessible and of more value to the Department is selling for approximately €6 million. That is double the amount of land at a fraction of the price but the Department does not find it suitable.

There is not much sense in inserting an interpretation and definition here and a role for the Committee of Public Accounts if reports on the manner in which Departments operate indicate that rules created to ensure best practice are jettisoned and no action is taken on them. Perhaps the Minister might give the House some idea of how his Department intends to ensure that the best use is made of taxpayers' money and that the Comptroller and Auditor General and the Committee of Public Accounts do not find themselves presenting negative reports regarding activities that involve considerable financial outlay for the Oireachtas. It is a one-day wonder and is soon forgotten about but costs another €100 million. What structures or procedures have been inserted in response to recent criticisms of that nature?

Mr. McDowell: I do not know whether I will be disorderly if I reply to that. This is simply the removal of a definition from one part of a page to another, but we have now spent half an hour on it. Deputy Costello is referring to the acquisition of land at Thorntown for a replacement for Mountjoy Prison. The public is looking in on all this and knows full well what is going on in this House. It is a filibuster to waste time.

Mr. Boyle: On a point of order, is the Minister not going to answer any questions on either Committee or Report Stage? Is that what we are going to have for the next few days?

An Ceann Comhairle: That is not a point of order.

Mr. J. O'Keefe: I have no problem with the amendment, but I expect the Minister to answer the question.

Amendment put and declared carried.

Bill reported with amendment.

An Ceann Comhairle: Amendment No. 5 in the name of Deputy Ó Snodaigh arises from committee proceedings.

Aengus Ó Snodaigh: Are we back on Report Stage?

An Ceann Comhairle: Yes, we are back on Report Stage.

Aengus Ó Snodaigh: We did not vote in committee.

An Ceann Comhairle: So far we have recommitted the Bill only in respect of amendments Nos. 4 and 14, so we are back on Report Stage.

Mr. Costello: Before we move on, are there other instances in which we will recommit the Bill? We seem to be moving in and out of Committee Stage.

An Ceann Comhairle: There may be.

Mr. Costello: The Minister or his advisers would know.

An Ceann Comhairle: We will recommit the Bill in respect of any amendments that do not arise from committee proceedings, but we will come to them *seriatim*. Amendment No. 5 is on Report Stage, and I call on Deputy Ó Snodaigh to move it.

Aengus Ó Snodaigh: On a technical point, in the event of our not reaching amendments that do not arise from committee proceedings, what happens to them? Usually on Report Stage remaining amendments are taken together.

An Ceann Comhairle: There will be a composite motion at the end of the debate. That is tomorrow's business. It must be decided tomorrow morning.

Aengus Ó Snodaigh: That should be fun. I move amendment No. 5:

In page 10, between lines 1 and 2, to insert the following:

“‘The Garda Síochána’ shall be construed to mean references to ‘an Garda Síochána’;”.

This amendment is self-explanatory. I debated it in committee with the Minister who said he would consider it. The title of the organisation is “An Garda Síochána” and, therefore, rather than my tabling 600 or 700 amendments to cover every occasion where it appears throughout the legislation, I have tabled this one. On page 9 alone there are eight appearances of the incorrect designation of the organisation. In some places it is simply “Garda Síochána” and in others “the Garda Síochána”, but the correct form is “An Garda Síochána”, since that is the title of the organisation.

The Minister said he would consider this issue and get back to me. It is similar to other legislation in this House in which the Irish language is not used properly. If one translated it into Irish

[Aengus Ó Snodaigh.]

or any other language, one would see that it gives the wrong meaning and interpretation to what is involved. That has often happened regarding authorities or organisations set up by the Government. In the past they were always known by their Irish titles, including “An Bord Bia” or “Bord na gCon”, but more recently the mechanisms of Government have seemed to move towards giving them an English and an Irish title at the same time rather than simply a translation of the Irish title in recognition of Irish being the first official language of the State. I will not labour this point; I wonder how the Minister will react.

Mr. Costello: The amendment proposed by Deputy Ó Snodaigh is absolutely correct. I always understood that the name of the Garda Síochána when we use the definite article was “An Garda Síochána”, a fully Irish name rather than one partly in English. “The Garda Síochána” is shorthand and common usage but not the formal or legal terminology, which is “An Garda Síochána” or else “the police force”. To avoid such a hybrid description of our police force, perhaps the Minister would accept this amendment. It seems that the same confusion is seen in the Bill’s Title regarding the correct terminology to refer to the police force. Perhaps even the Title should be “An Garda Síochána Bill”.

Deputy Ó Snodaigh raised this on Committee Stage, and at that time the Minister seemed to say that he was somewhat dissatisfied with the manner in which the term was used throughout the legislation and that he would consider it. However, I see no amendment from the Minister in this regard. Has a linguistic expert been found, or any attempt been made to find one, who could put this right once and for all? While it is obligatory to have both Irish and English as the two official languages, there is nothing in the Constitution that says that the two need be mixed up. They should be used separately. Perhaps the Minister might clarify why we persist with this hybrid version, “the Garda Síochána”.

Mr. J. O’Keeffe: It would be useful to clarify the issue once and for all. I understand that “Garda Síochána”, literally translated, means “guardian of the peace”. However, the Bill is referred to as “the Garda Síochána Bill”, which would mean “the guardian of the peace Bill”. When we refer to it with the definite article, we have a hybrid outcome, in that we refer to the force as “the Garda Síochána”, and the Bill as “the Garda Síochána Bill”. We would be as well having the issue clarified once and for all. The force should know exactly what its proper title is.

Mr. McDowell: This matter was discussed on Committee Stage when the Minister of State, Deputy Brian Lenihan, was dealing with it rather than I. In English, right back to 1925, every time that we have referred to the force in legislation, it

has been “the Garda Síochána”. That is the long-standing tradition in every statute that this House has enacted. The title of the force in English is therefore “the Garda Síochána” and in Irish “An Garda Síochána”. That is how we have always proceeded in this House. We have never departed from that as far as I am aware. One can get into difficulties with the definite article in either language.

However, let us be clear about this. If one were talking about the gardaí who came to one’s house the night and did X or Y, no one would expect one to say “na gardaí who came to my house last night did X and Y”. We use the English definite article when we are speaking English even though we use the Irish plural to refer to members of the force. That has been the long-standing tradition. Deputy Ó Snodaigh knows as well as I do that there would be linguistic infelicities, to put it mildly, if we used “An Garda Síochána” throughout the Bill. He only has to look to the Long Title of the Bill to see there are uses of an tuiséal gini-deach agus an tuisil tabharthach. If one is to say that they disappear when one uses the title An Garda Síochána in the English language, it only makes a nonsense of the Irish.

Tá deacrachtaí ann, ach b’fhéarr liom ár dtraidisiún a choimeád agus “the Garda Síochána” to be the English reference and “An Garda Síochána” to be the reference in the Irish language.

Aengus Ó Snodaigh: The title “the Garda Síochána” is not used all the time and tradition does not carry through on this. Even the Title of the Bill refers to “Garda Síochána” rather than a proper title of an organisation. The police force was defined as An Garda Síochána at its founding. There has been incorrect usage since 1925 but that does not mean we should continue the tradition. Not all traditions are good and when the opportunity arises to change something that is incorrect, one should do so. If the Minister had taken the time to look through the Bill and devise his own amendment on this issue, rather than busily try to outdo us by presenting amendments at the last minute, we might have had a proper debate on this.

The legal title of the police force is An Garda Síochána. Many of us use the terms “the Garda Síochána” or “the Garda” and people know what we mean. However, this is a legal document in which one would at least expect that the title of the organisation under discussion is correct. We do not refer to Bord na gCon as “Bord the gCon”, for example, and the same applies to An Bord Bia and the many State organisations that were set up with an Irish title. In many cases, we never translated such titles. Most people now know Bord Soláthar Leictreachais as the ESB, its translation into the second language of the State, but the correct legal title is the Irish version. In this case, the correct legal title of the organisation to which this legislation pertains is An Garda Síochána, rather than the Garda Síochána or simply Garda Síochána.

Mr. Costello: The Minister is not convincing in simply arguing that we normally use the expression “the Garda Síochána”. We acknowledge that this term, a hybrid version of the two languages, has become a standard part of conversation. That is not the point we wish to make. We are discussing a legal document. A Bill’s Title should be correct rather than populist. Has the Minister sought the advice of a linguist or consulted the parliamentary draftsmen? Deputy Ó Snodaigh’s example of An Bord Bia is useful because we are all aware that this body is never referred to as “the Bord Bia”. The proper title is An Bord Bia just as the proper title of the police force is An Garda Síochána.

This should be reflected in the legislation rather than randomly using one title or another as suits. The Minister observed that people often refer to “the garda” rather than “an garda”. That is an irrelevant example. How we are traditionally disposed to describe the Garda is neither here nor there. The important point is whether the Bill contains the proper designation and description. It seems, however, that we have a mixture of English and Irish in the title of the force. We must ensure that the Bill reflects a proper, agreed and single description, which is An Garda Síochána.

Mr. J. O’Keeffe: It is useful to debate this issue which goes to the root of what we are discussing. Having reflected on the matter, however, I have come to the view that we should probably retain what has been there over years. As far as I am concerned, if it was good enough for Kevin O’Higgins in 1925, it is good enough for me in 2005. I am prepared to accept the Title as it stands.

Mr. F. McGrath: I strongly support amendment No. 5. My experience indicates that An Garda Síochána is the most commonly used title for the police force. I say that as somebody who grew up in Galway and has worked on the northside of Dublin for 22 years. This is the term commonly used by the public. Moreover, something that always gives me a sense of pride is that members of other police forces consistently refer to An Garda Síochána. I have heard that from members of police forces throughout the EU as well as the US and Canada.

I have just come from a meeting in Coolock, in my constituency, which was opened by the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív. I am interested to hear his view on this matter because he is the man whose opinion I heed on cultural and linguistic issues. I support the amendment because it shows respect for and a commitment to the entire concept of An Garda Síochána, the guardians of the peace. The meaning of the force’s title is something we must revisit. We are not only debating the name of the force but must also revisit the entire principles of An Garda Síochána because of the crisis that has arisen within the force following the scandal in Donegal.

Mr. McDowell: I refer Deputy Ó Snodaigh to his remarks on Committee Stage where he frequently referred to An Garda Síochána, as he now wants to call it, as “the Garda Síochána”. I have the transcript before me so I do not understand his point.

Aengus Ó Snodaigh: If the Minister had listened to my last contribution, he would know I stated that I, similar to others in the House, use various forms to refer to the force. However, the legal title of the organisation is An Garda Síochána. The Bill includes instances where this title is shortened to “Garda”, for example, in reference to “Garda Commissioner”. I am not seeking to change that aspect but I request that the title of the organisation, An Garda Síochána, be correctly used. One would not interfere with a French, German or Japanese title by imposing “the” or any other English word. The first and official language of this State is An Gaeilge and the Minister knows that as an officer of the courts in the past.

I am trying to effect only a minor change and I did not foresee it would take this length of time. If the Minister had agreed with the purpose of this amendment, as the Minister of State, Deputy Brian Lenihan, seemed to indicate on Committee Stage, it could have been dealt with quickly. The objective is to recognise that the legal title of the organisation is An Garda Síochána. This would have allowed us to get on with the business we intend to do.

Is oth liom cinneadh an Aire gan glacadh leis seo. Is mionathrú é, agus sa deireadh thiar thall, más léiriú é seo ar an meon atá ag an Aire i dtaca an Bhille ina iomlán agus na leasuithe atá againne, cad is fiú dúinn ar an taobh seo den Teach bheith ag iarraidh athruithe cuimsitheacha a chuirfeadh leis an Bhille a chur chun cinn? De réir cosúlachta, níl an tAire sásta éisteacht le haon leasú in aon chor. Sa chás seo, is oth liom arís nach bhfuil sé sásta éisteacht le hathrú beag simplí nach gcuirfeadh as d’aon duine, a bheag ná a mhór. Sa deireadh thiar thall, bheimis ag ceartú botúin atá ann ó 1925 de réir an Aire.

Ní ghlacaim leis sin mar má théann duine siar sa stair, thuig siad an Ghaeilge agus a tábhacht agus chuir siad teideal gach uile eagrais a bhunaigh an Stát as Gaeilge seachas an polasaí nua atá ag an Rialtas teideal Béarla a thabhairt do gach eagrais a bhunaíonn sé, cosúil leis an Private Residential Tenancies Board agus smaoiníonn sé faoin teideal Gaeilge sa dara áit. Léiríonn sin an meas atá ag an Rialtas agus ag roinnt Stát-seirbhísigh i leith na Gaeilge. Ba chóir an dheis seo a thapú an reachtaíocht seo a cheartú.

An Ceann Comhairle: Is the Deputy pressing the amendment?

Aengus Ó Snodaigh: Yes.

Amendment put and declared lost.

Mr. McDowell: I move amendment No. 6:

In page 10, line 3, to delete “means regulations made” and substitute the following:

“means—

(a) the 1989 Regulations, as amended under *section 119*, for as long as they continue to be in force under that section, or

(b) any regulations in force”.

This is a technical amendment advised by Parliamentary Counsel to make it clear that where references to the disciplinary regulations arise in the Bill, such references are to be understood as referring to the current regulations as provided for under the 1989 regulations until such time as those regulations are revoked, when the regulations made under section 115 of the Bill will come into force. Deputies will understand that it is purely technical.

Mr. J. O’Keeffe: The purpose of the amendment is to continue to ensure that the authority of the present regulation continues until new regulations are made under the new Act. Is that the idea?

Mr. McDowell: Sections 115 and 119 address these issues.

Mr. J. O’Keeffe: Section 119 continues the existing regulations.

Mr. McDowell: Yes.

Mr. J. O’Keeffe: Section 115 will be the legislative basis for new regulations.

Mr. McDowell: Yes.

Mr. J. O’Keeffe: I have no problem with the amendment.

Mr. Costello: If the Minister is introducing, as he says, a technical amendment, he does so to protect himself because the other regulations will not be in place. Will he give us an idea as to when regulations under section 115 will be drawn up? Will the existing regulations under section 119 be continued for some indefinite period? The danger of amending the section is that there is no guarantee when or whether we will have those new regulations. In a sense, the Minister is potentially putting the establishment of new regulations on the long finger. He should clarify how he intends to implement section 115.

Aengus Ó Snodaigh: Léiríú é seo an tslí scanalach atá ag an Aire ó thaobh leasuithe de agus an t-am gairid a thug sé dúinn déileáil leis na ceisteanna seo. Níl mé i gcoinne an leasaithe s’aige, tá mé i gcoinne an slí gur tugadh é seo dúinn níos luaithe ón liosta glas agus ansin tháinig an leathanach bán le hathrú eile, substitute amend-

ment. Léiríonn sin an deifir atá ar an Aire agus go bhfuil sé ag déanamh botúin.

Seo sampla beag den sórt botúin atá sé ag déanamh, fiú ag dréachtú leasaithe. Má tá sin i gceist i leasú teicniúil, cad é atá istigh sna leasaithe móra eile os ár gcomhair? Cruthaíonn seo an pointe a rinne mé ar maidin gur chóir dúinn dul ar ais go Céim an Choiste. Is oth liom nach raibh an tAire anseo le déileáil leis an díospóireacht sin. Ba chóir go mbeadh na leasuithe ar fad sa cháipéis amháin gur féidir linn déileáil léi seachas bheith ag dul ó phíos a páipéir go píosa páipéir eile.

Mr. McDowell: Ba mhaith liom a rá——

An Ceann Comhairle: Before the Minister begins, Deputy Catherine Murphy may wish to speak.

Ms C. Murphy: On disciplinary issues, the 1989 regulations require conciliation with representative associations. Given that the provisions are contained in later parts of the Bill, some of which involve new amendments, how can conciliation happen after the event? Do I misunderstand the matter?

A meeting was held yesterday morning, which some of the representative associations attended in the belief that it would consist of a briefing discussion. When they realised that it was a conciliation meeting, they withdrew rather than engaged because they approach the matter from the point of view of employment rights. I am confused as to how the 1989 regulations may be returned to, while also including in the Bill issues that clearly require conciliation. Such a process has not been followed with staff associations at this stage. Maybe I am confused but I do not see how the two matters are compatible.

Mr. McDowell: Fuair mise níos mó ná 80 leasuithe ó Sinn Féin ar maidin. What is sauce for the goose is sauce for the gander.

The fact that this amendment is on a separate white sheet arises from an unusual situation in which the Bills Office, using what it terms editorial discretion, originally tabled this amendment in a form which materially differed from the amendment prepared by Parliamentary Counsel. As Parliamentary Counsel, upon receiving it, was not happy with the editorial amendment worked by the Bills Office, it had to be returned to its original form. I did not do it. That is the explanation.

Deputy Murphy asked how the 1989 regulations can continue in force. This Bill does not disband the Garda Síochána. There have to be transitional provisions. Section 119 makes clear that unless and until new regulations are put in place, the old regulations will continue to exist. This is not inconsistent with any other matter. We do not simply throw out regulations made under earlier Acts and say that we will start from scratch. On the question of when it is anticipated

that new regulations will be put in place, Deputy Murphy is aware that the Government asked Senator Maurice Hayes to chair an oversight committee on all the preparatory measures necessary to give full effect to the new legislation. In so far as that requires amendments to the disciplinary regulations and similar matters, I hope to be in a position to put forward a scheme of events so that, by the commencement of the Act, as much of the transformation work as possible will have been done.

Mr. Costello: This amendment is more complicated and far-reaching than we noticed. It seems amazing that an amendment was tabled in the green book and a follow-up amendment on a white sheet amends that amendment. It shows the manner in which these amendments are being tabled, the lack of proper decision-making and the lack of time to deal with the matter properly.

The original amendment No. 6 refers to section 115 but all reference to section 115 has been deleted in the subsequent version of amendment No. 6. Section 115 deals with disciplinary regulations and I will read the first part of that section: "The Minister may, after consulting with the Garda Commissioner and with the approval of the Government, make regulations concerning the maintenance of discipline in the Garda Síochána".

Amendment 57a is a serious amendment to which the Minister referred last night, which has appeared in the white form which I understand is incorporated somewhere in the much increased green booklet we now have with all of the amendments. I have not yet had a chance to search for it as we only received it as we walked into the Chamber. It is relevant to our discussions as it refers to the regulations. That amendment states the Garda Commissioner may appoint, subject to and in accordance with the regulations, such numbers of persons as he or she sees fit to the ranks of the Garda and can summarily dismiss members if he or she is of the opinion that the conditions laid out in the amendment are met with regard to their conduct.

An Ceann Comhairle: We have gone on fast forward through the Bill if the Deputy is discussing amendment No. 57a.

Mr. Costello: I will finish this serious point.

An Ceann Comhairle: We are still discussing amendment No. 6.

Mr. Costello: We are unlikely to reach this amendment.

An Ceann Comhairle: Not if we discuss them all on amendment No. 6.

Mr. Costello: We may not get to this substantial amendment.

An Ceann Comhairle: We cannot discuss it now. The Deputy's time has concluded.

Mr. Costello: This is relevant to amendment No. 6.

An Ceann Comhairle: It may well be relevant but the Deputy only has two minutes to speak.

Mr. Costello: I will finish the point. The Minister is reintroducing reference to section 115 with the words "Any regulations in force under *section 115*". Section 115 will allow him to draw up disciplinary regulations which can result in the opinion of the Commissioner leading to a member of the force being dismissed. That is a serious matter.

An Ceann Comhairle: The Deputy has made his point.

Mr. Costello: This may be an amendment we must vote against.

An Ceann Comhairle: It may well be when we reach it.

Mr. J. O'Keefe: Deputy Costello made a substantive point that must be examined in much more detail. I wish to raise a drafting point. The Bill as presently drafted states, "Disciplinary Regulations" means regulations made under section 115". The proposal in the amendment is to delete the three words "means regulations made" and to add

"means—

(a) the 1989 Regulations, as amended under *section 119*, for as long as they continue to be in force under that section, or

(b) any regulations in force

That leaves the words "under section 115" afloat. Are the words "under section 115" to remain? They have not been deleted under the proposal.

An Ceann Comhairle: They are deleted under amendment No. 6 on the white sheet.

Mr. J. O'Keefe: Another sheet. This is impossible.

Mr. Costello: This is ridiculous.

Mr. J. O'Keefe: I give up on any drafting point. That is the ninth sheet I have received.

An Ceann Comhairle: That was circulated.

Mr. J. O'Keefe: I seem to have been omitted. I merely happen to be the Fine Gael spokesperson.

Aengus Ó Snodaigh: The Ceann Comhairle may be able to answer my question. I sat through most of Committee Stage of the Garda Síochána Bill. This was not raised on Committee Stage so

[Aengus Ó Snodaigh.]

why have we not recommitted it as we recommitted the Minister's other technical amendment?

Whether I table 80 or 100 amendments and present them today, that is the deadline we enjoy. The Minister has an entire staff and Department as well as the Ceann Comhairle's office and the General Office to trawl through amendments we put, the majority of which are ruled out of order. It is difficult to anticipate and pre-empt what new sections the Minister will introduce into the Bill, as he has done in every Bill he put before the House. I might have been late in tabling these amendments but I reached the deadline in the Standing Orders.

That is not the point. The Minister had the opportunity over two years to get this right but he failed to do so. He should have taken the additional time we called for to get the amendments right, and to get consensus on this side of the House on some of them which are sensible and I congratulate him on them. However, we will not have time to discuss them properly and perhaps tidy them up and improve them.

An Ceann Comhairle: I wish to make it absolutely clear to Deputy Ó Snodaigh that the office of the Ceann Comhairle and the Bills Office treat all amendments received in accordance with Standing Orders.

Aengus Ó Snodaigh: I never said it did not.

An Ceann Comhairle: There was an implication that there was a difference in how the Government and Opposition were treated.

Aengus Ó Snodaigh: I stated the Government was helped by an entire staff.

Ms C. Murphy: In his reply to the question I asked, the Minister mentioned transitional arrangements with regard to the 1989 regulations.

The reality is that the 1989 regulations require conciliation as there is a change in conditions of employment in the amendment to which Deputy Costello referred. This is interlinked for that reason. The staff associations withdrew from the meeting precisely because there was inadequate time to consider or properly consult on that change. It is irrelevant to have transitional arrangements if, at the same time, the decision has already been made prior to conciliation to change the terms and conditions of employment. I am not arguing that the change should not take place but there should be time for conciliation.

I am probably more confused than anybody in this House with the amount of material I have received on this Bill. The inadequate amount of time to deal with many of the changes that will happen as a consequence of this Bill being guillotined is not just felt in this House but also by the Garda associations.

Mr. McDowell: I should indicate the commencement section provided in the Bill gives the Minister of the day a good deal of room to manoeuvre with regard to deadlines or changes arising and allows for further time to discuss many of the issues involved.

Amendment put and declared carried.

Mr. McDowell: I move amendment No. 7:

In page 10, between lines 4 and 5, to insert the following:

“‘document’ means any book, record or other written or printed material in any form, including information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in legible form;”.

This is a standard form of amendment which simply states the meaning of “document” and gives an extended meaning to electronic as well as paper documents.

Aengus Ó Snodaigh: As with the previous amendment, I do not recall this matter being discussed on Committee Stage. Is there a reason we are not recommitting the Bill to deal with these amendments in line with the decision taken on the other technical amendments?

Mr. McDowell: I am bound by the rules and orders of the House and the rulings of the Chair.

Aengus Ó Snodaigh: I am not blaming the Minister this time.

Mr. McDowell: I am not selecting one section or another for recommitment. I am obediently following the order of the House.

Aengus Ó Snodaigh: The question was not necessarily directed at the Minister because the Ceann Comhairle is in charge. I do not understand why a decision was made earlier on technical amendments.

An Ceann Comhairle: The note before the Chair is that it arises out of committee proceedings.

Amendment agreed to.

Amendments Nos. 8 and 9 not moved.

An Ceann Comhairle: Amendment No. 10 in the name of Deputy Ó Snodaigh arises out of committee proceedings. Amendment No. 11 is an alternative to No. 10. Amendments Nos. 15 to 17, inclusive, and Nos. 58 to 68, inclusive, are related. Amendment No. 16 is an alternative to amendment No. 15. Amendment No. 60 is an alternative to amendment No. 59 and amendment No. 66 is an alternative to amendment No. 65. It is pro-

posed, therefore, to take amendments Nos. 10, 11, 15 to 17, inclusive, and 58 to 68, inclusive, together.

Aengus Ó Snodaigh: I move amendment No. 10:

In page 10, lines 17 and 18, to delete all words from and including “and” in line 17 down to and including “member,” in line 18.

This is the first reference to the volunteer, reserve or other designation that will be given eventually to this part of the organisation the Minister is providing for in the legislation. I am opposed to it, first, on the basis of our history if we consider the misuse of voluntary reserve forces on this island. We do not require a volunteer or reserve force to create confidence in the Garda in the community. We need proper resourcing of the Garda Síochána and of community policing, and proper use of the Garda Síochána. When that happens we can decide whether we require an increase in Garda numbers. If we increase Garda numbers at that stage we can then examine whether the additional members should be part-time or otherwise. At that stage I would be willing to examine the proposal but considering the job the Garda Síochána has to do for the State and for the community it serves, and the job each individual garda must do, having a volunteer, reserve or any type of yellow pack force is wrong. The gardaí have an onerous and specific task, which has implications in terms of the way they carry out their duties. The Garda Síochána training was increased from six months to two years because of the additional obligations and requirements of individual gardaí in terms of understanding the law, how to deal with the public, how to arrest people, how to deal with people they arrest, how to proceed in the courts or how to deal with members of the community in their day-to-day trials and tribulations.

In this section and the related sections on the reserve or volunteer police force the Minister is saying we can hand over the duties to people who are not as fully trained as permanent members. They will not get on the job training and, unlike teachers, they will not get in-service training to keep them on top of the job. That could not happen because they would not be full-time. I presume they would not be available to become full-time. If that were the case they would apply to become full-time members of the Garda Síochána.

The Human Rights Commission and the Irish Council for Civil Liberties expressed deep concerns about this proposal. The Minister said there was consultation on the Bill with the Human Rights Commission but in regard to the concept we are dealing with now and the section that follows later, the HRC said it was seriously concerned about any proposals for the exercise of police powers by non-gardaí and that individuals who have not undergone a period of police training and education should not be granted legal

power to arrest and use reasonable force. The Human Rights Commission recommends that a person should not be legally entitled to exercise police powers if they are not subject to the Garda code of ethics and, more significantly, if they do not fall within the remit of an independent complaints body for the investigation of any complaints against that person.

The Human Rights Commission has indicated that it retains its grave reservations about the final form of the proposal and in particular the possibility that police powers will be vested in individuals who are not properly trained, are not fully accountable or are not clearly identifiable as police officers. It has recommended to the Minister that anyone performing such functions needs to receive adequate training, and human rights training in particular. It has indicated its intention to closely monitor any regulations relating to these provisions.

We should not go forward with this concept because we do not have the regulations in terms of the reserve police force before us. They do not form part of the Bill and until they do, this concept should be put to one side perhaps with a view to introducing it at a later stage as a stand alone Garda volunteer force or whatever. We can then properly debate it.

For its part, the Irish Council for Civil Liberties opposes outright the establishment of a volunteer reserve. It stated that such a measure creates a parallel police force without the requisite training or accountability. It stated also that this proposal cannot be allowed given that Garda powers, by their very nature, permit them to lawfully infringe the rights of citizens to a degree that a normal citizen would not be allowed to do. It called on the Minister in its submission to abandon this proposal.

I listened to the case made on Committee Stage for this measure but it was not sufficiently strong. This proposal does not present an effective solution to the problems we face in terms of policing on this island and in this State in particular.

Mr. Costello: This is an important measure the Minister is proposing. He proposes a volunteer Garda force or a reserve Garda force, whatever the nomenclature may be. Some 15 amendments are grouped for the purposes of discussion of this section. There are problems with the proposal in regard to the eligibility criteria for qualification for membership, what sort of training and education members would have and what powers they would be entitled to exercise. Section 14(3) bluntly states: “While on duty, a volunteer member has the same powers, immunities, privileges and duties as a person appointed under *section 13* to the rank of garda.” People who do not have the same training and code of ethics, who are not answerable in the same way to the ombudsman and who are, effectively, a part-time reserve force, will have the same powers as the Garda Síochána, which are extremely extensive.

[Mr. Costello.]

Gardaí may not have powers of life and death but they have powers of personal liberty, arrest and detention. Under the Criminal Justice Bill 2004, proposed by the Minister, gardaí — perhaps two gardaí from the same station — will be able to grant each other search warrants so they can invade homes and privacy. Their powers are enormous yet the Minister blindly puts forward this proposal without indicating clearly and in detail what the powers will be, how they will be exercised and how the Minister envisages the reserve force will operate.

The Minister suggests the reserve force will assist the Garda Síochána. Will it operate on its own or must its members always be accompanied by a ranking police officer when carrying out their duties? There is a huge opportunity — if “opportunity” is the right word — for vigilantism. The residents of a locality are likely to be recruited to the local force. They will be granted enormous powers yet there is no clear indication as to what professional authority they will be under in the exercise of their powers and in carrying out their duties.

I do not object in principle to a volunteer force or a reserve force but questions arise. Will it be a part-time force? Will it be a paid force? Will its members be empowered to take people to court? Will they be able to get off work to do that? The nature of the force is not spelled out, like much of the Minister’s legislation. An idea comes from the top of his head and he expects us to buy into it without providing us with a clear indication of the implications for those who will be recruited as to how they will carry out their duties.

There is a contradiction between section 14(3), which states: “While on duty, a volunteer member has the same powers, immunities, privileges and duties as a person appointed under *section 13* to the rank of garda” — in other words, as a normal member of the Garda Síochána — and the Minister’s amendment No. 68, which seeks to insert at subsection (5) of section 14: “The Garda Commissioner may determine the range of powers to be exercised and duties to be carried out by reserve members.” If reserve members are to have the same powers, how will the Garda Commissioner determine the range of powers to be exercised? Either they have the same powers as serving members of the Garda Síochána or they do not.

The powers of gardaí are enshrined in legislation yet the Minister states that the Garda Commissioner may determine the range of powers to be exercised. While I accept that the Garda Commissioner would have to determine the duties to be carried out, if reserve force members have the same powers as gardaí, how could the Garda Commissioner say: “Look, lads, you may have the same powers as the gardaí but you are only going to exercise the powers I allow you to have”? If that is the case, they do not have the same powers as gardaí.

Is the Garda Commissioner the appropriate person to determine the powers and privileges of the new reserve body? I would have thought it would be determined by statute, that this House would determine what powers will be exercised by a reserve Garda force or by the Garda Síochána. The House should make the determination for a reserve force.

There is too much fuzziness around the proposal. Initially, the Minister proposed in the legislation that the power to appoint reserve or volunteer gardaí would be exercised not earlier than 12 months after the commencement of the section. That is now to be deleted, with the result that there will be less time to tease out what will happen in this regard. I presume the Minister is also suggesting that Senator Maurice Hayes, because he has oversight responsibility for the implementation and roll-out of the Bill, will have some role in this matter. I am not sure that is the way we should conduct our business. While I have the greatest respect for the ability of Senator Maurice Hayes, whatever powers, duties or entitlements are granted to a reserve police force, that should be done in this House.

Following today’s sitting, we should be able to say we understand what a volunteer force will be, what a reserve force will be, and that we know how it will operate. We should be able to go back to our communities to tell residents’ associations that the Minister has put through particular amendments to a Bill and what it means for them — perhaps it would mean that the members of a local community are entitled to volunteer to become reserve gardaí, with the powers of a member of the Garda Síochána. Many people would be wary of that, in particular as there is contradiction in how the Garda Commissioner will operate the force.

There is significant concern, not least the concerns voiced in the amendments regarding human rights and civil liberties, about a partially trained group of recruits, who will act in reserve, having the same authority and powers to operate, arrest and detain as ordinary gardaí. At the same time, there is concern as to what the implications may be for the rights of the citizenry in certain cases.

Is the Minister suggesting that those recruited will operate not as a militia that travels from area to area but, of necessity, because they are volunteers or reserves, will operate within a very limited geographical area? Will they get expenses, will they travel or will they be bussed to their destination? If not, will they be locals who will operate as a police force to back up the Garda Síochána, with the same powers? When can they operate these powers? In what circumstances will they operate?

All this is unclear. These issues were raised on Committee Stage, yet instead of improving the situation with his amendments, the Minister’s only amendments are to change the name of the force and muddy the waters still further by handing over authority for the exercise and extent of

the powers to the Garda Commissioner. There is much explaining to be done and it is getting late in the day to do so.

Mr. G. Murphy: I will try not to repeat what other Deputies have said as we may have many of the same concerns. We are generally in agreement with the concept of a volunteer or reserve police force. There is concern about the amount of power such a force would have. Deputy Jim O'Keeffe recommended a reserve or back-up police force as more appropriate than a volunteer police force. The former is there to assist the Garda Síochána rather than take over the role of the Garda Síochána.

There is no clear indication if the force will be totally voluntary, if there will be some payment or if there will be expenses. When this was discussed on Committee Stage it was indicated that there would be people, retired from the Garda Síochána or other professional organisations, willing to get involved in a project in their area of speciality.

In the run-up to the Bill Deputy Costello prepared a document on community policing. The importance of community policing was clearly shown for the first time, as was the fact that it was under-resourced until now. One recommendation was that community policing should be an established force within the Garda Síochána. It should have a separate budget and a separate assistant commissioner dealing with community policing. I worry that the concept of a volunteer or reserve police force will be used to dilute the necessity for full-time, fully resourced community policing. I can see how a reserve force could be of assistance to community policing but, considering the track record of this Government in providing resources, it is more likely the Government will use the reserve force as a cheap way to replace the community policing programme.

Many questions must be answered. There seems to be an obvious contradiction where the legislation refers to the reserve force having the same power as gardaí, but refers elsewhere to this power being determined by the Commissioner. There is no doubt that the powers of the reserve force should be debated and decided by this House. The House should be responsible to the people for the powers it grants a reserve force. There is much to be said for dealing with this separately so there is a clear indication of where the concept is going.

Mr. Cuffe: After the Minister left the House, shortly before we adjourned for lunch, I raised concerns at the fast-tracking of some amendments. I went out for a vote, looked in my pigeon hole and there was another list of amendments. It is exasperating to deal with a plethora of amendments coming from the Government at this late stage. It makes it nigh on impossible to get an idea of what is being dealt with at each stage.

I assume we are dealing with my amendment at this stage.

An Leas-Cheann Comhairle: It is included in the amendments being discussed.

Mr. Cuffe: I thank the Leas-Cheann Comhairle for that clarification. At the moment the closest we have to a reserve force are the crimewatch committees that operate throughout the country. In some places they operate very successfully and work well with community gardaí. I was at a meeting last night and picked up a newsletter from a crimewatch unit of the Garda Síochána. It states quite bluntly that it is stuck for cash to deliver what is requested. It says that recommendations were made in 1998 on the improvements in that service but the resources have not been given to deliver on this. The newsletter had a large amount of commercial sponsorship in it. I do not think that is how such a service should be operated. Good policing needs proper resourcing and I am concerned by the proposal for a voluntary reserve force. I would not condemn the idea outright but I need to see compelling evidence from the Minister that it can work and that it has worked elsewhere.

Meetings of concerned local residents or crime-watch groups include some of the brightest and the best in the community. One also finds some of the little Himmlers who state what they want to do when they find those responsible for crime in the community. I am nervous about how the Minister will recruit these volunteers.

To that end I propose an amendment that will ensure the members will receive human rights training. I acknowledge the current training programme for the Garda Síochána in Templemore has a human rights component. I am not convinced it goes to the heart of the training of the Garda Síochána. I suspect it is a bolt-on strategy. I want to ensure that training in human rights is at the heart of what both the Garda Síochána and the reserve force would receive. The Minister has included a reference to human rights in the oath sworn by gardaí but I think this should be at the heart of the training the volunteers receive. I therefore propose amendment No. 64.

Mr. F. McGrath: I hold a slightly different view to a number of my colleagues. I take their points on the reserve and volunteer police force. There are some positive examples of good practice. I recall a trip to London with the Committee on Justice, Equality, Defence and Women's Rights. In one community I had a positive experience of a reserve officer working with children at risk and young girls involved in child prostitution, and dealing with anti-social behaviour. She was a reserve officer and was very much involved in crime prevention, but there was a clear distinction between her and the full-time community police officers and other officers. She made a major contribution to the estate in which she operated. She was a woman in her mid-twenties.

[Mr. F. McGrath.]

When the programme began there were many cynics within the force, who were concerned that the programme would produce “yellow pack” positions. She broke down the barriers with the community police officers advising her. There was a clear distinction between her powers and those of the rest of the force.

There are examples of good practice and we should not be afraid to consider them. On that trip I also met community police officers who spent 80% of their time in the community. This is something we need to examine. If we have community gardaí, we must ensure they are not in offices or attending meetings or book launches. They should spend 80% to 90% of their time in the community. That part of London had major problems with anti-social behaviour. I was impressed by the way in which the local authority and the community police officers worked together as a team in dealing with anti-social behaviour, including violence and graffiti. When local people approached community police officers, within five or six weeks a programme was put into effect to remove car wrecks and graffiti, or deal positively with the known leaders of anti-social behaviour in the area.

I realise some people have concerns about the idea of reserve police forces. Historically I also have some personal baggage concerning them. The public must have confidence in fully trained officers, particularly in disadvantaged areas. Last night I received a call from a part of my constituency where the community is being dominated by 20 to 25 local teenagers who are out of control. Drugs are involved also. The community is not happy with the response of local gardaí. It is not acceptable for such communities, particularly those in disadvantaged areas, to be left to their own devices. Fully trained officers are required to place a strong emphasis on community policing. Gardaí cannot go into communities demanding respect, they must earn that respect. There are examples of good practice where gardaí have proved they can bring a community with them when they deliver a service, rather than flying in and out every now and again.

While those points relate to the positive side of the debate, the negative side arises from my historical baggage, including my experience of the police force in the North. At the hearings of the sub-committee into the Barron report, examples were cited where members of loyalist paramilitary groups, or people sympathetic to them, infiltrated the reserve police force in Northern Ireland. Some of the suspects in the Dublin and Monaghan bombings had connections with the North's reserve police force. These are matters of concern to me.

I fully accept we have to reform the Garda Síochána and in that respect I accept many of the proposals in the Bill. We must also ensure, however, that it is not just a legislative issue — it is about people going to work for eight hours a

day. That core issue applies equally to refuse collectors, gardaí and civil servants. In this House we often forget examples of the unsung heroes in society to which nobody refers. The Minister should use this opportunity to push the Minister for Finance to provide for the appointment of the extra 2,000 gardaí that were promised.

I strongly support the concerns expressed about the Bill by groups such as the Human Rights Commission and the Irish Council for Civil Liberties with regard to human rights. A number of Deputies have referred to those concerns.

Amendment No. 68 provides that the Garda Commissioner may determine the range of powers involved, but I would be cautious about this. The details should be laid out more clearly and there are examples in other jurisdictions that could be followed in this regard.

People should be open-minded about the issues involved. There are examples of good practice by other police forces in different communities. We must also be cautious about a reserve police force, however, and ensure the calibre and integrity of those joining it. Other Deputies have referred to people in their own communities who would not be suitable members of a reserve police force. It would be a disaster if they joined. On the other hand, there are qualified people who want to make a contribution to society. They do not need to have the same powers as the Garda Síochána, so that is not an issue. A reserve or volunteer police force should support the Garda Síochána and the community by preventing crime.

Crime prevention is a major issue. Sensible gardaí know that if they wander down to the local chip shop at 1.30 a.m. and stand around for a few hours on a Saturday night or early on Sunday morning, they can prevent a lot of anti-social behaviour, including fighting outside chippers and pubs. When gardaí undertake such patrols they can cut crime and anti-social behaviour by 50% or 60%. I have seen it happen in my constituency, particularly in the Coolock area. When young and ambitious gardaí are determined to do their jobs well, they can focus on the issues and win the respect of a local community. That is the way forward.

It is not just a question of legislation, although we should be responsible in supporting radical reform. We should not delay such reform and this is where I disagree with some of my colleagues on the Opposition benches. If people want to reform the Garda Síochána then let us table positive amendments to that effect. We must realise, however, that we cannot wait around here for the next ten years to do so.

I have tried to be positive in making constructive comments in this debate. While I share some of the concerns that have been raised about the proposal for a reserve police force, I encourage people to be open-minded about it.

Mr. J. O’Keeffe: I fully support the change of name from “volunteer” to “reservist”, which is a wise acceptance of the points that were raised on Committee Stage. I am still somewhat unclear, however, about the powers and immunities of a reserve member. I am also unclear as to whether, under the new dispensation, the prescription by the Garda Commissioner must have the approval of the Minister. My starting point was that I did not believe reserve members should have the same powers, immunities, privileges and duties as fully trained gardaí. I did not want a reserve member to have, for instance, full powers of arrest.

I note the Minister is now providing that the Garda Commissioner may determine the range of powers to be exercised and duties to be carried out by reserve members. That seems reasonable but I have not had sufficient opportunity to tease this matter out. Is there any question of the Minister having any input into the range of powers to be exercised and duties to be carried out by reserve members? Is it to be done with the Minister’s consent? We should clarify that issue.

When a reserve member is carrying out those powers — as prescribed by the Commissioner, if this new amendment goes through — will he or she have the same immunities as an ordinary member of the Garda Síochána? Can the Minister tease out those points? In a way, we are almost on Committee Stage here because there has been a change which I find mostly desirable and of which I approve. However, I would like to clarify those issues before giving the matter my blessing.

Mr. McDowell: I want to assure Deputies that the proposed changes arise directly from the proceedings on Committee Stage, in which Deputy Jim O’Keeffe strongly supported the idea of a reserve Garda force.

Mr. J. O’Keeffe: Yes, indeed.

Mr. McDowell: He persuaded me that the term “volunteer” could be misconstrued and that I should call them “reservists” instead. That was the appropriate thing to do, so the bulk of my amendments currently under discussion is aimed at implementing that particular change that arose from the discussion on Committee Stage. In my defence, I would say — nobody else will — that it is not indicative of arrogance. I listened to Deputy Jim O’Keeffe and made a commitment to him that I would consider the points he had raised. I was favourably disposed towards implementing them.

My second point relates to the Garda reserve envisaged by this section. As Deputy Finian McGrath said, this section does not create a Garda reserve, it just provides the opportunity to do so. We must examine this in an open-minded way because this proposal is not set in stone.

Section 14(1) provides that the power to appoint persons as reserve members is subject to

regulations. Therefore, to answer Deputy Jim O’Keeffe’s point, there will be power for the Minister to make regulations and to have an input into the way in which the Commissioner moves on foot of section 14, once it has commenced. The combined effect of sections 65 and 68 is to meet a point discussed on Committee Stage. Section 65 cuts back the general equality of status of reserve members, as they will now be called.

Mr. J. O’Keeffe: Does the Minister mean amendment No. 65 or section 65?

Mr. McDowell: I mean amendment No. 65. It cuts back on equality of status because it provides that “subject to *subsection (5)*, a reserve member has, while on duty.” those powers.

Mr. J. O’Keeffe: Is there a danger of conflict between the two situations?

Mr. McDowell: I do not think so. The reference is that the Garda Commissioner can determine the range of powers to be exercised and the duties to be carried out by reserve members. The entitlement of those members to be considered equal to other members of An Garda Síochána is expressly stated to be subject to that. This provision also came about as a result of discussion on Committee Stage, largely between myself and Deputy Jim O’Keeffe.

For the sake of consistency, if I am moving amendment No. 65, I seek liberty to change the term “volunteer member”, which appears in the text before the House, to “reserve member” in accordance with other amendments in the group under discussion.

Aengus Ó Snodaigh: Another botched amendment.

Mr. McDowell: Sorry, that has already been covered.

Mr. J. O’Keeffe: I would like to be constructive and tease this out. As it will now read, the Act will provide that subject to subsection (5), while on duty a reserve member has the same powers, immunities, privileges and duties as a person appointed under section 13 to the rank of garda. Subsection (5) determines the range of powers to be exercised and duties to be carried out, but does not refer to the immunities or otherwise.

Mr. McDowell: I will not delimit the immunities. It is the powers and duties that are to be the subject of Garda Commissioner stipulation in subsection (5). I want reserve members to have all the immunities that a member of An Garda Síochána has. I do not want them to be sued personally in circumstances where, for example, a person standing in the same line at a demonstration cannot be sued personally. That would be unfair. It would put them in an inferior position if

[Mr. McDowell.]

their immunity was different from that of ordinary members of the force.

Mr. J. O’Keeffe: Is the idea that their powers will be delimited by the Garda Commissioner?

Mr. McDowell: Yes, but their protections should not be delimited.

Mr. Cuffe: Does that suggest that their duties could include being at a demonstration?

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

Mr. McDowell: Of course, in some circumstances that might be the case.

Mr. Cuffe: This is a particular concern as demonstrations require highly trained personnel.

Mr. McDowell: One never knows, there could be an emergency where it would be necessary to have them to protect property or whatever. I listened carefully to the points made on Committee Stage and I have adhered faithfully to what I said I would do then.

Mr. Costello: That is not true. The Minister has not done so.

Mr. McDowell: I have.

Mr. Costello: Certainly not as I envisaged it.

Mr. McDowell: I did what I told Deputy Jim O’Keeffe I would do.

Mr. Costello: There are other Deputies with views on the matter.

Mr. McDowell: On Committee Stage, Deputy Jim O’Keeffe indicated strong support for the concept of a reserve force.

Mr. J. O’Keeffe: I reiterate that.

Mr. Costello: Other Members did also.

An Leas-Cheann Comhairle: Please cease the interruptions.

Mr. McDowell: He indicated that he was strongly in favour of the idea and he asked me to make a particular amendment, which I am doing. Others who do not agree with the whole idea of reserve gardaí are not satisfied. However, I am doing what I said I would do——

Mr. Costello: The Minister was obviously not listening to the debate.

Mr. McDowell: ——in favour of those people who support the idea. Obviously, I will not be

faithful to all the ideas of the people opposed to the idea. That would be nonsense.

I welcome what Deputy Finian McGrath had to say on two counts. We must get on with the business and cannot keep postponing it — I do not say that to take an unfair advantage. Now is the time to get on with it because we will have other problems in the autumn. We must get on with policing. We should remember that the next modules of the Morris tribunal will not be easy to deal with either. Some of the report will be difficult to deal with from the point of view of the self-esteem and reputation of the force. I must get on with the legislation. I cannot just sit around waiting for successive artillery shells to bounce around me and promise to legislate at the end of it all. As Minister, I do not have the luxury of being able to wait until the dust has settled to get on with the process of reform.

Many people would have reservations about a reserve force. Deputy Cuffe said he would like to see evidence that it works. Reserve forces work and operate in most common law countries. They are useful and effective. I urge the Deputies expressing scepticism and using phrases like “yellow pack policing” to bear in mind what Deputy Finian McGrath discovered when he went to London and spoke to some of the people who have become reservists in Great Britain. He has no axe to grind in this regard, but he said very fairly that there are good reasons a reserve force is a good idea.

I do not want to repeat myself at great length because I made these arguments on Committee Stage. One of the biggest dangers for An Garda Síochána is that its roots will be cut off from the community and gardaí will find themselves policing areas 20 or 30 miles away to which they must commute. This will not happen just in Dublin but right across the country.

Mr. Cuffe: This is therefore an appropriate time to revise the Garda code so that gardaí can serve in an area close to where they live.

An Leas-Cheann Comhairle: Please refrain from disorderly interruptions.

Mr. McDowell: Deputy Cuffe’s interruption makes the point that should be made about the quality of some of the contributions, that when confronted with the fact that gardaí must commute to work, and that, like many other people in society, they live in a different world, the contributors proposed that I should require them to live in specific places. We are not in the Victorian world. I cannot tell gardaí they must live beside where they work. They are human beings and have social lives to which they are entitled. It is remarkable to see the Green Party come into this House and coming up with — if I may use the phrase — “an arrogant notion” ——

Mr. Cuffe: What I am saying ——

Mr. McDowell: — that members of An Garda Síochána should be capable of being directed as to where they live, unlike other members of the community.

Mr. Cuffe: The Minister is misconstruing what I said.

An Leas-Cheann Comhairle: Order, please. The Deputy will have the right to his two minutes.

Mr. McDowell: Deputy Cuffe should remember that he chose to be elected in a constituency in which he did not live. Therefore, he is not in a position to tell gardaí they must live in the area they patrol. That is a flippant remark, but I am making a deeper point. In a much more mobile society, with all the difficulties faced by younger people in getting to work etc. — the Green Party has strong views on commuting and how wasteful it is — we must deal with the reality of the real world. These difficulties cannot be wished away by a change in Garda regulations.

There is a significant danger that in many communities An Garda Síochána will not have roots in those communities. One of the ways of establishing links between gardaí and the community in which they operate is through reserve members. They are the eyes, ears and local allies of the Garda. These people from the community represent a community link and interest in the force.

I strongly believe in the idea of recruiting reserve members of the Garda. Those who are sceptical about the notion will change their minds when they reflect on it in the fullness of time. When the reserve force has been put in place, such people will consider that it strengthens, rather than weakens, the Garda to have reserve members in the community. The establishment of the reserve force will not lead to a dilution of the presence of the Garda in the community. It will concentrate the links between the force and the community.

I agree with Deputy Cuffe that there should be an emphasis on human rights when members of the Garda are being trained. One of the lessons to be learned from the Morris tribunal is that there is a need for a renewed emphasis on not infringing people's human rights. It is obvious that such a moral imperative did not exist in the minds of some people in County Donegal who were the subject of the first two modules of the Morris tribunal. I do not doubt that the House will have an opportunity to strengthen the human rights dimension of the training of gardaí. We need to re-emphasise the need for gardaí to serve the community rather than to fail to do so. I am confident that the point made by Deputy Cuffe will be dealt with. I do not think a statutory change needs to be made to the provisions which will establish the reserve force. Deputy Cuffe's point is one of general application.

Mr. Cuffe: Can I respond to the personal remark made by the Minister?

An Leas-Cheann Comhairle: I will call the Deputy in turn.

Mr. Cuffe: I would have expected better from the Minister.

Mr. Costello: I wish to defend Deputy Cuffe. The Minister tried to misrepresent the point the Deputy was making. I do not doubt that the Deputy will have another chance to make his point and to correct the Minister.

Most Opposition Deputies did not object to the proposal to establish a volunteer police force. We agreed with it in principle, but we sought clarity and further details about its operation. We did not receive answers to most of the questions we asked about the volunteer force. The Minister's amendment No. 68 contradicts the text of the Bill. The Minister has tried to deal with this in section 14(3), which states that "a volunteer member has the same powers ... as a person appointed under section 13 to the rank of garda". In other words, volunteer members will have the same powers as ordinary members of the Garda Síochána. Both categories of member are inseparable in terms of the powers they can exercise. They are the very same.

Although section 14(3) does not refer to the Garda Commissioner, as I have outlined, amendment No. 68 proposes the inclusion in the Bill of a new section 14(5), which will state that "the Garda Commissioner may determine the range of powers to be exercised" by volunteer members of the force. What does that mean? Does it mean that the Garda Commissioner may make a blanket determination of the range of powers to be exercised by the reserve members? Does it mean that the Garda Commissioner will be able to determine from time to time the range of powers to be exercised? What does it mean? How can the proposed new section 14(5) be reconciled with the blunt statement in the existing section 14(3) that "a volunteer member has the same powers" as a member of the Garda?

As I understand it, the proposed section 14(5) will mean that the Garda Commissioner will be able to declare at any time that the reserve members have certain powers. It will not matter that section 14(3) states that they have the same powers as the other gardaí with whom they work side by side. If he wishes, the Garda Commissioner will be able to declare at another time that the reserve members have a different set of powers. Does the amendment mean, as I understand it, that at some future stage, this Garda Síochána — I do not refer to the next Garda Síochána — will be given a general blanket set of powers? If that is what the Minister means, he should state it explicitly in the legislation. He should state precisely what he means.

It is either the case that the members of the proposed Garda reserve force will have the same

[Mr. Costello.]

powers as ordinary gardaí, or it is not. We should not give the Garda Commissioner the power to determine, as he or she sees fit, the powers he or she will allow a reserve member to exercise. The Minister has not clarified the matter. The House should determine the powers of the proposed Garda reserve force.

The point made by Deputy Finian McGrath has some validity. I was present during the trip to England to which he referred. I spoke to members of the constabulary in England who were extremely critical of the voluntary police system. They argued that the voluntary members of the police force do very little compared with what the members of the constabulary do but are paid almost the same amount of money. I was told that the voluntary members are indistinguishable to the public when they put on their uniforms because they give the impression that they are real police officers. Many of the members of a UK police force to whom I spoke were quite critical of the manner in which the reserve force operates. That is the other side of the coin which should not be forgotten.

Mr. F. McGrath: It must have been a different trip.

Mr. Costello: We met different members of the constabulary.

Mr. McDowell: It depends on the members of the constabulary to whom one speaks.

Mr. F. McGrath: I was chasing the National Front.

Mr. J. O’Keeffe: A proposal was made this morning to recommit the Bill. If we were teasing out this issue properly on Committee Stage, as we should be doing, we would ask the Minister to examine the manner in which this section has been drafted. There is potential for conflict between the clear expression of full powers and immunities for reserve members in section 14(3) and the provisions of amendment No. 68, which states that “the Garda Commissioner may determine the range of powers to be exercised and duties to be carried out by reserve members”. It is probably too late to solve this problem as we do not have time to address this matter. There is a channel of potential trouble if this issue becomes relevant at any stage in future.

I understand what the Minister is doing. He has come some way to meeting the points I have raised. I suggested in earlier amendments that the Minister for Justice, Equality and Law Reform of the day should have some control over the powers and duties of reserve members. It seems that such control is being handed over entirely to the Garda Commissioner. I am not sure whether that is the wisest approach.

Mr. McDowell: The Minister will have the power to give directives to the Garda Commissioner.

Mr. J. O’Keeffe: I suppose there is a general power in that regard. Perhaps the point I have made is covered in that provision. I will not press this issue further.

Mr. Cuffe: I think the Minister misconstrued my earlier intervention.

Mr. McDowell: If I did, I apologise.

Mr. Cuffe: I thank the Minister.

Mr. J. O’Keeffe: That is fair enough.

Mr. Cuffe: I asked the Minister to review the Garda code. I simply suggested that the section of the Garda code that specifies that a Garda cannot serve within ten miles of a relation, other than a spouse, is outdated and a reflection of a Victorian concept.

Mr. McDowell: Sorry.

Mr. Cuffe: I ask the Minister to allow gardaí to decide to live wherever they wish. If the Garda code is fully enforced — I do not doubt that it is being fully enforced — many gardaí must find it very difficult to live close to the communities which they serve. That is the simple point I was making. I hope the Minister takes it in that context.

Aengus Ó Snodaigh: I do not think a convincing case has been made for the volunteer or reserve force. The proposal has not been explained to the House in the detail that is required. I do not think it is right that the Bill before the House will allow the Minister and the Garda Commissioner to decide when the members of the volunteer force are deployed, where they are deployed and how they are deployed. When one considers the history of reserve forces on this island, it is clear that much more detail is needed before this Bill can be passed and such a force can be established in this jurisdiction.

I appreciate that reserve forces might continue to work well in Britain, but we need to bear in mind the experience of Irish communities over the years. I refer not only to the Six Counties, where the A, B and C Specials — particularly the B Specials — ran amok for many years, but also to this State, where the Black and Tans and the Auxiliaries also ran amok. They were reserve police forces.

Someone else asked about the calibre of those who may join such a police force. Who would currently clamber over others to join a police force? Would they be people looking to mimic those who abused their powers in Donegal and else-

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where? I hope we are inserting mechanisms to prevent such people ever joining the Garda Síochána or, if they manage to join, to ensure they are summarily dismissed.

If we are to have a reserve police force, it should be fully qualified, fully trained and full-time. The fact that the Garda Síochána is currently not doing its job fully reflects on those within the force, the management structure and the misuse of resources. Why are there more gardaí on duty during the day than at night when the majority of anti-social behaviour incidents or other crimes occur? Garda management rather than a reserve police force needs to deal with that. If a case is to be made for a volunteer or reserve police force, let us first correct what is wrong with the Garda Síochána and then see if a reserve force is required.

Mr. F. McGrath: Police officers have been critical of the proposed reserve police force, but I gained a very positive impression on the trip to English police stations. The sorts of problems raised were those that could be resolved with quality management of the services. I saw directly how some of the problems at a particular station had been overcome. In one police station I visited, 150 of its 350 officers were full time community officers. They had worked hard building up relationships in the community and they worked closely with the reserve officers. The community approved of the reserve force. It won the respect and backing of the community and saved many lives. I worked in the inner city for 20 years and always wanted such a police force, particularly for people in very disadvantaged parts of the city. I have seen quality gardaí deliver for people there. They did not turn their backs on them.

I agree that gardaí should have the option of living in their own communities and beside their own Garda stations. That should be voluntary but the impact is very positive. It does not necessarily intrude into the private lives of gardaí. I know many gardaí and have relations who serve in small towns throughout the State. They build up local community trust because they work, eat, sleep and drink with those communities. There is a strong relationship there which is what community policing should be about.

I urge all Deputies to keep an open mind. Some of us on the Opposition benches are open to the idea of a reserve and voluntary police force.

Mr. Costello: The Bill says that the volunteer police member has the same powers in communities as an ordinary garda. Deputy Jim O’Keeffe’s amendment says that the Garda Síochána support resource members shall only have such limited powers and privileges as prescribed by the Minister. However, the Minister proposes to hand over the entitlement, not just out of the House but out of his own hands, to the Commissioner to determine the powers of such gardaí. There

is something seriously wrong with that. Powers include those of arrest, detention and questioning. Will they have the powers to exercise and execute search warrants? What happens in those circumstances? Will the Garda Commissioner be able to determine whether a reserve police force member can arrest a citizen? Will the Minister or this House determine that? This is too serious a matter to leave as it stands in the Minister’s amendment.

Deputy Jim O’Keeffe’s amendment No. 66, with which I agree, makes provision for limited powers for the reserve force, but those powers would be prescribed by the Minister and he or she would have the authority to determine them. That makes a great deal of sense because we can then question the Minister. However, the matter may now be left entirely to the authority of the Garda Commissioner, with the issue unclear if he or she can, when calling in the reserve police force, allow it powers of arrest on one occasion and deny them on another.

A number of people, including myself, asked about the question of payment. In Britain, the reserve police force is very much a paid force. Does the Minister envisage a voluntary unpaid force or a part-paid force? How does he envisage a voluntary member carrying out duties if he or she must appear in court, for example? How would a volunteer get time off from work? Has the Minister a particular set of duties in mind to which the reserve force members would be directed?

Part of the problem with this debate is that none of us knows what the Minister has in mind, how the force will operate or what its duties or even its powers will be. I cannot attend a residents’ meeting and say that the Minister has an idea of which I am in favour, in principle. I cannot ask the residents what they might think and cannot explain the matter to them because the Minister has not explained it to us.

Mr. McDowell: Section 22 deals with the question of directives and allows the Minister of the day to give directives which must be complied with as long as he or she lays them before this House. If there was any question of the Garda Commissioner seeking to exercise powers under the relevant section in an unacceptable manner, that is easily remediable under section 22.

Deputy Costello continues to ask how exactly the reserve force will work. What we have before us is an enabling provision. Leaving aside the reservists or volunteer members, one will not see in this legislation exactly how the force will work in every respect. Much of this is enabling legislation which must be filled in with management practices, regulatory matters, directives, policing plans and so on. Merely by looking at the terms of this statute, one will not know in precise detail how every aspect of the Garda Síochána is run. For instance, there is no mention in the legislation of the drugs squad, but that does not mean it will not exist. It is not mentioned—

Mr. Costello: Nor is the crime squad or the murder squad.

Mr. McDowell: Exactly. All those are erected against a trellis of enabling legislation. It is not normal to provide in a constitution of a Garda force all of its constituent elements, its exact management structures, the means of the force's deployment or its organisation on a micro-management level. The same applies to the reserve force. I echo Deputy Finian McGrath's comment that this is an enabling section. Sufficient provision has been made to enable a reserve force to be formed. When that happens, the question of remuneration can be dealt with, as Deputy Costello suggested. The term "overtime" is not mentioned in the Bill in the context of the earnings of gardaí. None of this detail must be the subject of statutory provision.

Mr. Costello: The Minister has done away with overtime. It does not exist any longer.

Mr. McDowell: The words "shift" and "shift work" are not mentioned in the legislation but that does not mean they will be redundant.

Mr. Costello: The Minister should tell the truth, he does not know what it means.

Mr. McDowell: The Deputies should remember this statute will enable action to be taken and it is not a micromanagement picture of where the Garda will be in two, three, five, ten or 15 years.

Mr. Costello: The Minister does not know what the section is supposed to do. He should give us an idea.

Aengus Ó Snodaigh: While it was never intended that deployment of the reserve force would be laid out in detail, the Minister did not give us a picture of what this body will be enabled to do through these provisions. We do not need to know whether reserve force members are paid or the number of hours they serve — that detail will be provided in future — but their training and the work in which they will be engaged should be outlined. Will they be engaged in crime prevention and, if so, should they be Garda members or could they, for instance, be deployed as crime prevention officials attached to the probation and welfare service? Could they be paid by the State to work with community groups or other bodies? Is the reserve force needed in such circumstances or is a better mechanism available?

The Minister stated that reserve force members should be entitled to the same immunity as Garda members, despite us not knowing what they will do. However, they will not be full members of the Garda, they will not receive the same training, they will not work full time and they will not be paid on the same basis. Most of them will not want that anyway. The force will be different from the FCA, which is not likely to be active

unless there is an emergency. FCA members are only remunerated when they attend training camps. These details should be provided so that we have a picture of what the force will do.

Deputy Cuffe referred to community groups which have played a role in policing fora in his constituency. However, in the south inner city, including Rialto in my constituency, residents have come together at such fora and they do a good job. They play a role in helping the Garda Síochána to police their communities but they received no backing from the Department when they sought support to ensure their work would be co-ordinated so that they could work more intensively in the community, reflect fully what the Garda Síochána is doing and reflect to the Garda Síochána and city council officials the work that needs to be done. Those fora have been put on hold by their members because no support was forthcoming. The Minister should look to these people to join a reserve or volunteer force as they give freely of their time, yet trust has been damaged in this case because the Government would not support them.

If a reserve rather than a volunteer force is established, we do not know whether gardaí who take early retirement will be permitted to join. Perhaps the force could become a holding centre for gardaí such as the five members who were transferred from Donegal to Dublin recently. They could still abuse the public through their participation in the reserve force. Setting up such a force is akin to providing a yellow pack organisation because its members will not have full powers of arrest and so on. The powers enjoyed by gardaí are derived from the training they have undertaken for two years and that is how they become members of the Garda Síochána.

Deputy Costello asked whether members of the force require permanent mentoring, thus tying up gardaí in a baby-sitting role because the State has not trained enough people to do the work of the Garda Síochána. Will they be deployed to provide security at football matches, concerts and late night discos or will organisers of such events encourage the Garda Síochána to take heed of the attendance of thousands of people at such events so that sufficient gardaí will be on duty?

I support Deputy Cuffe's comments on the amendment to regulations to provide that gardaí be permitted to live and serve in their native communities — traditionally, especially in Dublin, gardaí have not been permitted to be stationed in their native areas, they have been deployed elsewhere. The Garda Síochána was established after the auxiliaries or black and tans. The Minister has failed to make the case for the amendments and they should be rejected.

Mr. J. O'Keeffe: I enthusiastically support the establishment of a reserve force. The Garda is overstretched and that will still be the case when the additional 2,000 recruits come on stream. There is continuing demand for a more visible

presence and one of the ways of achieving that is by providing support for the Garda Síochána and, in particular, by having reserve members available who will assist in supplying that visible presence.

We can learn from what happens in other countries. The neighbouring island has a long tradition of special constables. As I mentioned on Committee Stage, Charles Dickens was a special constable. The tradition stretches back that far. They are unpaid. I accept that the special constables in Northern Ireland did not cover themselves in glory. Nevertheless, we can learn from aspects of policing in the UK. It also has community support police, who are paid.

I envisage Ireland having a reserve force of approximately 5,000 members. There is a resource available in the form of the FCA, civil defence and others who have training, discipline and so forth. That is a ready resource which could be utilised to train people. The duties involved would be support for the Garda Síochána and handling crowd control at matches, U2 gigs and the like. The members would be a visible presence in the streets and estates where they are needed. They would be with and under the control of a full-time member of the force. I also envisage them doing station duties. They could be paid expenses and a limited amount of remuneration. I accept Deputy Costello's point that if they had to appear as witnesses on behalf of the State they would have to be remunerated by way of expenses for that purpose.

I am enthusiastic about this proposal. It will relieve some of the pressures on the Garda Síochána and will enable the Garda to have a more effective role in our community. I look forward to seeing it in operation as quickly as possible. I appreciate that the Minister has gone some distance in his latest amendments to meet some of my reservations about his proposal. I am still a little worried about the possibilities for conflict between subsection (3), which basically gives the same powers, duties, immunities and so forth to reserve members, and subsection (5) under which these may be limited by the Garda Commissioner. If it were possible, I would recommend that the provision be redrafted. Apart from that, I am prepared to support the outline of the reserve force as prescribed.

Acting Chairman (Mr. Sherlock): I will now put the question.

Mr. Costello: Will the Minister reply?

Acting Chairman: I am following the correct procedure. The Minister replied before Deputy Ó Snodaigh.

Mr. Costello: Many points were made by the Minister.

Acting Chairman: I appreciate that but there is procedure for dealing with each of the amendments.

Mr. Costello: Does the Minister not wish to exercise his right of reply?

Acting Chairman: I am following the procedure.

Mr. Costello: We will deny the Minister his reply.

Acting Chairman: I am not denying the Minister his reply.

Mr. McDowell: I have given my reply.

Mr. Costello: He got his reply in early.

Acting Chairman: He replied before Deputy Ó Snodaigh. That is the procedure.

Question put: "That the words proposed to be deleted stand."

Deputies: Vótáil.

An Ceann Comhairle: Will the Deputies claiming a division please rise?

Deputies Ó Snodaigh, Crowe, Morgan and Joe Higgins rose.

An Ceann Comhairle: As fewer than ten Members have risen, I declare the question carried. In accordance with Standing Order 68 the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Question declared carried.

Amendment declared lost.

Mr. McDowell: I move amendment No. 11:

In page 10, line 18, to delete "volunteer" and substitute "reserve".

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 12 and 73 are related and will be taken together by agreement.

Aengus Ó Snodaigh: I move amendment No. 12:

In page 10, to delete lines 22 and 23 and substitute the following:

"'Garda Ombudsman' means Ombudsman an Gharda Síochána established under section 57;". This is our first opportunity to discuss anything regarding the Garda ombudsman — ombudsman an Gharda

[Aengus Ó Snodaigh.]

Síochána. The other amendment is No. 73, which is to delete line 29 on page 16 and substitute “Ombudsman an Gharda Síochána”. This is in line with the points that I was making regarding titles of organisations being in the first language of the State, as Gaeilge, and translated thereafter if required — there is no need in this case — into English. That is the sum total of what I intend. There is a difference here. I am surprised that for once what I intended was not ruled out of order as a potential cost to the State. I do not intend a commission but a single ombudsman in line with our obligations under the Good Friday Agreement to have legislation equivalent to that affecting human rights in the Six Counties.

The other point in this regard is that there is consensus among the Opposition and across the political divide. There seems to be support from the Minister, who has agreed to oversee the implementation of the Bill, for a single ombudsman as the preferred option, rather than a trio who might formulate contrary views when dealing with complaints. The Human Rights Commission, the Irish Council for Civil Liberties and others, including Senator Maurice Hayes and, as I remember from Committee Stage, all the Opposition parties agreed it was the best course of action. It was the course we suggested when we made our presentation and submission to the Minister in response to his request for views on the future of the Garda Síochána and how it might be changed for the better.

We made a quite detailed party submission in that instance, as Gaeilge agus as Béarla. Leag muid amach go díreach cén fáth gur cheart d’ombudsman — “fear an phobail” nó “bean an phobail” as Gaeilge — a bheith neamhspleách ar an Gharda. Duine amháin a bheadh i gceist a cheapfaí ar mheán oscailte. Chomh maith leis sin, bheadh na hacmhainní cearta ag an duine agus a lán eile dá réir. Más gá, is féidir liom an rud iomlán a mhíniú don Aire.

The recommendations regarding the Garda ombudsman in that submission were a page and a half long, as the Minister may remember. Regarding the submissions that he received at that stage from other bodies and individuals, in most cases where an ombudsman was mentioned, it was in the singular, along the lines of what those in the Six Counties have enjoyed for several years under Nuala O’Loan, who has done great work.

I have the Human Rights Commission’s recommendations. It explained in great detail why it required a transparent appointments system. I made quite a detailed presentation. The ICCL did something similar regarding the establishment and functions of the Garda Síochána ombudsman. I had another one to hand a few minutes ago, but I am struggling with all this documentation. I believe that Professor Dermot

Walsh also produced a critique of the proposed Garda complaints procedure.

It is very difficult to produce a consensus on such issues, but the Minister has stuck stubbornly to his version. There was some movement on his part, since he originally had two totally different functions tied up in one structure. At least now he has separated the ombudsman from the Garda inspectorate. However, he is still free at this stage to admit his mistake and accept that a single individual is required — “fear an phobail” or “ombudsman an Gharda Síochána”. Not only is that needed; we also need similar funding and staffing to Nuala O’Loan’s office.

When I raised this matter on Committee Stage, the Minister said that we did not have the same history as the Six Counties and that it would therefore not be required. However, when one considers what emerged in the second report of the Morris tribunal and what may come out of the other eight modules, all of which deal with only one county, one understands the need for a single individual with a single focus and the money, resources and staff required to investigate all complaints. The Garda Síochána Complaints Board has not had the number of complaints that it should have had because no one had any confidence that it was willing to address problems, or achieve any sort of constructive result when it did.

Whatever system we have after this Bill is passed must be fully resourced. Someone with a single focus is the way forward. I was intrigued that Fine Gael made the creative and constructive suggestion that there be a single ombudsman for policing on the entire island. I congratulate them on an all-Ireland aspect which we should examine. However, perhaps we should have considered it earlier on Committee or even Second Stage.

Mr. Costello: We will have to join up the two police forces then.

Aengus Ó Snodaigh: In the long run, that is our intention.

Mr. J. O’Keeffe: They might try supporting them first.

Aengus Ó Snodaigh: We would support them if they were accountable to democratically elected representatives on the island, which they are not.

Mr. J. O’Keeffe: Get on board.

Aengus Ó Snodaigh: If the PSNI were accountable to this House, we might get on board a good deal more quickly.

Mr. J. O’Keeffe: But they would not recognise this House either.

Aengus Ó Snodaigh: I have recognised this House for a good deal longer than the Deputy,

since I pass it almost every day of my life. It exists as a building.

Mr. J. O’Keefe: Does he recognise the building? That is interesting.

Aengus Ó Snodaigh: If the Deputy wishes me to recognise the Houses of the Oireachtas, I will also recognise them. They and no one else have legislated for my life since I was born.

Mr. Morgan: This House was also born from the barrel of a gun, something that one should remember.

Aengus Ó Snodaigh: The purpose of the amendment is to restart the debate on the question of an “Ombudsman an Gharda Síochána” and to again ask the Minister to consider and take on board, even at this late stage, the points made on Committee Stage. I could reread some of what was said during that long debate but I am aware that other Members wish to speak on this issue. We are all anxious to discover whether the Minister is at all inclined towards having a single person in the role or whether he is doggedly sticking to the ridiculous situation of a multi-person commission.

Mr. Costello: This amendment is one for which we all argued on Committee Stage. It proposes that there should be a one-person Garda ombudsman in line with the excellent model that operates in Northern Ireland. Unfortunately, however, the Minister decided we were all out of line and that his proposal was the correct model. Since then, the Minister has moved forward to some degree. The provision in the Bill as it currently stands for an ombudsman commission represents a move from his original idea of a Garda inspectorate.

His new amendments represent a more considerable move forward and are remarkably progressive compared with where the Minister originally stood on this issue. These amendments propose that the three-person commission will include a nominated chairperson whose role will be akin to that of a general secretary. He or she will perform an administrative role in allocating the work of the office and determining how it will be done.

All these aspects are part and parcel of the Minister’s new amendments. It is clear that the chairman is an entirely different type of animal to what was envisaged in the existing provision for a three-person ombudsman commission with no distinction between any of the members. We must welcome that the Minister has made some progress in the direction to which we have been pointing for a long time.

In the context of these changes, will the Minister clarify whether the definition or interpretation is accurate? The Bill defines the ombudsman commission as the Garda Síochána ombudsman commission established under section 57. That section refers to the establishment of the ombuds-

man commission and section 58 refers to the appointment of the persons who make up the commission. In many ways, the new role of chairman is more important than that of the commission given the extensive rights and duties which the Minister’s new amendments propose. Is it sufficient to retain that particular reference and interpretation of the ombudsman commission without also including a definition or interpretation of the chairman? It is important to include that definition and I ask the Minister to respond on this point.

It will fall on deaf ears to ask the Minister to emulate the simple model that was devised by Senator Maurice Hayes in 1995. He developed the idea of a police ombudsman for Northern Ireland as a means of oversight of and investigation into complaints about the RUC. This idea was taken on board enthusiastically by both the Independent Commission on Policing, chaired by Chris Patten, in 1999 and, subsequently, by the new Policy Service of Northern Ireland.

I met the Chief Constable of the PSNI, Hugh Orde, when he visited this State and heard him speak robustly and enthusiastically in defence of the model in operation in Northern Ireland. He explained that while there were many initial concerns and suspicions among members of the Northern Ireland police force, they would now accept no other system of overview.

PSNI members believe a strong and independent individual at the head of the independent investigative machinery is the only way forward. There have been disagreements from time to time but there is also a general acceptance that it is essential to have a person who is independent, able to stand up in a singular capacity to defend the office and the work that is being done, will explain that work to the public, will make the decisions as to how complaints are to be investigated and also will proactively determine when investigations should take place where no complaint has been made. This latter aspect is an important one.

The Labour Party has tabled an amendment which would allow us to leave open the possibility of a one-person commission or a multi-person commission. This means the legislation would not have to be amended if the present model which the Minister favours does not work out to the best advantage. If this amendment is taken on board, a future Minister could determine that an ombudsman commission could consist of one person rather than three. The Minister seems to be moving in that direction because he has created a chairman who is not just *primus inter pares* but is effectively the ombudsman because of the powers he or she will enjoy.

The Minister should go one step further by providing for the scope that will allow the office to develop from a commission to a one-person ombudsman. He does not have to do it within the legislation but he can include the option. This means that, depending on how matters work out

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[Mr. Costello.]

and whether the body the Minister proposes to establish operates as effectively as he envisages, he or his successors can tweak and vary it and can revert to the original model devised by Senator Maurice Hayes and which is operated in Northern Ireland.

Is the Minister prepared to accept the modest amendment proposed by the Labour Party? This amendment comes later in the sequence and it will fall if we do not reach it unless its concept is taken on board by the Minister in an amendment of his own. Such an amendment should expand the concept of the ombudsman commission to allow it to be either a single person or a triumvirate as envisaged.

Debate adjourned.

Private Members' Business.

Morris Tribunal: Motion (Resumed).

The following motion was moved by Deputy Rabbitte on Tuesday, 21 June 2005:

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;
- 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.”

Debate resumed on 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.”

—(Minister for Justice, Equality and Law Reform).

Ms Sexton: I will share my time with Deputies Ardagh, Hctor, O’Connor, Fiona O’Malley and Peter Power, by agreement.

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

Ms Sexton: I am glad to contribute to this debate on policing in Ireland and I welcome the amendments announced by the Minister, which are broadly in line with the request made by the second Morris report for a review of the Bill. The second Morris report notes: “the provisions of the Garda Bill need to be reviewed by the Oireachtas, so as to satisfy the legitimate disquiet that arises”. I believe that every Member of this House owes a debt of gratitude to Mr. Justice Morris for the forthrightness of his report and conclusions. I have no doubt that when this Bill is passed, the confidence of the public will be

[Ms Sexton.]

restored and the events which occurred in Donegal will never recur.

The kernel of the issue raised by tonight's motion is the widespread and justified public disquiet at the findings of the Morris report of serious wrongdoing and gross negligence on the parts of certain members of the Garda Síochána in the Donegal division. The vast majority of members of the force are fine, honest, brave upstanding and hard-working men and women. I am conscious that, as legislators, we must ensure that we do not add to existing demoralisation within the force when we address justified public concerns.

How do we address that anxiety? How do we restore the high level of trust and confidence that the Garda has historically enjoyed? The Bill before the House is the means to do so. There has been widespread agreement for many years that a culture of reform is needed within the force. The wisdom of the motion, refined by the Government's amendment, is that the Bill devised by the Minister will deliver a remedy for that public disquiet and, crucially, provide dedicated gardaí with legislative armour to protect themselves from the accusations, spurious and otherwise, that are detrimental to the reputation and morale of the force. It will also ensure that never again will a situation be permitted to obtain where a wall of silence and the perversion of the course of justice is aided and abetted by a minority of dishonest members of the force to the detriment of the majority. What provisions should such a Bill contain? As Mr. Justice Morris said, the Oireachtas should review the legislation to ensure that key elements of reform are provided for.

Mr. Justice Morris stated that we need an independent body to examine concerns about Garda behaviour. The Bill provides for an independent ombudsman commission with strong powers of investigation. There will also be a provision that one of the three-person commission will be appointed as chairperson, so that there will be a recognisable and responsible individual on the commission. Contrary to a view repeated in this House and elsewhere, the functions and powers of the independent ombudsman commission fully measure up to those of the police ombudsman for Northern Ireland. The differences which exist do not detract from the equivalence of the two.

The Bill establishes a Garda inspectorate. This was not included in the Bill as published but was included in an amendment brought forward by the Minister, Deputy McDowell, in direct response to the first Morris report. The issue also arises of the connection with and responsibility to the public. The public is entitled to look to politicians to exercise accountability for the Garda. A link with the community is necessary, but this broke down in Donegal. It is appropriate that the Bill provides for a link between the force

and the community through local policing committees and local authorities.

These represent three of the key elements of the Bill. Time is not available to discuss every provision but the central point is that the Bill contains the most important legislative proposals on policing ever to come before these Houses. It replaces almost all the Garda legislation of the past 80 years. It is truly a root and branch overhaul of the force, its operation and how it is monitored.

The Bill has been the subject of wide consultation since its heads were first published. It has 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 by the Select Committee on Justice, Equality, Defence and Women's Rights. Many excellent amendments based on the contributions of these quarters have enhanced the provisions of the Bill.

I welcome the support for the Bill expressed on radio by Deputy Costello this morning. However, I am disappointed that many others do not want the Minister to proceed with the Bill. By enacting this Bill as quickly as possible, I believe that all Members will make a significant contribution to the restoration of the high level of trust and confidence historically enjoyed by the Garda. A true democracy needs a force which commands the respect and confidence of citizens.

Ms F. O'Malley: Notwithstanding the length of this Private Members' motion, two critical issues are involved. The first involves recognition of the widespread and justified public disquiet over the findings of the Morris tribunal. The second involves the question of whether an independent commission is required.

While I concur on the first issue, I find the second unnecessary. We do not need an independent commission, as proposed by the Labour Party motion, because that would take 18 months. This would consist of a finite period, and when concluded, the commission would report. We require to investigate how the Garda Síochána operates at present. Problems have been identified and we do not solely need investigations at this time but on an ongoing basis.

For that reason, I support the proposal put forward by the Minister with regard to the inspectorate. It would provide for the necessary appraisal of ongoing operations of the Garda and would be critical because there is nothing worse than investigating a matter at a certain time. Time has moved on. If the Labour Party had its way, 18 months would pass before we had a debate on the inspectorate's report, and what would obtain at the end of the process? We would not have an improved police service.

I join with Deputy Sexton in welcoming the fact that Deputy Costello and his party broadly support this Bill. It is important that Members cooperate to draw up a good Garda Bill which has cross-party support. Governments may come and

go but the Garda Síochána will exist forever. For many years, it served this country well. However, as the Morris report noted, problems exist in certain areas. It is time that we reformed the Garda's operations. Accountability was not foremost in former ways of organising the force.

The security risk from violence in Northern Ireland which was suffered by this State for 30 years has been overlooked. Some commentators referred to this matter. It had an impact on policing throughout the country and is maybe one of the reasons for the way in which policing in Donegal evolved. We need to be realistic. The State was under threat, with the result that procedures may not have been conducted by the book. Practices developed and evolved. Now that peace exists, we need to explore the Garda in terms of its structure and how it may be made accountable.

Last week, I heard the Minister's response to the Morris report. I concur with him that accountability must always remain with the Minister. He or she must be politically accountable to the House and to citizens. We cannot let that go. We need to professionalise the Garda. Since taking the justice brief, the Minister held to the theme that reform is necessary. However, this process was not conducted quickly. He consulted the public. This is the Bill that is drawn up. He indicated he would listen to what the Morris tribunal found and I commend the work he has done. It is hoped this is the first step in restoring faith in the police service, which needs to be done.

Mr. O'Connor: I am glad to have an opportunity to speak on this matter and to follow my good friends in the Progressive Democrats in doing so. I am sure it has come as a shock to Deputy Joe Costello to hear himself being praised from the Government benches so I will not overdo it or repeat it. I will compliment him on raising this matter because it gives us an opportunity to debate these important issues. Over a number of days we have debated justice and the future of the Garda Síochána, and it is important to have done so. As the Minister pointed out today, the public is watching us. I am concerned about the effect on the morale of the Garda Síochána and public confidence in the force. I speak as somebody who, like my colleagues, welcomes the Morris report and feels that the judge's findings should be implemented. It raises serious issues for the Garda Síochána and the public.

I was involved in the recent debate on anti-social behaviour orders. I represent a major urban area and it is important that we support it. I know other issues exist and people made the point that we should be careful with regard to anti-social behaviour orders, but in my community in Dublin South-West people tell me they support them. I have a background in community support as my previous employment was with the National Youth Federation so I am no hard right

conservative reactionary politician. I feel strongly about the issue.

Mr. Costello: Deputy O'Connor should join us. We need men like him.

Mr. O'Connor: A number of people argue that one cannot implement anti-social behaviour orders because of what the Morris report states on the Garda Síochána. That is dangerous and it is a challenge for the Minister and for us all to make the point that we must have confidence in the Garda Síochána. I respect the gardaí in my community and everywhere else. In Tallaght, as in other parts of the country, gardaí have been killed in the course of duty. It is important that we support them.

Wrongdoing happens in all walks of life and we must acknowledge, as the Morris report suggests, that it has occurred in the Garda Síochána. The Minister stated that he is dealing with it and was clear on Friday that he is determined to reform the Garda Síochána in a real way. The majority of gardaí do their job well and need the respect, understanding and support of the community, and it is important we make it clear that this House wants to support the Garda Síochána in every way.

Deputy Finian McGrath, in a reasonable contribution cited by the Minister, referred to the fact that the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights, under the able chairmanship of Deputy Ardagh, recently visited London. I was proud to be a member of that delegation. We went to Scotland Yard and visited a project in Bexley. Deputy McGrath and I broke away from our other colleagues and went on an operation with a group from the Metropolitan police, which was an amazing experience. I must talk about it at length some day.

We saw what good community policing can do and Deputy McGrath made that point. That is the way forward. We should be supportive of the concept of community policing and tell the Minister that is what he should try to achieve. Ensuring members of the Garda Síochána are highly visible in all our communities would help support them, which is what they want us to do.

It is hoped when the dust settles on this issue that the Garda Síochána feels it has our strong support. Much has been stated on the need to deal with the problems occurring within the force. I am not afraid to make the point that I support independent investigations of garda wrongdoing. We should not be afraid of that. It would give gardaí confidence and would be a significant bridge between gardaí and communities, not only in Tallaght and Dublin South-West but in every community in the State.

Mr. Ardagh: I am glad to have the opportunity to support the amendment to the Private Members' motion. We all recognise the widespread disquiet at the findings of the Morris tri-

[Mr. Ardagh.]

bunal into complaints against some gardaí in Donegal. We particularly understand the suffering of the McBrearty, McConnell and Peoples families. I regret, as do my colleagues in Fianna Fáil, what happened to those families. It is hoped that in the not too distant future, the Government will come to an amicable solution with those families on compensation and apologies.

Members of the Garda Síochána committed serious wrongdoing in Donegal but, having said that, we must fully recognise the great work done by the majority of gardaí who serve us well. The type of work they do for our security and safety on an ongoing basis and how they put their lives at risk on a continual basis to protect the public was enunciated to some extent by the Minister yesterday. I commend the members of the Garda Síochána on the restraint they have shown over the recent past given the difficult circumstances in which they labour.

I am delighted this Government, and the Minister for Justice, Equality and Law Reform in particular, has brought forward reform of the Garda Síochána which has been discussed for in excess of 25 years. The root and branch change and revision of the way in which the Garda Síochána is accountable to the Executive and operates with local authorities, and the accountability of the Garda Commissioner to the committees in the House is welcome.

I also welcome the establishment of the Garda Síochána ombudsman commission, particularly the fact that it will be a threesome. This works well in the Revenue Commissioners where each of the three commissioners are equal but there is a *primus inter pares* with regard to the chairman. It allows the commissioners to have separate areas of responsibility. It will be a vehicle whereby the members of the ombudsman commission will be able to have responsibility for certain areas of the investigation of complaints and other jobs and at the same time come together to make important decisions. Those important decisions can then be articulated and voiced by one person who will be the chairman. It is an ideal way of working and has worked well for the Revenue Commissioners in the past. I am sure it will work well for the ombudsman commission in the future.

Mr. P. Power: I thank my colleagues for sharing their time with me. It is appropriate to discuss the connection between the Morris report and the Garda Síochána Bill in the context of this motion. We had debates in the House on both but it is appropriate that we are allowed and enabled to debate both together. In that respect I welcome the Private Members' motion tabled by the Labour Party.

Nobody in this House would disagree that the revelations in the Morris report are shocking in the extreme and that if they were replicated in Garda divisions in communities in every city and county throughout the country, we would be talk-

ing about a serious threat to our democracy. I do not believe that is the case, and I believe that is the view of most Members of this House.

We should remind ourselves of the comments made by the chairman of the Garda Síochána Complaints Board, Gordon Holmes, in the immediate aftermath of the publication of the Morris report when he indicated that in his view the Garda division in Donegal was a kingdom unto itself and in no way could it be said to be symptomatic of the culture in the Garda throughout the country.

The simple thread running through the report is that the gardaí in the Donegal division believed they would never be held to account. They believed they could get away with their actions and that, in effect, they were above the law because there were no systems or controls in place in the Garda framework that would identify what they were doing. That was a licence to indulge in corruption and in the sort of behaviour that almost destroyed families and brought the good name of the Garda, earned over decades by hard-working members of the force, into serious disrepute. The question, therefore, is one of accountability and whether the Bill as proposed responds to the concerns set out in the Morris report.

It would be appropriate to again quote the chairman of the Garda Síochána Complaints Board, Gordon Holmes, when he welcomed the provisions of the Bill. This is a person who was charged with the responsibility of investigating complaints against the gardaí. He was the first to acknowledge that he did not have the powers to investigate and oversee complaints against the Garda properly and therefore his comments and judgment carry enormous weight in this debate. We should take careful note of what he said. As I indicated earlier, he said that the Donegal division was a kingdom unto itself. He also indicated that we cannot legislate for one Garda division alone and that we must legislate responsibly and proportionately for every Garda division. Gordon Holmes concluded that having investigated complaints and presided over what he acknowledged to be a defective way of investigating the Garda, he felt this Bill was an appropriate response to the situation that has developed. That view carries enormous weight.

There are many other aspects of the Bill I would like to discuss. I welcome the fact that the ombudsman and inspectorate provisions are independent. In the opinion of most but not all commentators, they have the necessary powers. There is no point enshrining in legislation that the Garda must be accountable. Nobody would disagree with that but the question is about the way it is to be held accountable. Having studied the provisions for the ombudsman and the inspectorate, the powers are appropriate to deal with these situations into the future. For that reason I support the Government's amendment to the motion.

Ms Hctor: Táim an-bhuíoch don Leas-Cheann Comhairle as ucht seans a thabhairt dom labhairt ar Bhille an Gharda Síochána 2005 agus an Private Members' motion anocht.

We all agree that Garda reform has never been more timely in view of the recent revelations in the Morris tribunal report. Sensible people are very much aware that this is outrageous behaviour carried out by a small minority in the Garda who have brought into question the credibility and integrity of the force. We must recognise the loyal and dedicated service of the majority of the 12,000 members of the Garda Síochána and commend them on their work, which is often done under cover, is not recognised but is very effective throughout the country from rural villages to large provincial towns and cities.

In supporting the Government amendment I welcome the fact that the Garda Commissioner will have more heightened responsibility in reporting to the Minister and to Government. I have stated that view on the record as one who worked on the Barron inquiry along with my colleagues, Deputies Seán Ardagh, Charlie O'Connor and Peter Power. We know how sadly lacking that relationship was at the time but that was the system in place 30 years ago when the Minister and the Garda Commissioner worked largely independently of one another. As a result, inquiries were wound up early and we see the effect of that today, with people still seeking the truth 30 years on. I welcome the fact that the Garda Commissioner will have greater accountability and a better relationship with the Minister and the Government.

I welcome also the fact that the Garda Commissioner will be in a position to dismiss members whom he believes do not live up to their responsibilities and the integrity of the Garda Síochána. I would recommend, however, that it should happen only when the full facts are made known to him or her at the time. The evidence must be in abundance because I am aware of cases where members have been called into question, often with evidence pending in regard to the garda's position. That leaves many families traumatised until that evidence is forthcoming. I ask that full evidence be made available to the Garda Commissioner before he can make such a recommendation.

I welcome the fact that there will be greater transparency in the amendments to the Bill regarding the promotion of every rank within the Garda Síochána. Questions have been asked previously about the criteria used in regard to promotion within the ranks, which has not always been clear, but the fact that there will be a largely independent board made up of people who are not members of the Garda Síochána who will act and work effectively on the promotions board must be a welcome development in the Bill.

We welcome also the professional standards that will be required. Such standards have always been required but they will be clearly required in

this Bill which is revolutionary legislation that has never been more timely in view of the recent revelations.

I welcome also the recent appointment of the chairperson to the ombudsman commission. It is only right that a visible figurehead be seen to lead the commission. It is welcome also that the ombudsman commission will be in place.

I was encouraged by the fact that the Minister responded to my representations on behalf of the Garda force which sought to have provision made within what we now know as the whistleblower's charter, whereby members of the Garda force would be able to proceed through a particular process to make complaints about colleagues who may experience bullying, be subject to harassment or whatever. I understand from my negotiations with the Garda Representative Association that the process has not been very effective to date but with the whistleblower's charter in place, the situation will become much more transparent. People can believe they will be aided if they experience bullying and harassment, something we cannot tolerate.

On the joint policing committees, as a committee we worked for more than 24 hours on the amendments to the Garda Síochána Bill. We welcome the fact that local authorities will have a greater say in the community policing of their areas. There is no doubt that the pooling of resources and experience will be an enhancement to the working practices of the Garda Síochána, which we welcome. We must also recognise that in many provincial towns, including Nenagh and Thurles, local gardaí were already working with local authorities before this legislation was put in place. It has been an effective measure for our towns. We welcome the fact this will now be given a statutory basis as the committee has worked diligently towards this achievement.

Despite all the difficulties of recent times in regard to an Garda Síochána, I welcome that approximately 3,000 applicants have made known their interest in positions in an Garda Síochána following recent advertisements. Many were not successful in their applications but, nevertheless, they will have the opportunity again. It is a point of encouragement in these dark days when the members of an Garda Síochána have gone through many difficulties. We need them. We need to empower them all the more to enable them to carry out their duties. We as legislators are in a position to empower them as never before so their work will be more transparent and more accountable to the public.

Ms C. Murphy: I wish to share time with Deputies Cuffe, Ó Snodaigh, Gregory, Finian McGrath and Connolly, by agreement.

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

Ms C. Murphy: Once the good name of an organisation is tarnished, the reason for this must

[Ms C. Murphy.]

be addressed and remedied if confidence is to be rebuilt. When the organisation is one of the cornerstones of democracy, the task is all the more important. As we are told that not only do we have the first and second Morris reports, but that a third will follow, there is clearly cause for concern.

It is impossible to judge from outside how deeply the problems identified by Mr. Justice Morris permeate. However, it is clear he identified concerns which he felt went beyond Donegal, or at the least he had concerns with some attitudes. An independent commission, for which the motion calls, is an ideal way of researching a response, in addition to the implementation of the Morris recommendations.

As a new Deputy, I cannot believe the way in which the Garda Síochána Bill has been handled in its concluding Stages. I was not expecting so many amendments so quickly. While the Bill has been in gestation for several years, it is clear many amendments, some substantial, have appeared overnight.

We must be balanced and consider how the law impacts on gardaí because only a minority will be implicated in this matter. The Garda staff associations were summoned to meet officials of the Department of Justice, Equality and Law Reform yesterday. On arrival, they realised it was not a briefing session but a conciliation hearing. On realising this, they withdrew. Most other workers would have the Labour Court or the Labour Relations Commission to seek redress. However, the Garda Síochána gets its rights of conciliation and arbitration from the 1989 regulations on discipline. It is clear the staff associations would not have walked out if they did not feel these rights were being infringed.

Mr. Justice Morris complained there was an over-reliance on the courts to deal with disputes. We are doing the reverse of what he recommended in pushing these staff associations towards the courts. There must be fair play on every side on this issue. Many of the amendments are reactive rather than proactive and sufficient time has not been given to properly consider them.

Mr. Gregory: I support the motion as a constructive attempt to come to terms with the main findings of the Morris tribunal. I support the call for an independent commission into policing in the State. It is urgently needed because the action required will not be achieved by the hotchpotch of amendments with which the Minister, Deputy McDowell, has flooded us in the past 48 hours. A rushed response to the extreme situation presented by the Morris findings is not advisable. A more measured response involving root and branch reform is required. An independent commission could help achieve that result.

I note in the terms of reference for such a commission in the motion before us the objectives that the police service be delivered in construc-

tive and inclusive partnerships with the community at all levels. I fully support that objective. I want in this context to raise what may seem a minor issue, which the Minister might get his officials to examine.

I am involved in two community policing fora, one in the north inner city and one in Cabra. The idea of these fora is that they are above all else partnerships between the community, the local authority and an Garda Síochána. They have the active involvement of these agencies, were both launched by the Taoiseach and are funded by the local drugs task force, whereby they employ coordinators based in the local community. However, to employ personnel they are obliged to set up limited companies to disburse public funds. The directors of these companies, it was hoped, would come from the community, the city council and the Garda Síochána. It sounded like the making of a constructive, inclusive partnership until in stepped Garda Commissioner Conroy, who directed that no garda can be a director of any such limited company. This archaic and ham-fisted response to what was until then a real partnership put a question mark over the future viability of these pilot initiatives.

Some Members of the House believe Garda Commissioner Conroy should go. I would go a step further. The position of Garda Commissioner should be taken out of the hands of any serving member of an Garda Síochána and be filled either by an officer from an outside force or some other appropriately qualified, independent person, because what is required is a cultural change.

Mr. Cuffe: I welcome the opportunity provided by the Labour Party to debate the findings of the Morris report. I welcome the opportunity to engage constructively with the Government on how the Garda Síochána can be reformed. However, it has been very difficult to do so in the past two days because the Minister for Justice, Equality and Law Reform has thrown out amendments like snuff at a wake. It has been increasingly difficult for myself and those working with me to even track the individual amendments as they arise. It does a fundamental disservice to this House to shove matters through at the last minute, making it difficult for the House and other bodies to respond. I would be grateful if the Human Rights Commission could respond to some of these last minute amendments but we are not given the opportunity to seek the views of others. Instead, we are thrown into the Chamber to try to digest the latest missives from the Minister's fax machine.

It is important that heads roll in light of the Morris report. Last week, I sought the resignation or dismissal of the Garda Commissioner, which underlines the magnitude of the difficulties the force must overcome. The culture of complacency went all the way to the top. Garda Commissioner Conroy did not do enough when he was in receipt of strong information about what was happening

in Donegal. He kept Frank McBrearty Sn. and his family under suspicion long after the dogs in the street knew they were not part of the process that led to the death of Richie Barron. He did not put his head above the parapet and deal with the real issues. Instead, he retreated to the stock response often produced by the Garda Síochána.

We need root and branch reform. It has to happen in the areas of recruitment, training, promotion and discipline — everything must change. We should have some kind of two-tiered admission to the Garda Síochána. We should recruit the brightest and best from our universities, who would enter the force at a more senior rank than ordinary recruits. We must also ensure we get the best people at junior level. We must recruit from ethnic minorities, the Traveller community and those who have come from the accession states. Otherwise, we will run the risk of going down the same road as the United States in its war on terror in Iraq in that we will not have the knowledge of the vital areas where we need to find out exactly what is going on. It is crucial we ensure recruitment to the Garda Síochána is a fair reflection of the spectrum of people living in Ireland.

I welcome the Labour Party's proposal to independently consider what went wrong and report back to us on that. It is crucial we have a clear assessment of where we stand. We must remember that we are only partially through the process Mr. Justice Morris is overseeing. Who knows what other revelations will come out? It is clear that something is rotten in the police force and that reforms are needed. I am not convinced the Garda Síochána Bill goes far enough to address them. Therefore, I welcome the contribution from the Labour Party that allows us to look deeply into what went wrong and what can be done to reform the force.

Aengus Ó Snodaigh: Gabhaim buíochas leis na Teachtaí agus Seanadóirí ó na páirtithe polaitiúla ar fad, seachas ceann amháin, a bhuaile le clann Eddie Fullerton an tseachtain seo caite. Tá a fhios agam gur chuidigh an brú a chuir siad ar an Aire leis an athrú beag sa mheon a bhí aige go dtí seo.

The Minister was prompted by the concern of the Deputies and Senators. When confronted by Eddie Fullerton's sister at a public meeting he said he would establish an inquiry if a Garda Síochána reinvestigation found evidence of collusion in Mr. Fullerton's killing. That is to be welcomed although it is not sufficient. There is the question of possible Garda Síochána and British security services collusion. The relevance to this motion is that many of the gardaí who mis-handled the investigation into Mr. Fullerton's killing are the same gardaí criticised by the Morris tribunal. That is why the family called for the terms of reference of the Morris tribunal to be extended to cover Mr. Fullerton's death and the subsequent investigation. At this stage we seek a separate public inquiry rather than an extension of the Morris tribunal.

Last week I asked the Minister to provide me with the details of the previous postings of the gardaí criticised by the Morris tribunal. It is a valid question. Some of these gardaí have been implicated by Mr. Justice Morris in serious crimes. If they were in other stations around the country who did they corrupt, or who corrupted them? The only way we can examine this matter is if we are supplied with the information on stations in which they worked in the past. I do not seek to know where they will be in the future. It should not be a State secret and as public representatives we are entitled to know so that we can examine the details of the Morris tribunal and future reports that come from it.

The Minister said there were only a handful of gardaí involved in the activities Mr. Justice Morris attributed to them. A handful means five or ten to most people. One can examine a list of gardaí implicated in some form or other, in gross negligence, incompetence, burying their heads in the sand, placing explosive devices and obstructing justice. That is from the first three modules. What about the next eight?

There is a culture of obstructing justice within the Garda Síochána. We do not hear from individual members of the Garda Síochána. They were not the ones who raised the question of corruption in Donegal. It was the families and Members of this House who managed to do that. We are still waiting for members of the Garda Síochána to stand up, be counted and point the finger at senior or junior members of the force who were involved in skullduggery. When they do so they need to be commended and protected against discrimination within the force.

If one considers the articles from *Magill* magazine, it is very strange that gardaí managed to get confessions from individuals who were not involved. Deputy Gregory referred last week to the case of Mark Nash. The *Magill* issue from April 2003 refers to Garda brutality and there is the case of a man hounded out of the Army and later hounded by the Garda Síochána. There are many cases in everyone's constituency where the gardaí have been involved in skullduggery.

I know of many examples, including Mr. John Moloney who was brain damaged in a Garda station and died subsequently. In my constituency a man pulled a gun on a member of the community as he drove a car with six children. When he rang the gardaí he was told the man was coked up to the head and that he would be all right in the morning. They suggested he would not remember what he had done but he did because he pulled a gun again three days later. The gardaí did not search for him, they did not arrest him, and I believe this is because he is a Garda informer. One of the problems is that Garda informers seem to do what they like and break the law.

Mr. Connolly: It is important to emphasize that the Morris tribunal was established to inquire into the nefarious activities of some members of

[Mr. Connolly.]

the Garda Síochána in Donegal. The Morris report refers to a minority of gardaí who have been responsible for bringing dishonour to the force and undermining public confidence in it. The public confidence in the Garda Síochána needs to be restored and surgery needs to be undertaken to remove the corrupt cancer that knaws at the force. Many people think the report reflects badly on the force. Neither law-makers nor law enforcers should be above the law.

Since its inception the Garda Síochána has gained a well-merited reputation for being close to the people and representative of their culture and outlook. It is in the best interests of more than 12,000 gardaí that any hint of wrongdoing be eradicated from the force. If I were a young member of the Garda Síochána or if I were training in Templemore, I would have second thoughts about the career I had chosen. It is bound to affect morale and the quicker this is dealt with, the better.

The role of Ministers, Attorneys General and senior officers in the Department should also be subject to scrutiny. The revelations in Donegal underline the need for a totally independent and transparent office of police ombudsman, similar to that obtaining in Northern Ireland, to impartially investigate complaints against the Garda Síochána. It is noteworthy that rank and file gardaí want this type of independent office. They do not want to be investigated by other members of the force. The establishment of such an office would be the greatest single act to restore confidence in the Garda Síochána. The proposed ombudsman is a watered down version of what we really want.

Mr. F. McGrath: I wish to put on the record my total support for the McBrearty family, the McConnell family and the family and friends of Richie Barron. They will always have my support in their quest for truth and justice. We must also face the fact that there is major disquiet among members of the public on the findings of the first and second reports of the tribunal of inquiry into complaints concerning gardaí of the Donegal division. There has been a major dent in public confidence in the Garda Síochána. The Government, particularly the Minister for Justice, Equality and Law Reform, and senior gardaí must wake up to this reality. Trust and confidence has been eroded and corruption in all sectors of society must be rooted out. There can be no compromise on this fundamental issue and no fudge on the Garda Síochána Bill. Truth, justice and quality policing are the core issues.

We must return to the sensible idea of a day's work for a day's pay. If gardaí want to win back the trust of our citizens the first thing to do is face the reality that corruption and misconduct happened. Then they need to work harder and earn the respect of the community. These are two practical solutions that can be carried out tomorrow morning without delay.

I support the section of the motion that states:

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;

We need to see that the Garda Síochána is structured, managed and resourced so that it can be effective in discharging its full range of functions. We must ensure that the education and training of members of the Garda Síochána are of the highest order.

There is also a need for a transparent and impartial mechanism for appointments and promotions at all levels of the police service. We need to ensure that the service is delivered in constructive and inclusive partnerships with the community at all levels. The legislative and constitutional framework requires the impartial discharge of policing functions, which must conform with internationally accepted norms for policing standards. The Garda Síochána should operate within a clear framework of accountability to the law and the community it serves.

I support this motion whose clear objective is a professional Garda force of high quality, working for the community. I urge all Deputies to support the motion.

Mr. Broughan: I want to share time with Deputies Sherlock, Burton and O'Shea.

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

Mr. Broughan: I am delighted to support the Labour Party motion before the House. Just two months ago when I spoke at short notice on the Second Stage of the Garda Síochána Bill, I welcomed many of the initiatives in the Bill. They included the joint policing committees my colleagues and I on Dublin City Council pioneered on that local authority, the setting of policing priorities, annual policing plans, the audit committee, the devolvement of financial accountability for the Garda Síochána to the Committee of Public Accounts, the statutory provision for international service and co-operation with other police services, especially the PSNI and the provision for volunteer or, as I understand it now, reserve members of the force. These are all important and useful initiatives that the Minister

inserted in the original Bill as it emerged from the Seanad.

However, the major and serious omissions in the Bill, which I asked the Minister, Deputy McDowell, to re-examine last April, still remain absent from the legislation. They are the lack of a Garda authority to give crucial independence and modern managerial direction to the force, and the lack of a properly resourced and powerful Ombudsman to investigate thoroughly the actions of all Garda members in discharging their crucial police functions.

For these reasons and the shocking impact of the two Morris tribunal reports, the comprehensive motion before the House is both timely and necessary to restore full confidence in an Garda Síochána.

I paid warm tribute to the outstanding work of my local Garda officers in the debate two months ago. I now reiterate my respect for the often heroic work of Garda members in combating serious anti-social and violent behaviour. In many respects, the Minister has let those officers down by refusing to support them with adequate resources at critical times. In recent days, he has also let them down by refusing to embark on a root and branch redrafting of the Garda Síochána Bill — preferably following on or in conjunction with a Garda commission, as we have proposed — including key reforms the Labour Party has long sought.

Gardaí generally were horrified and disgusted by the two Morris tribunal reports. I read the second report at my desk last Friday as well as referring to media reports of the Morris tribunal. When I closed the report last week, I was deeply shocked and horrified by the appalling and disgraceful events detailed in Mr. Justice Morris's lucid and compelling account of the performance of a significant number of Garda members in the Donegal division.

The outrageous failure to investigate a citizen's death in any remotely professional way and the attempt to frame two innocent men, marks a dreadful watershed in the history of An Garda Síochána. The shocking collapse of discipline, morale and local Garda leadership was detailed in the 700-page report concerning ancillary events connected with the totally botched investigation. This makes it incumbent upon the Minister to accept the motion and proceed to a fundamental national review of the Garda Síochána. The Minister must also incorporate in the Garda Síochána Bill all the necessary reforms as outlined by our party leader, Deputy Rabbitte and our spokesperson on justice, Deputy Costello.

It is an indictment of the Minister and his advisers in the Government that Mr. Justice Frederick Morris felt he had to repeat, in appendix 1 of the second report, his recommendations from the first report on the manner of reporting by local Garda divisions to Garda headquarters, the management of informants, the maintenance of Garda officer's journals, the disciplining or dis-

missal of misbehaving Garda members, and the recruitment and promotion system.

I note that the Minister has belatedly moved on some of these issues. I pay tribute to Deputy Costello who has dragged these reforms from the Minister with heroic fortitude. The Minister, however, has totally failed to address other recommendations by Mr. Justice Morris in appendix 1 and chapter 9 of the current report.

Like his colleagues in Government, the Minister, Deputy McDowell, often comes across as a man obsessed with the history of the pre-1997 era. This hapless and mistake-riddled Government cannot defend its woeful and lethargic record since 1997, so its only recourse is to harp on about events in the mid-1990s or even earlier. This ludicrous approach re-appeared yesterday when the Minister rejected the idea of a Garda authority. Despite the long-standing success of such authorities in the neighbouring jurisdiction and similar examples in many other democracies, both inside and outside the EU, the Minister has again rejected the establishment of a Garda authority or a board of directors on security grounds, although he did not elaborate on those. His stance would be totally inappropriate in any parliamentary democracy.

It is true that Ireland, the UK and Sweden have had fundamentally different histories since the 1920s because, at times, fascistic and criminal forces seriously threatened our democracy. The Garda Síochána has a proven and distinguished record in opposing such evil but the presence of a Garda authority would only enhance our fine tradition of democratic policing. Likewise, in the 2000 Labour Party policy document, Deputy Howlin made a cogent and unanswerable argument for a Garda ombudsman on the lines of the Patten reforms in Northern Ireland. Mr. Justice Morris has reiterated his call for such an ombudsman. The awful events detailed in his report, so far, make such a development crucial to the future well-being of An Garda Síochána.

Many Deputies have expressed grievances about the Garda Complaints Board and from that point of view the sooner any legislation is passed the better. Nonetheless, a fundamental root and branch redrafting of the legislation is required. It is unbelievable that the Garda Complaints Board appears to be answerable neither to this House, the Minister, the alleged victims of Garda misbehaviour nor their solicitors.

Last April, on Second Stage of the Garda Síochána Bill, I asked the Minister, Deputy McDowell, to address one such case. Although the citizen concerned made a complaint directly to the Minister — he approached him before he contacted me — the Minister chose not to respond to the matter. The Minister will recall that this was the case of a Mr. Kevin Tracy of Chapelizod, Dublin. Approximately three years ago, Mr. Tracy complained to the Garda Complaints Board about alleged, serious misbehaviour by several gardaí. Mr. Tracy also alleges he

[Mr. Broughan.]

has been unfairly treated by members of the Judiciary. I have heard these allegations by Mr. Tracy, as has the Minister, but it is appalling that the Garda Complaints Board has not reported on the matter for the sake of the gardaí concerned, the Judiciary, and Mr. Tracy and his wife. I invite the Minister to respond to the matter before this debate ends. He might also reflect on whether the new ombudsman commission should contain provision for a review of cases such as that of Mr. Tracy.

Mr. Sherlock: I welcome the opportunity to speak on one of the most fundamental issues currently confronting Irish society. The Garda Síochána remains a key institution in this State. Throughout the past century it operated as an effective police force of which we were all extremely proud. As a society, we owe a great deal to the collective endeavour of members of the Garda Síochána. However, at a time when anti-social behaviour is on the increase, crimes against the person have doubled in the past five years and drug use has spread nationwide, the number of gardaí on the beat is less now than it was seven years ago. We need a better, more modern police service equipped and structured to deal with the reality of life in the 21st century.

Dissatisfaction with the structures under which the Garda Síochána operates has been expressed long before recent scandals in the force emerged. Such dissatisfaction was also evident well before Mr. Justice Morris issued his second damning report into Garda conduct in Donegal, arising from investigations into the death of Mr. Richie Barron.

Much public dissatisfaction surrounds the manner in which the Garda Síochána responds to community concerns. There is widespread unhappiness with the working of the Garda Complaints Board and the adequacy of its governing legislation. Moreover, recent scandals, including the McBrearty affair in particular, have shaken public confidence in the Garda Síochána. I remind the Minister and the Government in general that the public accepted what the McBrearty family has had to say on this matter. There is no doubt about that.

Confidence in effective, efficient and accountable policing is a critical component of any normal democratic society where the rule of law prevails. The best way of restoring public confidence in the Garda Síochána, which has been lost in recent times, is to listen to what the public wants and expects from the police service.

Seven years ago, the public in a part of this island was engaged in such a debate. The Patten Commission process brought us the new beginning to policing in the North and the creation of one of the most modern police services in the world. While the modern PSNI emerged from unique circumstances arising from the bloody and tragic conflict in Northern Ireland in the latter part of the 20th

century, it has become one of the most innovative and modern in the world.

I began my contribution by talking about the changes in policing structures that have been achieved in Northern Ireland. While these reforms still have some way to go — we are only in the fourth year of a ten-year reform programme — the PSNI performs to the highest international standards. It is time we started hearing such positive comments about our Garda Síochána.

Ms Burton: The reasons for replacing this Government mount by the day. The Morris report and the Government's wholly inadequate response to it will come to be seen as one of the tipping issues which will clarify voters' minds as to why this Government must go. The Morris report outlines a litany of failure of management, absence of accountability and, crucially, absence of leadership on the part of senior management of the Garda Síochána, which is frightening in any democratic society.

The harassment, intimidation and persecution of the McBrearty family could have been stopped at any stage, from superintendent, to assistant commissioner and Commissioner levels, but it was not. The Minister for Justice, Equality and Law Reform failed utterly, both as Attorney General and as Minister, to respond adequately and give leadership to the Department and Garda Síochána senior management. He is now running for cover by presenting sweeping changes to the Garda Síochána Bill, many of which will never be debated in this House.

I want to draw to the attention of the House to amendment No. 36 in the name of the Minister. This amendment will basically give the Secretary General of the Department of Justice, Equality and Law Reform the power of access on demand to Garda files on any and every person, place, body or thing. This is an extraordinary, draconian power that the Minister is taking for himself and his Secretary General. Recently, we had occasion to revisit Fianna Fáil's murky past of phone tapping, obstruction of justice and obstruction of the Garda. The Minister, Deputy McDowell, asked the public to put him in Government to be a watchdog on Fianna Fáil. His response to the Morris report, in the additional powers he has sought, may further damage the Garda Síochána and public trust in the force.

There is a crisis of policing here and total under provision of community policing, particularly in urban areas. Gardaí must regain the respect of the general public. There is a fear among many members of the public, including many young people, of being wrongly picked on by individual gardaí and of having no recourse. We must ask whether Donegal is typical and how many other similar situations exist.

We have seen the pattern for reform set by Patten and by Nuala O'Loan in her performance of the job of ombudsman. We have a body of gardaí who have given dedicated service and who

operate to the highest standards of integrity. Their reputation and capacity to serve the community, as they have done since the foundation of the State, is being undermined by this Government and its shallow, pathetic response to police reform.

Mr. O'Shea: Tá áthas orm labhairt sa díospóireacht seo ag tacú le tairiscint na gComhaltaí Príobháideacha ó Pháirtí an Lucht Oibre ag impí ar an Rialtas coimisiún neamhspleách a bhunú chun féachaint ar obair na gardaí in Éirinn. Molaim an rún freisin go dtugfaí tuairimí ón phobal, comhlachtaí poiblí agus cumainn nach cumainn Stáit iad san áireamh agus, bunaithe air sin, moltaí a chur ar fáil maidir le struchtúr na gardaí agus an tslí a ndéanann siad a gcuid oibre.

I want to focus on a particular issue which comes within the ambit of the commission proposed by the Labour Party here over the past two nights that has particular significance for the Oireachtas, namely the right of a citizen to reach out to a public representative to report wrongdoing with a view to having the particular issue dealt with in the public interest. Surely a citizen should have the right to pass on such information to the public representative of his or her choice without putting himself or herself at risk.

There is a fundamental principle involved here with regard to the role of the public representative in society. If a citizen passes on information that exposes unlawful or corrupt behaviour, he or she should be able to do so in the full certainty that the Member to whom he or she entrusted the information could not be compelled by the courts to disclose the source of that information. Take, for example, a non-national nursing assistant who works in a private nursing home on a work permit who is conscience driven to expose mistreatment or neglect of elderly patients to the authorities. Such a person would in most cases feel very much at risk in making such disclosures. However, if such a person could go to a Member and make these disclosures in the certainty that his or her identity would be protected by law, such disclosures would be made more frequently, to the benefit of the State. This is, perhaps, an extreme example, but obviously there are many other instances where whistleblowers should be protected and encouraged to pass on information to public representatives.

I raise this issue because a colleague of ours, a Member of the House, is before the Supreme Court because he feels honour bound not to reveal the source of information given to him confidentially which is relevant to the Morris tribunal. The irony is that if Deputy Howlin put the information he got in the public arena under parliamentary privilege when he got it, he could not be pursued through the courts to reveal his source. However, because he acted responsibly and went to the Minister for Justice, Equality and Law Reform with the information, he finds himself before the Supreme Court. I do not blame the then Minister, Deputy O'Donoghue, for this.

The blame lies with senior gardaí who demanded to know his source.

The question remains as to what confidence a whistleblower can have when confiding in Members other than the integrity of the Member. Members and public representatives generally are, by and large, close to their electorate. Much private and personal information is confided in them for reasons of advice and for taking action to right wrongs. This is a healthy aspect of our democracy and should not be weakened in any way. Deputy Howlin's dilemma underlines a potential hazard for all of us as Members. We need an urgent and effective remedy to it so this type of situation does not arise in future.

Massive corruption has been exposed in the Garda Síochána in Donegal. The legal system appears to be seeking to shoot the messenger, who acted from the best possible reasons in this case.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I have listened to what Deputies have said in the course of this debate, but nothing I have heard has convinced me that we should establish a policing commission. Essentially it would look at many of the issues which are addressed in the Bill before the House.

There is no doubt, following the publication of the second report of the Morris tribunal, that now is the time to take action with regard to reform of the organisation and structures of the Garda Síochána. I agree with Senator Maurice Hayes that now is the time to take advantage of the fair wind behind the desire for reform of the force. We do not need a new policing commission touring the highways and byways operating, in the words of this evening's motion, to hear further consultations. We need action now.

Mr. Costello: Senator Maurice Hayes also said that sections of the Bill were nonsense.

Mr. B. Lenihan: As the Deputy is aware, those issues have been addressed. Reform is necessary now. It is necessary to rebuild the confidence of the public in the force. The Government does not object to the principle or process of consultation. It published the heads of the Garda Síochána Bill in July 2003, when it initiated a public consultation process. It received and took into consideration a report on the Bill prepared by the Irish Human Rights Commission. A lengthy debate on all the Bill's provisions was followed by one of the longest Second Stage debates on any legislation that has been before the House. It is welcome and understandable that Members have such an intense interest in the future progress of the Garda Síochána. The lengthy Second Stage debate was followed by an extensive examination of the Bill on Committee Stage. This Bill was initiated in the Seanad where, following extensive scrutiny, it passed all Stages without a guillotine before being sent to this House.

Mr. Stagg: The Bill was approximately half its current size at that stage.

Ms Burton: Has the Minister of State read amendment No. 36?

Mr. B. Lenihan: It is a tribute to the open-mindedness of the Minister that he was prepared to take on board many of the suggestions for improvements to the Bill which were made throughout the legislative process.

Mr. Stagg: He does not know what he is doing. The Minister of State should not be acting the hypocrite.

Mr. Costello: He is not prepared to turn up in the House.

Mr. B. Lenihan: When the Bill was sent to this House from the Seanad——

Mr. Costello: Why is the Minister not present?

Mr. B. Lenihan: I understand that the Minister must make an important announcement about child care.

Mr. Costello: The Minister of State, rather than the Minister, should be launching the report.

Mr. B. Lenihan: This Bill was initiated in the Seanad and passed by that House before being the subject of one of the longest Second Stage debates in this House since the foundation of the State. That is a tribute to the Members of the House who have demonstrated a passionate concern for the future of the Garda Síochána.

Mr. Costello: The Bill has been around the Oireachtas for two years.

Mr. B. Lenihan: The Bill was then referred to the Select Committee on Justice, Equality, Defence and Women's Rights. Deputies Costello and Jim O'Keeffe played a diligent part in the Committee Stage debate which lasted 22 hours.

Mr. Stagg: They were considering half a Bill.

Mr. B. Lenihan: When Committee Stage was concluded and the various amendments had been explained and discussed——

Mr. Costello: We are now having a Committee Stage debate masquerading as a Report Stage debate.

Mr. B. Lenihan: ——the Bill arrived back in the House this morning. A raft of Report Stage amendments have been tabled to the Bill by the Opposition parties.

Mr. Costello: Many of them have been tabled by the Minister.

Mr. B. Lenihan: It was said this morning that some of the amendments were sent to the various groups by fax machine.

Mr. Costello: The Minister of State is wrong.

Mr. B. Lenihan: I would have thought that there would have been higher levels of co-operation between the members of the putative rainbow coalition.

Mr. Stagg: The Minister of State is playing politics with this issue.

Mr. B. Lenihan: When the amendments were tabled, we discovered that a vast number of amendments——

Ms Burton: The Minister of State should go back to the playgrounds.

Mr. B. Lenihan: I deal with much more than playgrounds.

Ms Burton: He could do with building a few.

Mr. B. Lenihan: I have never seen a playground that has been constructed by the Deputy.

Ms Burton: I have not seen one that has been developed by the Government.

Mr. B. Lenihan: The Deputy will see it soon enough. It is an incontestable fact that a large number of amendments, many of which had been explained, discussed and satisfactorily resolved on Committee Stage, were tabled by Opposition parties before the start of the Report Stage debate.

Mr. Costello: What about the Minister's amendments? The Minister of State is being provocative.

Mr. B. Lenihan: The Government agreed last week to the requests of the Opposition parties to debate the first and second reports of the Morris tribunal before the Report Stage consideration of this Bill.

Mr. Costello: There was no debate on the reports.

Mr. B. Lenihan: The Government has addressed all the statutory issues raised in the Morris reports. Some amendments were published by the Minister last night in response to the issues raised in the Morris reports. There is no excuse for further delay — now is the time for action.

The proposals in the Garda Síochána Bill reflect the outcome of a thorough process of review and consultation. The Bill sets out a new accountability structure for the force. It will establish an independent ombudsman commission and a Garda inspectorate. The ombuds-

man commission will be very different from the existing Garda Síochána Complaints Board. Its powers will be modelled on those of the Police Ombudsman in Northern Ireland.

Ms Burton: That is a big promise.

Mr. B. Lenihan: It will be able to recruit investigators from abroad, enter Garda stations, seize documents and, if necessary, arrest members of the force. I hope the new and independent investigation complaints authority will underpin public confidence in the force.

The establishment of the Garda inspectorate is a vital provision in the Garda Síochána Bill. It will ensure that the Garda's resources are used to achieve the highest levels of efficiency and effectiveness, when compared with best police practice and standards. The inspectorate will inspect the operation and administration of the force and report to the Minister of the day with advice on best practice. Not only will it assist the Garda to achieve the highest standards, it will also give the Minister for Justice, Equality and Law Reform of the day an independent and objective assessment of the force's performance. That is a crucial response to the concern expressed in the report of the Morris tribunal that too much distance has opened between the Garda and the Department of Justice, Equality and Law Reform. The inspectorate's reports will be laid before both Houses of the Oireachtas. The chief inspector will be available when requested to attend meetings of any Oireachtas committee to discuss any such report.

As I have already indicated, the Minister has introduced amendments to the Bill to address fully the issues raised in the reports of the Morris tribunal. The amendments will place a new statutory duty on members of the force to account for their action or inaction while on duty. The amendments will also provide for a procedure that will enable and empower the Garda Commissioner to dismiss members of the force of sergeant or inspector rank.

Mr. Howlin: I regret that the Minister for Justice, Equality and Law Reform is not available to come to the House for the conclusion of this debate. I appreciate that he is busy today. The Minister promised that his predecessor as Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, would contribute tonight but he has not done so.

I will try to be dispassionate and calm as I respond to the speech made last evening by the Minister, Deputy McDowell. His contribution can only be described as the performance of a performer. He was trained in his previous occupation to make a case when no case exists and to distract his audience, formerly a jury, from unpalatable truths. As Minister, Deputy McDowell is an excellent lawyer. He argued last night that this side of the House responded to the Morris report in "the white heat of outrage". There was no

"white heat" of sudden revelation for those of us who have spent years pursuing the truth about the activities of certain gardaí in County Donegal. Our views and proposals, which have been shaped by years of careful analysis, were spelled out in this House more than four years ago. The mainstay of the Minister's shameful argument, which would not be out of place on Ballymagash urban district council, was the "youse did nothing" tack. That is simply a lie.

An Ceann Comhairle: I ask the Deputy to withdraw the word "lie".

Mr. Howlin: It is completely untrue and inaccurate.

An Ceann Comhairle: I ask the Deputy to withdraw the word "lie".

Mr. Howlin: I withdraw the word "lie". The Minister's allegation is completely untrue and inaccurate.

Mr. Costello: The Minister is a stranger to the truth.

Mr. Howlin: A motion I introduced in this House more than four years ago, on 10 April 2001, contained three main elements. First, it proposed the establishment of a Garda authority to set priorities for fighting crime at national level, to make the key decisions about policing more open and accountable, to be responsible for senior appointments within the force and to receive and consider reports from the Garda Commissioner on operational decisions. Second, the motion recommended the establishment of county policing liaison committees which would be charged with agreeing county or city policing plans, arranging regular meetings between the committees and local gardaí and monitoring progress and addressing the concerns of local communities.

The third mainstay of the set of proposals I issued on behalf of the Labour Party more than four years ago was the abolition of the Garda Síochána Complaints Board, the role and functioning of which is widely agreed to be unsatisfactory. I proposed the replacement of the board with a Garda ombudsman who would be responsible for investigating complaints against the Garda. Such an officer would be given his or her own staff and would be responsible for putting in place a new and independent system for ensuring Garda accountability.

The Labour Party did its work four years ago. The then Fianna Fáil-Progressive Democrats Government, with Mr. Michael McDowell SC as Attorney General, responded in a predictably dismissive manner. The then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, responded to the motion I tabled by saying:

I accept that the current arrangements for dealing with complaints against members of the

[Mr. Howlin.]

Garda Síochána are not fully satisfactory and need to be reformed. In that regard, I have also made it clear that I intend to bring forward appropriate proposals to the Government to amend the Garda Síochána (Complaints) Act 1986.

The Labour Party proposed more than four years ago the establishment of a Nuala O'Loan-type Garda ombudsman. Fianna Fáil and the Progressive Democrats responded by proposing to amend the discredited Garda Síochána (Complaints) Act. The then Minister, Deputy O'Donoghue, hardly addressed my other proposals in his long diatribe. He preferred to trot out a self-satisfied dismissal of reality, as the suffering of individuals, families and communities in County Donegal continued. The current Minister's arrogant tone last night is an eerie echo of the speech of the former Minister, Deputy O'Donoghue, four years ago.

Let us turn to the second issue. Exactly when did the former Minister, Deputy O'Donoghue, receive the report of Assistant Commissioner Carty which we now know contained details of the scale and true nature of wrongdoing in Donegal? I believed he received the report in July 2000. Last Friday, the Minister, Deputy McDowell, informed this House that in fact neither he as Attorney General, or Deputy O'Donoghue when Minister for Justice, Equality and Law Reform, received the report until early in 2002, some 18 months later.

Deputy McDowell said to the Dáil last Friday that:

the Carty report was not delivered ... either to me or to the then Minister, Deputy O'Donoghue, at a time when its full contents would have been definitely of interest to us and would have enabled us to make earlier judgments on some of the issues involved.

The Minister, Deputy McDowell, told us last Friday that if only he had the facts earlier, he would have acted earlier. This view was restated this morning by the Taoiseach during Leader's Questions when he said:

A partial version of the Carty report was eventually furnished in November 2001, the same month in which Shane Murphy, Senior Counsel, was appointed to review the matter. The complete Carty report, as was stated last week, including appendices, was not furnished to the Minister or the Attorney General until the very end of January or early February 2002.

Accordingly, the Minister, Deputy McDowell, along with the former Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, and the Taoiseach all tell us that they did not have a partial version of the Carty report, which contained the essence of the truth about wrongdoings in Donegal, until November 2001, and the full version until 2002. That is what they told this

House. It is on the record. The problem with this version of events is that it flatly contradicts what the then Minister, Deputy O'Donoghue, told the House in 2001.

I tabled a parliamentary question for answer on 7 February 2001:

To ask the Minister for Justice, Equality and Law Reform the steps that have been taken since he received the report of a senior Garda official [namely, Assistant Commissioner Kevin Carty] in July 2000 into allegations of corruption and malpractice involving members of the Garda Síochána in County Donegal; if he will bring the report to the Oireachtas Committee on Justice, Equality, Defence and Women's Rights; if he will establish a sworn inquiry into the allegations; the steps he will take to re-establish public confidence in the Garda in the area having regard to the serious public concern at the allegations; and if he will make a statement on the matter.

At no time in the Minister's answer — I am talking of February 2001, months before the Taoiseach and the Minister for Justice, Equality and Law Reform say they received the report — did he say that he had not received the report, or convey in any way that he did not have it. I do not have time to read the supplementaries into the record of the House, but any reading of his reply would indicate that he had the report at that stage. For absolute certainty I draw the attention of the Ceann Comhairle and that of the House to a parliamentary question tabled by former Deputy Alan Shatter and answered by the then Minister, Deputy O'Donoghue, on 23 May 2001. I quote from the Official Report of Dáil Debates, vol. 536, col. 1414 of 23 May 2001:

Mr. O'Donoghue: As have I indicated on a number of occasions, I am anxious to get to the bottom of what happened in Donegal . . . The investigation by Assistant Commissioner Carty was completed and presented to me and, in turn, to the D[irector of] P[ublic] P[rosecutions].

Mr. Rabbitte: The Minister of State now knows why the two Members are not here tonight. That is why the Minister of State is on his own.

Mr. Howlin: Plainly, the then Minister, Deputy O'Donoghue, was — I must find a phrase which will not run foul of the Ceann Comhairle — not giving the full story in truth to this House in May 2000, or he and the current Minister and the Taoiseach are not telling the truth now, because both answers cannot be true.

Why have we got two conflicting answers? If the Carty report was with the Minister and the Attorney General at the time of the Opposition motion to establish a sworn inquiry, if they had that information, they were clearly negligent in the extreme in voting down the motion.

The Minister, Deputy McDowell, is putting as much distance as he can between himself and the then Minister, Deputy O'Donoghue. It is not difficult to establish such distance, since Deputy O'Donoghue has not presented himself at any discussion on these issues, apart from running out of the House last Friday after delivering a prepared script and without answering questions. He has made no contribution tonight.

Last Friday, the Minister, Deputy McDowell, told this House:

In May 2001, he [meaning the then Minister, Deputy O'Donoghue] wrote to me in my capacity as Attorney General and asked me to advise him of his options in respect of establishing the facts by some process ... I replied to his letter and said I had not yet seen the Carty report and that I was labouring at a disadvantage on that account.

The extraordinary position now being canvassed by the Minister, Deputy McDowell, is that he was not in a position to advise the Government adequately regarding the establishment of an inquiry because the full facts were being withheld from him, the Government's chief law officer. If he had only known them, then to use his own words, it "would have enabled us to make an earlier judgment on some of the issues involved".

The essence of the Carty report was with the Minister for Justice, Equality and Law Reform from the summer of 2000. I do not know how much of its contents he shared with the then Attorney General, but it makes all the more grievous the wrong done by voting down the motion to establish the inquiry in November 2001. It also exposes the hypocrisy of the then Minister, Deputy O'Donoghue, when during that debate on November 20 2001 on a motion to establish an independent sworn inquiry into all the allegations, he smugly announced himself to be gravely suspicious of the Opposition's motives in tabling the motion. Our motivation was the pursuit of truth, then and now. The motivation on that side of the House in voting down that motion is not clear.

Policing is an issue that should not divide this House. Good policing is a cornerstone of all our freedoms. The Labour Party knows and recognises the excellent, honourable and decent overwhelming majority of members who comprise an Garda Síochána. We also know our duty to our country, its citizens and its legislators, as we have done since the foundation of the State. When Progressive Democrats come and when they are gone, we will serve the people's interest.

Deputies: Hear, hear.

Amendment put.

The Dáil divided: Tá, 67; Níl, 48.

Tá

Ahern, Michael.
 Ahern, Noel.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Callanan, Joe.
 Carey, Pat.
 Carty, John.
 Cassidy, Donie.
 Collins, Michael.
 Cregan, John.
 Curran, John.
 de Valera, Síle.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McDowell, Michael.

McEllistrim, Thomas.
 McGuinness, John.
 Martin, Micheál.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Feargháil, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Keefe, Batt.
 O'Keefe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Wallace, Mary.
 Walsh, Joe.
 Wilkinson, Ollie.
 Woods, Michael.

Níl

Boyle, Dan.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Connolly, Paudge.
 Costello, Joe.
 Cowley, Jerry.
 Crawford, Seymour.
 Crowe, Seán.
 Cuffe, Ciarán.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 Enright, Olwyn.
 Gilmore, Eamon.
 Hayes, Tom.
 Healy, Seamus.
 Higgins, Joe.
 Higgins, Michael D.
 Howlin, Brendan.
 McCormack, Padraic.
 McGrath, Finian.
 McGrath, Paul.
 McManus, Liz.

Mitchell, Olivia.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Murphy, Gerard.
 Naughten, Denis.
 Neville, Dan.
 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, Seán.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Upton, Mary.
 Wall, Jack.

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

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided by electronic means.

Mr. Stagg: Given the importance of this issue and the way the House has been treated by the

Government on this issue, as a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means.

An Ceann Comhairle: As Deputy Stagg is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 63; Níl, 47.

Tá

Ahern, Michael.
 Ahern, Noel.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Carey, Pat.
 Carty, John.
 Collins, Michael.
 Cregan, John.
 Curran, John.
 de Valera, Síle.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Finneran, Michael.
 Fitzpatrick, Dermot.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.

Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 McDowell, Michael.
 McEllistrim, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.

Tá—continued

Power, Seán.
Roche, Dick.
Sexton, Mae.
Smith, Brendan.
Smith, Michael.
Treacy, Noel.

Wallace, Dan.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Woods, Michael.

Níl

Boyle, Dan.
Breen, Pat.
Broughan, Thomas P.
Burton, Joan.
Connolly, Paudge.
Costello, Joe.
Cowley, Jerry.
Crawford, Seymour.
Crowe, Seán.
Cuffe, Ciarán.
Deenihan, Jimmy.
Durkan, Bernard J.
Enright, Olwyn.
Gilmore, Eamon.
Hayes, Tom.
Healy, Seamus.
Higgins, Joe.
Higgins, Michael D.
Howlin, Brendan.
McCormack, Pdraic.
McGrath, Finian.
McGrath, Paul.
McManus, Liz.
Mitchell, Olivia.

Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Naughten, Denis.
Neville, Dan.
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, Seán.
Sherlock, Joe.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

Garda Síochána Bill 2004 [Seanad]: Report Stage (Resumed).

Debate resumed on amendment No. 12:

In page 10, to delete lines 22 and 23 and substitute the following:

“‘Garda Ombudsman’ means Ombudsman an Gharda Síochána established under section 57;”

—(Deputy Ó Snodaigh).

Mr. Costello: We were discussing whether one should have a Garda ombudsman or an ombudsman commission and whether the Minister's current interpretation that “Ombudsman Commission” means the Garda Síochána ombudsman commission established under section 57 was adequate for the present dispensation, considering that he had moved a step further towards redefining the role of the ombudsman commission. It might be desirable to refer to an ombudsman chairperson; the chairperson of the ombudsman commission did not exist when this legislation was first drafted. There was no such individual at that stage, and the Minister had not even envisaged one. He is only now introducing an amendment regarding the establishment of a chairperson, on whom he

confers considerable powers. That chairperson will effectively be the ombudsman commission.

The Minister can no longer say it is a commission of three equal persons as set out in the legislation as it stands. His amendments mean that those three persons become one dominant person and two assistants.

This is a new status which requires a new definition. The interpretation as currently laid out is inadequate to cater to the new dispensation that will obtain if the Minister's new amendments are accepted. As we are unlikely to get an opportunity to discuss the amendment in question, through pressures of time and because it is proposed that a guillotine will come into effect tomorrow, I would appreciate if the Minister would indicate where he stands on this issue and give us some idea of the extent of the powers being conferred on the chairman of the ombudsman commission. I also ask him to clarify the adequacy of the current definition.

Mr. J. O'Keeffe: The amendment is merely a springboard for discussion because we have only reached the interpretation section. However, because reference has been made to the status of the ombudsman commission, I would like to get to the substantive issue. I have tabled a substantive amendment No. 184 which proposes that the office, whether it is called that of the ombudsman

[Mr. J. O'Keefe.]

or ombudsman commission, should consist of only one person. That is the best way to proceed.

Deputy Costello argued on Committee Stage for the appointment of a chairman and the Minister's amendments in this regard represent some improvement. An acceptance of Deputy Costello's proposal that we should leave the door open to reduce the number of commission members to one would be a further improvement. My strong position, however, is that there should be only one person. That is what the Garda Síochána and the public want. It has worked in Northern Ireland and there is no reason it should not work here.

We have only reached the definition stage and are not at the point where I wish to push my substantive amendment. I hope this amendment will be reached and that the Government will allow us time to debate the Bill fully.

Mr. Morgan: In supporting this amendment, I remind Members that the office of the police ombudsman in the North was established under the Good Friday Agreement. In this context, I ask whether the Minister's opposition to a similar office here means he is now opposed to the Agreement? I would appreciate clarification on this point. If the office of the ombudsman as established in the North under the terms of the Good Friday Agreement is good enough for the people there, why is it not good enough for the people of this State? It should be established here on exactly the same terms as it has been established in the North where, though only in its infancy, it has proved to work well.

One of the main reasons for the establishment of an ombudsman's office is for the purposes of investigation. The recent publication of the second report of the Morris tribunal indicates that such investigative powers are needed. We hear much talk in the media, in this House and elsewhere about the significant number of decent gardaí. I accept that readily and offer no challenge to the contention that substantial numbers of gardaí are decent and honourable people.

Such gardaí must also be protected and an ombudsman's office with full investigative powers is the best way of offering that protection. Rather than window-dressing and trying to delude ourselves in terms of duplication within this office, why not deal with the issue once and for all as has been done elsewhere on this island? It is somewhat strong to say the Northern Ireland model is perfect but it is certainly an excellent example.

The ombudsman's office should be empowered to investigate the use of resources in a general sense. For example, how can one justify the deployment of four detectives to monitor an Easter commemoration for two IRA volunteers shot dead by the Black and Tans in 1920? The attendees at this commemoration ceremony numbered between 18 and 28 and were all local people from a small community area in one

section of Dundalk. This gathering warranted the attention of four gardaí in a car.

There is no sense in this. An ombudsman's office should be able to investigate on foot of a complaint into such gross misuses of resources as occurred in this instance. There are countless other past examples in terms of journalists' telephones being bugged and all types of other shenanigans that have gone on in this State for long enough. If there is anything to be said for the decent and honourable gardaí it is that they should be protected. They are entitled to the best protection possible through the establishment of a proper ombudsman's office with singular responsibility in terms of where the buck stops.

There may be some improvement in terms of the identification of one person of the proposed trio with more power than the others. The original suggestion involving a type of committee without a head was absolutely ludicrous and would seem impossible to operate. It was a daft proposal. The new regime proposed by the Minister represents a slight improvement but it falls way short of what he knows would best suit the needs of this State and of the Garda, which protects the citizens of the State. It is not too late for him to change his mind on this and we will not think any worse of him for doing so — it could be argued that there are some who could not think much worse of him anyway.

If the Minister is to represent his office, the Garda and the best interests of the people of this State, if not this island, this is his chance to deal with the ombudsman's office once and for all in the proper way. I commend the amendment.

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I wish to start by drawing attention to the remarks made by Deputy Costello regarding, as he put it, the pressure of time on Report Stage of this Bill during which the issue of whether there should be a one-person or a three-person ombudsman would be discussed. It should be put on the record of this House that all sympathy has now evaporated for the proposition that the Opposition parties wanted more time for this debate. Deputy Stagg deliberately ate into the time allocated for this debate——

Mr. Costello: The Minister did not even turn up for the start of the debate and has still not apologised for that.

Mr. McDowell: The Deputy is shouting again. He will have his opportunity to reply. Deputy Stagg deliberately ate into the time provided by the House for this evening's proceedings by pointless repetitions of votes on Private Members' time.

Mr. J. O'Keefe: Votes take place in parliaments.

Aengus Ó Snodaigh: Democracy is involved.

Mr. McDowell: That cynical behaviour of kicking the ball around in the opposition's own penalty area clearly crowns a day in which quorums were called, half an hour was spent —

Mr. J. O'Keeffe: This is schoolboy stuff.

Mr. Costello: On a point of order, we are discussing issues on Report Stage. The Minister is going off on a tangential lecture against us. He was missing from the House this morning—

Mr. McDowell: I was not.

Mr. Costello: —and business could not be done.

An Leas-Cheann Comhairle: That is not a point of order.

Mr. J. O'Keeffe: He was taking a photo in Dublin castle.

Mr. Costello: Could he not have asked the Minister of State at the Department of Justice, Enterprise and Law Reform with responsibility for children to attend the launch as it concerned children? The Minister, rather than his Minister of State, could have been in the House.

An Leas-Cheann Comhairle: That is not a point of order. I ask the Minister to confine his remarks to the amendment before the house.

Mr. Costello: The utmost contempt was shown to the House.

An Leas-Cheann Comhairle: The Minister is in possession.

Mr. Costello: The entire morning's business was lost because of the Minister.

An Leas-Cheann Comhairle: The Deputy is out of order.

Mr. Costello: The Minister is now lecturing the House as though it is in some way responsible for him.

An Leas-Cheann Comhairle: I point out to the Deputy that it is not a point of order. The Deputy is out of order. The Minister should confine his remarks to the amendment before the House.

Mr. McDowell: Deputy Costello knows that three quarters of an hour of this debate has been chewed up by nonsense.

Mr. Costello: The entire morning was chewed up by nonsense.

Mr. McDowell: I am happy to continue to the substance of this issue. When the heads of this Bill were first published, I indicated that I was in a consultative process. I abandoned the notion

contained in the heads of the Bill as originally published of an inspectorate and said I would do what the Human Rights Commission asked for, which was an ombudsman function equivalent in every respect to the powers conferred on the Northern Ireland Police Ombudsman. I did that.

I also provided, in a State with 26 traditional counties or 28 factual counties, that the function would be carried out by a multi-person body, which is reasonable. The strength of our police force is, in principle, twice and our population more than twice that of Northern Ireland. The functions of our police force are broader than those of a regional constabulary within the United Kingdom. As a result, I believe a one-person ombudsman is not the way forward for this State. The advantages of a multi-person ombudsman include, for example, that while the holder of the office takes holidays each year, other commissioners remain to address issues. If one falls ill or becomes preoccupied with an issue, it is possible, under the terms of this legislation, to delegate some or all functions in respect of certain matters to other members of the commission.

This proposal was put forward on Committee Stage after extensive debate by both Houses. I heard Senator Maurice Hayes, whom I deeply respect, discuss the necessity of a visible figurehead in this matter. An identifiable personality is needed in order to maximise the effectiveness of the office. Having heard that argument, I again modified the proposal and provided for the chairperson of the ombudsman to be appointed as such, to be capable of exercising day-to-day management functions and to be the visible face of the ombudsman commission. In case Deputy Costello is worried about the multi-member ombudsman commission, it is possible, even under this legislation and without accepting the amendments he will later move, for a three-person commission to vest any or all of its powers in the chairperson as it so wishes.

There are advantages in a multi-person ombudsman commission. It is the international norm. Multi-person commissions exist in Britain and in Canada. I am happy to have a multi-person commission but I accept the point made by Senator Maurice Hayes and others that a publicly identifiable individual is advantageous relative to a three-person anonymous corporate body. I provided in the amendments for that eventuality. I am not aware of and do not understand any disadvantage in the possibility that the chairperson and the two other commissioners may sort out their business amongst themselves and operate by a majority vote.

I have continued to listen and be responsive to the debate and adapted to the centre of gravity of public opinion on this issue. Other Members clung to abstract principles which have little weight in practice. The advantages which I see and have argued for in a multi-person commission chaired by a visible head are very clear. The disadvantage has been completely obviated

[Mr. McDowell.]

by the creation of a chairman position with a public profile. I have gone further than half way to meet all the legitimate criticisms I heard. I will not go 100% of the way by agreeing that what suits Northern Ireland, which is a small part of these islands, must of necessity suit the South. I find it ironic that Sinn Féin spokespersons argue this aspect of Northern Ireland's policing is the only model we must have, when they regard many other aspects of the policing system there as repugnant and with which they continue to argue about and cavil.

The ombudsman commission which we have put forward, albeit a three-person commission, has more powers than the ombudsman in Northern Ireland. The only qualification in this legislation to the power of the ombudsman which does not apply in Northern Ireland is the power of the Minister to designate intelligence files that are not available for inspection by members of the ombudsman commission as of right but are available on conditional agreement with the Minister. The only reason for this is to mirror the fact, not the fantasy, that intelligence files of the United Kingdom are not available at all to the ombudsman in Northern Ireland. They are simply out of bounds. Instead of saying they are out of bounds in this State, I have provided for their availability, subject to conditionalities based on the security interests of the State.

I am not aware of any sovereign state — it is important to remember this is a sovereign State — that would allow an independent person employing non-citizens to walk into any place containing the state's innermost secrets and to inspect them at random. I know of no country which would agree to that proposition. I will not regard this State as second class or a province of elsewhere. This State is entitled to have a security system equivalent, in so far as we can make it, to that of any other sovereign state.

I want to make one further point. During the course of the day the Labour Party suggested that the amendments I put before the House are designed to allow the Government or me as Minister to see any file I like anywhere and on any occasion for good purpose or for bad, and that is unacceptable. I make it clear that I have not and will not propose this. The press statement the Labour Party issued suggests that these amendments will allow unfettered power to inspect every file, including files concerning Oireachtas Members, our relatives and our political colleagues to my successor or me. Nothing could be further from the truth.

Mr. Costello: That is what the amendment states.

Mr. McDowell: What I have put in place, and what I stand over completely, is that for the purposes of sovereign Government and accountability to this House, if a dispute arises as to whether a file in the possession of An Garda

Síochána should be made accessible to the Executive power of this State, it should only be accessible if the most senior civil servant in my Department, who is not under my direction in this regard, concurs and demands the production of that file. The alternative view would simply be that alone among the sovereign States of the European Union the Irish State would be one in which the police service could withhold matter from the Government in circumstances where the Government wants to carry out its proper function.

The amendments I tabled provide that it is not a matter of political decision. Before it is possible to demand the production of documents the second most senior public servant in the State, the secretary of my Department, must have the view that such a demand is appropriate.

The alternative view, and it is not a theoretical view, is that the decision on what the Government could see in any particular circumstance would be vested in the Commissioner of An Garda Síochána or somebody else. The Irish State would be one in which it was possible for the police, collectively or singly, to conceal records in their possession from the Executive of the day and the Minister responsible if it suited the police force. I am not willing to live with that regime under any circumstance.

If it is the case that Members of this House, particularly the Labour Party, can put out a statement without referring once to the role of the secretary of the Department of Justice, Equality and Law Reform, and that we must now address the issue of who has responsibility for and the power to procure documents in the possession of the police force, let me say unequivocally that for better or worse it must vest in the Government elected by the people.

One of the points Mr. Justice Morris made in his report is central to many of the issues we are dealing with. The Executive of the State must remain informed and be in a position to inform itself of every development in An Garda Síochána which it is appropriate for it to know. If we depart from that principle and vest in others the right to deny the Executive of the day, Members of the Oireachtas in committee or any other group of democratically elected politicians the right to know what the police have or have not in their possession *in extremis* a violence is done to a fundamental constitutional principle. It should not be permitted to happen or ever to be repeated.

I make these points not because I want to know what is in my political party colleagues' files, if such exist. It is because I want a senior public servant, the secretary of my Department, with his or her independent judgment to be able to decide whether I am to be left unaware or to be informed of the truth and the full facts of a Garda Síochána investigation or Garda activities when I stand up in this House.

Any departure from that principle is wrong. Other people deciding what a Minister could or could not know strikes at the heart of a Minister's accountability to this House. Ignorance and limited access to the truth puts the Minister of the day at a massive disadvantage with regard to accountability. When the issues that have arisen in recent times as to the adequacy and appropriateness of Garda management come into focus in this House, everybody on all sides of the House is entitled to know that the Minister of the day can responsibly and through a senior public servant require production of all papers so this House is not operating on a rationed and edited version of the truth.

That proposition is self-evident and should not be attacked or criticised. This House, through its Minister, is entitled to remain in democratic control of the exercise of police force powers in this State. Nobody should be in a position to deny this House accountability or the proper channel of accountability if a responsible non-political person has decided on the basis of all the facts available that there should be no such interruption of the flow of facts or information to this House.

We should have a three person ombudsman commission. We should have a chairperson who is a visible head in charge of the administration of that commission. It is appropriate for that commission to be able to subdivide and delegate its work among its members. All of the arguments made for the "Nuala O'Loan model" — and I use the phrase with the utmost respect — are well met by the amendments tendered by the Government.

All of the advantages put forward by the Government for a multi-person commission are preserved by the amendments put forward by the Government. In those circumstances it should not be the case that this House, having participated in developing legislation should at this stage revert to a simplistic view that unless one person is doing the job it is not being done properly. That is equivalent to stating that one cannot have a multi-member Supreme Court, or three judges dealing with important cases in the Special Criminal Court or the Court of Criminal Appeal.

Having more than one mind operating on an issue has many advantages including transparency, stability, continuity and effectiveness. I make no apology to this House for standing by all of the advantages of a multi-member body. At the same time I concede the reasonable case put by others for having a visible, identifiable publicly accountable figurehead discharge the function rather than an anonymous body corporate. I have made the changes I believe are reasonable in the circumstances, and having made them I believe this House should accept them as a reasonable compromise for a sovereign State with a larger territory and a larger, more diverse police force to carry out this supervisory and complaints function rather than the arrangements that arise in Northern Ireland. If the Patten Commission had

come up with a three-person body in Northern Ireland at the time and I had come up with a single——

Mr. Costello: The Patten Commission did not come up with that.

Mr. McDowell: If it had done so——

Mr. Costello: Senator Maurice Hayes came up with it.

Mr. McDowell: ——and I had come up with the alternative view that one person would suffice, people would be banging the table here and saying that the Patten Commission's proposal was the only way forward and that a single person commission was some kind of lap-dog of the Minister that was obviously deficient, and all the reasons would have been given the other way.

Having listened to the debate and adapted these proposals to meet all the criticisms made, and having been true to the points I made in the debate, which is that there are advantages of a certain kind to a multi-person body, I find it difficult to take this simplistic, repetitive drumbeat that unless one person is doing this job, alone and unassisted, without any capacity to delegate or split his or her attention between different issues that might come before the commission, we are dealing with a second-rate ombudsman function. I find that simplistic, negative and wrong.

I say to Deputy Ó Snodaigh that I have listened very carefully to the debate. I have adapted the proposal. I have moved a huge way but I refuse to ignore all the good points made on the other side of the argument in an exhibition of conformity with Northern Ireland. The situation in Northern Ireland is different from that here. The requirements in Northern Ireland are different from those here. For instance, the police board in Northern Ireland, which is appointed partly by the Executive from among the great and the good and partly by the political parties on the d'Hondt principle, is not a model we would properly adopt in this jurisdiction, but that is a second day's work. There are different strokes for different folks and in Northern Ireland the name of the game is producing simple structures also cross-community support in a deeply polarised society. We do not have those problems here in the same measure. We have a different set of problems, but what we have is a sovereign Government responsible to a sovereign Parliament and a sovereign people for the policing function. In those circumstances, we should look not merely to what has happened in Northern Ireland but to what has happened in the United Kingdom and Canada in devising models for the execution of the ombudsman function. I am very confident that the compromise I have arrived at meets all legitimate arguments both ways and is the best outcome of a responsible political process, and I stand by it.

Aengus Ó Snodaigh: I acknowledge that the Minister has moved and that he listened but when he introduced the legislation he was not for moving. He was master, then all of a sudden he moved. Was he wrong in the first place in what he produced?

We are making a reasonable case which has the backing of a number of people, including the person he has appointed to oversee the implementation of the Bill, Senator Maurice Hayes. He examined models abroad and his preference is still a single ombudsman. I would like to be able to say the Minister is correct but it is obvious he intends to reject the amendments. I look forward to being proven wrong and that this ombudsman commission will do the work it is required to do.

We are not as distant from the situation in Northern Ireland as the Minister would believe because one of the major tasks facing us, considering the revelations in the Morris tribunal, is to build community support for the Garda Síochána, in Donegal at the very least but also throughout the country. Simple models work. People understand who is the person in charge. We made an argument about what would happen if somebody fell ill. What if Nuala O'Loan fell ill? What if the Taoiseach or somebody else fell ill?

Mr. McDowell: We have the Tánaiste.

Aengus Ó Snodaigh: The Tánaiste is not the Taoiseach. Nuala O'Loan is the Ombudsman. People fall ill constantly and work continues. We can deal with that.

The reason we believe strongly in the model presented for a single ombudsman is that Nuala O'Loan's model has been proven to work whereas the Minister's model has not been shown to work. If he gave us examples of where a model in the same structure has been shown to work we will examine it. I hope I will be proven wrong and the Minister proven right because at the end of the day we need a proper complaints procedure but what we have had is a debacle. The Garda Complaints Board was one of the worst State bodies ever visited upon the people of this country.

Mr. Costello: The Minister, in his long-winded reply, particularly criticised the Labour Party for drawing attention to the fact that one of his amendments would provide for the Government to have the facilities to inspect every file the Garda Commissioner had under its jurisdiction without condition. Amendment No. 128*b* states: "... includes the duty to provide on request by the Secretary General, any document in the power or control of the Garda Síochána, including material in the form of Garda records, statements made by members of the Garda Síochána and by other persons and reports". Therefore, any files or surveillance records could be requested through the Secretary General but it must be remembered that the Secretary General is just the messenger for the Minister. This is access on demand.

I have no doubt that what the Minister is trying to do is get away from the problem highlighted in the Dáil last night and again last Friday where he was unable to get possession of the Carty report for two years, from 2000 to 2002, and the Garda Commissioner, in conjunction with the Director of Public Prosecutions, for matters of privacy because there would have been proceedings in regard to the matter, determined to hold on to the report, or at least that is his version. The then Minister, Deputy O'Donoghue, said he had the report all the time. There is a dichotomy that we will have to try to square at some point in the future.

Under that amendment there is an unconditional entitlement for the Minister to have access to the files of any person in this country on request through his messenger, the Secretary General. That is not good enough. The Minister is taking the sledge-hammer approach to dealing with the matter, which will cause more problems. It should be remembered that a former Minister for Justice was bugging people and breaking the law in the process. Another former Minister for Justice has just been released from jail for serious transgressions.

An Leas-Cheann Comhairle: The Deputy's two minutes are concluded.

Mr. Costello: Despite this, the Minister states without condition that any report, document or file or any material in any Garda record can now be requested by the Minister for Justice, Equality and Law Reform without any reason being given.

Amendment No. 128*c* is more measured. If it were put in place and amendment No. 128*b* were jettisoned, we would be talking business because there is a duty for which the reasons are specified and there are conditions and in-built safeguards.

An Leas-Cheann Comhairle: The Deputy's time is up.

Mr. Costello: Amendment No. 128*b* is a notorious amendment that will give rise to enormous abuse. Although we will not get the opportunity to tease out the amendments properly, the Minister would do well to revisit amendment No. 128*b*.

An Leas-Cheann Comhairle: The Deputy should conclude.

Mr. Costello: While there is no question about the Minister's bona fides, it leaves scope and opportunity for abuse in the future.

Mr. McDowell: To describe the Secretary General of the Department of Justice, Equality and Law Reform as a messenger boy of the Minister is wholly to miss the point. If I wanted to give myself the powers the Labour Party claim I am giving, I would have given them to the Minister full stop.

Mr. Costello: That would look too obvious.

Mr. McDowell: I would have nakedly done it. However, a Secretary General of a Department, particularly of the Department of Justice, Equality and Law Reform, who is the senior civil servant concerned with the security of the State, is not a messenger boy of the Minister. He is an Accounting Officer and departmental head and is not in a position to be directed by the Minister to exercise a solemn statutory duty, such as is given here, in bad faith on the Minister's account.

Mr. Costello: That is not the way it is presented in the amendment.

Mr. McDowell: Let us be clear about this. No more than I could tell the Secretary General to write a cheque for this or that could I ask or direct him to exercise his functions under this proposed section in a manner which was in bad faith, because he has an independent role as an Accounting Officer under statute.

If one takes the view that the Secretary General of the Department of Justice, Equality and Law Reform would act in bad faith at the instigation of the Minister or the Government, one might as well say there is no point having a Committee of Public Accounts or a Comptroller and Auditor General because he should, in similar circumstances, as Accounting Officer, write a cheque for any proposal to satisfy me or my political aims.

Mr. Costello: The Minister is missing the point. It is a different issue.

Mr. McDowell: A Minister in these circumstances, in the last analysis, if asked in the House whether there is a document in the possession of the Garda which states A or B, must be in a position by some mechanism, through a responsible office holder, to ascertain whether that is the truth. It would be a sad day if, as Minister, I were to tell the House I could not say a document of such a kind exists or does not, or, alternatively, that I was being refused by the Garda Commissioner information for which the Deputy asked and which I agree I should be in a position to impart to him. That cannot be right.

Mr. Costello: That is not the point.

Mr. McDowell: If I had in this amendment vested those powers in a political person such as a Minister, I could well appreciate the Labour Party, with some degree of justification, issuing the press statement it did, and stating: "This man wants to be able to root through every file in the country." However, when the amendment tendered divests the Minister of that power and vests it in the Accounting Officer of his Department, there can be no question of there being any reality in the implicit bad faith situation being

generated by way of objection to this on the part of the Labour Party.

I am only concerned with one point, namely, that succeeding Ministers or myself should be in a position, when asked a simple question in the House, such as whether gardaí received a report of this or that kind, whether they have a statement of confession from a man who did not commit a crime or whether they have written evidence of corruption, to give the House an answer the Minister knows to be true.

Mr. Costello: That is not what is in the amendment. That is the problem.

Mr. McDowell: It would be a sad day if that were not the case.

Mr. Costello: Of course it would.

Mr. G. Murphy: Nobody is arguing with the Minister that, in certain circumstances and with certain safeguards, he should be in a position to access the correct information. The problem is that these powers are being introduced by the Minister at the last minute without considering alternatives and safeguards with regard to how the Minister can achieve this. That, not the principle, is the problem with which we are faced. We agree there should be a process in a democratic system whereby the Minister has at hand, or can access, such information when he is asked a question in the House to be able to answer the question. Our point is that what is happening at present is not in compliance with normal democratic principles.

Mr. Costello: Exactly.

Mr. G. Murphy: There is a difficulty when a major change like this is introduced at the last minute and when the Opposition is not given time to come up with safeguards that might be used as amendments to ensure this section is improved. Some Ministers abused their powers in the past and some have had tremendous influence over Secretaries General of their Departments. If other safeguards could be added, we could make some progress in this regard.

Nobody is arguing the basic principle with the Minister. However, if we had more time, more safeguards could be introduced. It is fine to talk about these matters when there is reasonably accountable, democratic Government and a public service we can trust. Five or six years ago we would have said the same about the Garda Síochána, namely, that we could trust it totally. Despite this, time and the Morris tribunal have shown this is not the case and that certain safeguards should have been put in place. We are now faced with a similar situation in this regard. Safeguards should be put in place to ensure the Minister does not abuse these powers.

Mr. Crowe: I welcome the fact the Minister has embraced the concept of the ombudsman. I agree the Executive should be informed about what is happening within an Garda Síochána. However, the difficulty is that until now the Executive has not kept itself so informed.

The Minister referred to the North as a polarised society but there is also a polarised society here in that people have lost faith in the justice system. Victims of injustice want a voice. They are not happy with the system as it is or has been for many years. For many years, we were told there were no corrupt Irish police. The reality is that there were corrupt Irish cops throughout the world, whether in America, Canada or Australia. The line we were told was that we could not possibly have them in Ireland.

The events in Donegal shone a light on what one Garda division got up to. However, it is not the case that these were isolated incidents. If the Minister or the Executive believe the incidents were isolated, they have not been doing their job.

The Minister referred to simple solutions and spoke in terms of one individual rather than three. The argument against having one individual was that it was clear the public might have more faith in one individual who would have a certain amount of independence and power, whereas the power might to some extent be dissipated among three individuals. There is a difficulty in this regard. A situation arises at present whereby solicitors encourage victims who have been assaulted in police stations.

Debate adjourned.

Adjournment Debate.

Community Support Services.

Mr. Costello: I welcome the Minister of State. My matter concerns the need for the Minister for Community, Gaeltacht and Rural Affairs to implement the findings of a review report on the Carmichael Centre, North Brunswick Street, Dublin 7, and in particular to ensure that interim funding is provided to avoid a financial crisis at the centre in autumn 2005.

The Carmichael Centre for voluntary groups does fantastic work throughout the city. Some 43 organisations, generally small to medium organisations that would not have had a roof over their heads otherwise, are facilitated in the building. It works with another 350 groups to whom it provides services. That is particularly desirable as there is a network of organisations that lack such a facility. It is an essential service that is being provided.

From the very beginning there has been a crisis of funding and the centre has never had a steady stream of funding on which it could rely on a multi-annual basis. After a few years of hand-to-

mouth existence the situation came to a head. After a number of meetings it was agreed that a review would take place and this was agreed with Minister of State at the Department of Community, Gaeltacht and Rural Affairs, Deputy Noel Ahern, in June 2004. The review was commissioned by the Health Service Executive northern area on behalf of the Department of Health and Children. It was done with the agreement of the Carmichael Centre for voluntary groups.

The review report has been released and it is very positive. It states that the Carmichael Centre for voluntary groups provides value for money for organisations in the community and voluntary sector in the State, that the services of the Carmichael Centre for voluntary groups are vital for the survival of member groups, with serious cost implications, respondents to the survey see the centre as a vital support to their continued needs and 80% of those using the training services are totally or reasonably satisfied, the development support service the centre offers to external groups is highly appreciated, the Carmichael Centre for voluntary groups is an essential and necessary service in the support and development of organisations involved in community and voluntary activity in Ireland, the board operates good practice with regard to its corporate governance, the centre has high human resource management standards, the centre has extremely advanced information management systems, the centre is commended for developing its policy documents and for good practice in this regard, and the centre needs a total of €320,000 per annum from the State to be financially viable.

The issue of obtaining that funding is the crux of the matter. The centre was assured that once the review was complete, the money and the structures would be put in place. There has been no interim funding since February of this year and a crisis is now looming which will become pressing in September. There was a commitment from the Minister of State at the Department of Health and Children, Deputy Tim O'Malley, regarding the review that "in the interim the northern area health board will continue to fund the operation of the Carmichael centre".

The Carmichael centre has been informed that there is no further money for the centre in the existing budget. Will we be engaged in more crisis management over the summer where people will find their jobs insecure? Will there be another financial crisis and another round of contacting and lobbying politicians or can we get a response on the funding? The core funding is needed. The decision was taken that it would be provided once the review was conducted and found to be positive. The review was extremely positive but there is no adequate interim funding at present and there is no commitment to core funding. I hope the Minister of State can resolve this crisis.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I am speaking on

this Adjournment debate on behalf of my colleague, the Minister for Health and Children, Deputy Harney. I thank Deputy Costello for raising this matter and giving me the opportunity to outline the position of the Department.

The Carmichael Centre for voluntary groups is a centre for small national voluntary organisations working in the areas of health, education, the arts, the environment and social care. Over recent years the operation of the centre has been funded by the Department of Health and Children, the Department of Community, Rural and Gaeltacht Affairs and the Department of the Taoiseach through the allocation of once-off funding.

In 2004, following a request from Carmichael centre for ongoing revenue funding, a consultant was engaged by the former Eastern Regional Health Authority to conduct a review of the operation of the centre. The consultant's report was received in the Department of Health and Children and the Department of Community, Rural and Gaeltacht Affairs in May 2005.

A detailed examination of the recommendations in the consultant's report, including the issue of core funding of the centre, is ongoing in the Department of Health and Children, the Department of Community, Rural and Gaeltacht Affairs and the Health Service Executive. However, as an interim measure, the Health Service Executive is providing further once-off funding of €200,000 in 2005 to the Carmichael centre to enable both Departments and the Health Service Executive to complete their examination of the recommendations in the consultant's report.

Road Safety.

Dr. Cowley: I am grateful for the opportunity to raise this important matter on the Adjournment. Sinéad McDaid was a young woman of 22 years of age. She was driving on the Culdaff Road, Donegal, on 12 June 2001 bringing a present to her mother-in-law on the occasion of her birthday. On a straight stretch of road, on the approach to Culdaff where resurfacing work had commenced earlier in the day, the car left the road. It went off chippings, down an embankment, struck a culvert and landed on its roof. Sinéad, due to move into her new house the following Friday, was fatally injured.

It subsequently transpired that the hazardous situation was inadequately signposted with only one sign on the approach hidden in the long grass. There was no health and safety plan for the job and the engineer did not sign off stating that the road was safe for the public to use, as he is required to do. There are regulations to ensure people are warned of an upcoming hazard. Those regulations stipulate that warning signs be erected, highlighting the temporary or unsafe surface, and they must be erected by the local authority.

Donegal County Council did not use a mechanical road sweeper to sweep up the surplus chippings, which by its own guidelines it should have done. It did this after the accident. The accident scene was not preserved and photos were taken by Garda Mick Murray of Morris tribunal fame after a mechanical sweeper had done its work sweeping up chippings, including chippings from other potholes. The garda did not conduct a proper investigation of the scene. In fact, the Garda report stated that Sinéad had hit a bridge which is one and a half miles from the scene. This was subsequently changed. I understand it is duty of the Garda Síochána to inform the Health and Safety Authority of such an accident and it is the duty of the HSA to visit the scene. I understand neither happened.

I brought the case of Aisling Gallagher of Murrough, Mulranny, County Mayo, killed on 22 January on an unfinished road to the attention of the Minister of State at the Department of Transport, Deputy Callely, in the Dáil on 24 February 2005. He responded that road conditions were responsible for 2.5% of road deaths in 2002 — nine people out of 377 killed. I stated that this was a conservative figure and represented only the tip of the iceberg. Since then, five girls have been killed in County Meath. I asked the Minister in February if he would conduct an audit of all serious and fatal road accidents. I pleaded that this should be done so that more people would not die on the roads. A very high number of road accidents are due to road conditions so I am seeking action on this matter.

The people who died in Meath, Donegal and Mayo were doing nothing wrong. Their vehicles were roadworthy and they were not speeding. People have a right to use road surfaces upon which they can safely brake. Regulations are not being enforced, however, and people are dying as a result. The tragic aspect of all this is that we can do something about improving road conditions if people would only act to enforce the regulations.

The Minister and the National Roads Authority say they are not responsible. The local authority is responsible but it is required to police itself. If it does not do so adequately, does that not amount to a licence to kill? These were ongoing road works that had not been signed off on. I am asking the HSA to re-examine this situation. The figure of 2.5% should be 22.5%. We need to know exactly what number of road accidents is due to road conditions. I requested that audit on 24 February this year, but where is it? Road conditions comprised the major, if not the only, factor in the three accidents to which I have referred. It escapes me how the same authority could treat so differently one incident which occurred on an unfinished road surface under construction by a county council, and another where there was a perilous lack of appropriate warning signage. I am glad the County Meath case is being investigated because that needs to be done. If the Minister had taken my advice on

[Dr. Cowley.]

investigating the accidents in Donegal and Mayo, would the investigation in Meath have been necessary at all?

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I express my sincere sympathies to Sinéad McDaid's family on their tragic loss.

The statutory remit of the Health and Safety Authority is confined to the investigation of accidents in places of work. In this case, where an accident took place on the Culdaff Road in Donegal, I understand the Garda Síochána has fully investigated it on the basis that it was a traffic accident on a public road. As such, the Health and Safety Authority has no function in the matter. Any further action is, therefore, a matter for the Garda Síochána to consider as appropriate, in the circumstances.

In general, where accidents occur on public roads, primary responsibility for investigation lies with the Garda Síochána. If, as in some cases, there are road works in operation at or in the vicinity of an accident, the Health and Safety Authority will investigate the operation of the road works to ensure that such works were being carried out in accordance with statutory requirements and in such a way as not to endanger the health and safety of either the workers or the public who are directly affected by such work activities.

The authority's remit on roadworks depends on ongoing work activity and not in relation to the quality of the work *per se*. Issues such as whether road surfaces laid down in roadworks are left in a safe state, fall outside occupational safety and health legislation and the authority's functions. The Health and Safety Authority and the Garda Síochána have an agreed memorandum of understanding which clarifies their respective roles where serious accidents occur, whether at a workplace or on a public road. The commitment of both parties is to liaise on the ground at the earliest opportunity, share information as appropriate, and co-operate with each other to ensure an effective investigation.

Driver Testing Service.

Mr. Carey: I thank the Cheann Comhairle for giving me the opportunity to raise this serious issue. Recent legislation that allows for the establishment of a separate public sector body to deliver and improve on the driver testing service is an important development. It will enable us to provide a superior and safe driver testing service, which is significant.

However, while I congratulate the Minister on this development, I have serious concerns about proposals to concentrate the testing of truck drivers in one particular test centre — the Finglas test centre on Jamestown Road. I understand the new EU testing requirements mean that officials at the Minister's Department believe this will be the

only test centre able to provide the necessary off-road facilities in Dublin, and that there is no alternative in the capital.

The centre is located in my constituency, which is one of the reasons I am raising this matter. I am certain the location is unsuitable for the proposed purpose. If ever there was a case for decentralisation, this is surely it.

The Jamestown Road test centre is situated in an old-style industrial estate surrounded on all sides by housing. Traffic in the vicinity is already reaching maximum capacity and we are looking at increased traffic levels once the Dublin Port tunnel opens. The roads in the immediate area were not designed for heavy goods vehicles and, as such, there has been significant damage to these roads. In fact, a complete reconstruction has long been fought for and is finally planned for this summer. By concentrating testing in this area, traffic will further increase and any work on the road will have been done for nothing.

The Jamestown Road area is a large residential area encompassing a number of older housing estates as well as new developments with young families and children. In this way, pedestrians in the area represent some of our most vulnerable road users — older people who use the road and paths to get to Finglas village, and young children who will often play along the roadside. Many of the older houses are country style properties and the existing level and type of traffic has already damaged the foundations of these properties.

By increasing the use of trucks on the road we are putting these people and their homes at further risk. Not only is the traffic along the Jamestown Road very heavy, but Finglas village is often congested throughout the day. The traffic management plan of Dublin City Council for the area has been working towards reducing the amount of HGVs in the village and so a decision to test even more truck drivers would fly in the face of these plans. I am not sure if the Minister's Department is even aware that there is a ban on HGVs in many roads in that area.

Aside from problems with the specific location, I have a number of further reservations about the idea. The decision to concentrate testing in one specific area would represent a backward step in the truck driving test. Rather than testing the level of competence a driver has with a heavy goods vehicle, we would in fact test his or her ability to memorise that route, to be aware of the junctions in that area and be familiar only with the traffic restrictions in that one area. To pass that test would only involve committing this route to memory, but would not necessarily illustrate competence in driving larger and more dangerous vehicles. I am sure I am not alone in having reservations about this idea and many residents have been in touch with me about their reservations in this respect.

The role of driver testing — to ensure that drivers reach an acceptable level of competence — is important in the overall context of road safety. In

this way, there is an onus on us as legislators to encourage better driving in general rather than simply testing driver competence, and in encouraging greater road safety rather than simply reducing the testing backlog.

I recognise that the Minister is trying to find a balance between reducing the backlog while improving driving standards. However, I appeal to him to take on board what I have said. I strongly urge him to reconsider the decision, if one has been made. I understand the OPW will have to invest significant funds into the centre for it to meet EU requirements. Before this is done I appeal to the Minister to halt the upgrading of the Finglas centre on Jamestown Road and to redirect funding to another more suitable location in a greenfield site beside our new road network.

Mr. Killeen: I acknowledge the Deputy's concerns about the driver test centre at Jamestown Road, Finglas, Dublin 11. The process of upgrading the centre and providing off-road facilities for the testing of certain driving manoeuvres in respect of higher category vehicles, in accordance with the requirements of EU directives, has been ongoing for sometime. Plans for the refurbishment of the centre have been agreed between the OPW and the Department. The planned refurbishment is part of the Department's overall refurbishment plan for driving test centres.

As the Finglas test centre already tests the full range of vehicles, it is not entirely accurate to state that the test centre operation is being expanded. The test facility is being expanded as the redevelopment of the site includes the provision of an off-road compound to facilitate the carrying out of the reversing manoeuvre and some other elements of the heavy goods vehicle and bus driving test.

I am sure Deputies will agree that conducting these elements of the test off road in a compound will have a positive impact on safety and reduce the amount of time vehicles have to spend on the road to the benefit of residents.

Planning permission was sought and granted for the upgraded centre and no objections were received. Dublin City Council issued the final grant of planning permission on 10 September 2004. One of the conditions attaching to the permission is that, in order to protect existing residential amenities and in the interest of the proper planning and development of the area, the HGV testing service be restricted in its hours of operation between 9 a.m. and 5 p.m. Monday to Friday and that no tests be carried out on Saturdays.

I understand the concerns of residents about safety. However, in light of what I have outlined I understand there are no proposals to review the decision to upgrade the centre.

Sugar Industry.

Mr. Naughten: With the agreement of the House, I will share time with Deputy Stanton. I thank the Chair for the opportunity to raise this extremely important issue.

There is no doubt that the European Commission's proposals on the so-called reform of Europe's sugar regime will decimate the Irish sugar industry and must be vehemently opposed by the Irish Government. The proposed 39% price cut over two years, which in real terms is closer to 50%, will directly impact on the viability of farming for the 3,700 farmers who grow 80,000 acres of beet. These proposals will bring the price of beet below production cost and will not only wipe out the industry, including 288 direct jobs in sugar processing in Mallow, but will also destroy the livelihoods of 240 hauliers, seasonal workers and many others along the supply and service chain.

It is imperative that the Minister for Agriculture and Food forms alliances with other member states, especially those where sugar production as a whole is threatened by these proposals, including Italy, Portugal, and Greece. With those countries, it is important that Ireland ties up with Spain, Latvia, Lithuania, Estonia, Finland and Hungary, where the future of the sugar industry is also under a cloud. If these ten countries work together, their 121 votes can provide a blocking minority in the Council of Ministers. At a minimum, the Minister must ensure that farmers are fully compensated for any and all losses in income associated with the reform of the sugar regime.

It is also imperative that there is a longer lead-in time than the two years currently proposed before the cuts become operational. Any phased reduction in price support for sugar must happen in tandem with the establishment of alternative, financially viable enterprises for the Irish tillage sector, for example, biofuels. Sugar beet is one of the best raw materials for the production of bio-ethanol, but as things stand it is uneconomical. The Government could be more proactive and secure the future viability of the sugar beet sector by widening the value of excise relief for biofuels. International studies have shown that there is a significant return to the Exchequer, both from an economic activity point of view and through the reduction of environmental damage.

Today's proposals by the Commission highlight the fact that the Greencore decision and the Minister's failure to use her golden share to defer the closure of the Carlow sugar factory were fatally flawed. It seems that had this decision been delayed, there would be additional compensation available to Greencore and the farmers who supplied the plant. In light of the Minister's failure to act on the closure of the Carlow plant, she must put forward an irrefutable case for compen-

[Mr. Naughten.]

sation which may be made available on a retrospective basis with regard to the Carlow sugar factory.

It is important to point out that the suggestion that these proposals will benefit poor countries is misleading, to say the least. For example, a cut in EU sugar prices would have a negative impact on less developed African countries, which currently gain from the high prices guaranteed for sending their sugar cane to Europe.

Currently, Ireland does not over-produce sugar. We meet our own demands. Our sugar industry is commercially sensitive and should be defined as such. Will the Minister clarify who controls our sugar quota? This debate has gone on for ages. We want legal clarity on the issue and we want it now.

Mr. Stanton: This matter is extremely serious and these proposals are unacceptable. The Minister must reject them out of hand and she will have the support of everybody in the House to do that. There are 3,700 beet growers and as many people again depending on the industry. There are 350 of my constituents working in the Mallow sugar plant and those jobs are at risk.

The situation is serious and the Minister must do her utmost to ensure these proposals do not go forward. If the price is cut, the price to the producer will not necessarily fall — we saw what happened with coffee. The middleman will benefit from this. Sugar is worth €70 million to farmers annually and €140 million to the nation. If these proposals are allowed go ahead, they will be a fatal blow to agriculture here. The Minister must do everything in her power to stop this and reject it totally. Otherwise, agriculture as we know it here is finished.

Minister of State at the Department of Agriculture and Food (Mr. B. Smith): I welcome the opportunity to comment on the Commission's proposals for reform of the common market organisation for sugar, which were finally published today, having been well signalled over the past few weeks. The key elements of the proposals are a 39% price cut in the institutional price for sugar, a corresponding reduction in the minimum price for sugar beet and 60% compensation to farmers for the price cut. A voluntary restructuring scheme is proposed to encourage factory closures and the renunciation of quota. From Ireland's perspective, the bottom line is that the proposals are simply not acceptable in their current form.

While the need for reform of the EU sugar regime is acknowledged, following the basic principles of the CAP reforms of 2003 and 2004, I consider that the Commission's proposals are unbalanced and could lead to drastic consequences for the sugar beet industry in a number

of member states, including Ireland. This is unprecedented in terms of CAP reform proposals presented by the Commission for any sector.

My colleague, the Minister, Deputy Coughlan, had voiced her opposition to the Commission's original ideas for reform, outlined last July, and this opposition was shared not only by several other member states but also by the developing countries which have preferential access to the EU sugar market. We had advocated a different approach to reform based on the following principles: the import system from third countries should ensure predictable and regular import quantities. In this context, it is important to remember that the poorest sugar-producing countries want such an arrangement, rather than the race to the bottom in price terms that totally free access would bring, the price reduction should be significantly less than that currently proposed and should be implemented more gradually, the impact of the quota reductions should fall mainly on production of 'C' sugar and transfers of quotas among member states should not be allowed.

While the idea of quota transfers has been dropped with the proposed compulsory quota cuts, nevertheless the latest proposals are even more radical than what the Commission originally had in mind. Consequently the Minister will oppose them strongly when they come before the Council of Ministers.

Everybody accepts that reform of the EU sugar regime is unavoidable and the ruling by the WTO appellate body in April against elements of the regime increased the pressure for reform. Taking account of this, the Irish sugar processing industry had already begun a process of adjustment and had embarked on a major rationalisation involving the closure of one of its two processing facilities. This rationalisation will enable the industry to survive at a lower price level, but not the one proposed by the Commission.

The Commission's proposals will be considered in the coming weeks and months in the Council and we intend to work with like-minded colleagues to have the proposals modified to ensure a more orderly and balanced adjustment to the EU sugar regime which would take account of all the stakeholders involved. The negotiations are now beginning in earnest and our overall objective will be to ensure that Irish interests are fully taken into account in whatever final agreement might emerge. In this context, I know that the Minister will reiterate our serious concerns about the direction the Commission proposes for the sugar regime when she meets Commissioner Fischer Boel who will visit Ireland tomorrow. The Minister will also use the opportunity to raise other issues in the beef and dairy sectors during those talks.

The Dáil adjourned at 10.30 p.m. until 10.30 a.m. on Thursday, 23 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 9, inclusive, answered orally.

Questions Nos. 10 to 21, inclusive, resubmitted.

Questions Nos. 22 to 29, inclusive, answered orally.

Taxi Regulations.

30. **Mr. G. Mitchell** asked the Minister for Transport when regulations on customer service and standards in the taxi industry will be enacted; if he will report on the main aspects of these regulations; and if he will make a statement on the matter. [21216/05]

Minister for Transport (Mr. Cullen): The Commissioner for Taxi Regulation is a fully independent regulator and the regulation of customer service and standards in the taxi industry is a matter for which he is responsible. I do not have any function in this regard.

The Commission for Taxi Regulation was established as an independent body under the Taxi Regulation Act 2003. The principal function of the commission is the development and maintenance of a new regulatory framework for the control and operation of small public service vehicles, including taxis, and their drivers.

The commission has initiated a broad consultative process and a national review to assess the extent and quality of services currently provided by small public service vehicles and examine existing quality and safety regulations in regard to small public service vehicles and their drivers. I understand that the review process has been completed and the commission expects to publish reports of the findings at the end of the month. This will inform the development of a new national code for the regulation of taxis, hackneys and limousines by the commission.

Rail Network.

31. **Mr. Crawford** asked the Minister for Transport his views on the findings of the recent report on the western rail corridor; the way in which the Government now intends to proceed with this project; if he will provide firm deadlines regarding the development and completion of some or all of the corridor; and if he will make a statement on the matter. [21164/05]

57. **Mr. M. Higgins** asked the Minister for Transport his views on a new report calling for the reopening of the western rail corridor on a phased basis; the estimated cost of the reopening of the line; the proposed timetable for the

reopening of the full line; and if he will make a statement on the matter. [21210/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 31 and 57 together.

The chairman of the working group on the western rail corridor, Mr. Pat McCann, presented his report to me last month. I have asked my officials to urgently examine Mr. McCann's report to ensure that it is fully appraised in advance of the finalisation of the multi-annual capital investment framework for transport currently being prepared by my Department. It is in that context that decisions will be made in relation to the future of the western rail corridor.

Based on a study carried out by Iarnród Éireann as part of that company's participation in the working group, the estimated capital cost of restoring the line is of the order of €370 million, excluding rolling stock costs. It would be premature for me to make any further comment on the issue in advance of the impending finalisation and publication of the multi-annual capital investment framework.

Road Safety.

32. **Dr. Cowley** asked the Minister for Transport if, in view of the fatal road accident and the death of a person (details supplied) he will take steps to ensure that the existing regulations are imposed such that safe practices are implemented by those carrying out road reconstruction and road works; if he will conduct an investigation of all fatal and serious road traffic accidents to assess the effect that road conditions and road works have in same; and if he will make a statement on the matter. [21086/05]

102. **Ms B. Moynihan-Cronin** asked the Minister for Transport if he will carry out any investigation into the dangers of temporary road surfaces in view of the recent Meath school bus crash tragedy; and if he will make a statement on the matter. [21214/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 32 and 102 together.

The National Roads Authority, NRA, has published for use in connection with the national road network, specifications for road works and a design manual for roads and bridges and regularly monitors and updates these documents as required. The Department of Environment, Heritage and Local Government, DOEHLG, has published similar guidelines.

My Department does not investigate road traffic accidents which are investigated by the Garda Síochána. Depending on the circumstances, other agencies may also conduct investigations. In cases such as the recent school bus tragedy, Bus Éireann and the Health and Safety Authority are already conducting an investigation.

The outcome of all investigations into road traffic accidents are taken into account by the

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NRA and the DOEHLG in updating the guidance material to which I referred.

Driving Tests.

33. **Mr. Wall** asked the Minister for Transport the timeframe for the introduction of his driving test reforms; when the current backlog of driving test applicants will be clear; his plans to increase the number of driving testers; and if he will make a statement on the matter. [21248/05]

54. **Ms Lynch** asked the Minister for Transport if he will expand on his recent comments that younger drivers can look forward to lower insurance premiums under the Government's reform of the driver testing system; the precise steps he will take to reform the testing system; the way in which this will lower insurance costs for younger drivers; and if he will make a statement on the matter. [21191/05]

223. **Mr. Durkan** asked the Minister for Transport the extent to which he can expect an increase throughout in respect of driving tests; and if he will make a statement on the matter. [21543/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 33, 54 and 223 together.

My Department and the Department of Finance have reached agreement on a package of measures which will make substantial inroads into the backlog of applicants awaiting a driving test. The package of measures involves increased productivity by way of a bonus scheme for driver testers, the outsourcing of a block of tests to an external body and the recruitment of additional driver testers. The package if fully implemented has the potential to deliver an additional 80,000 driving tests by the end of 2006, which should effectively eliminate the backlog.

My officials have commenced work on implementing each of these measures. Following discussions with the driver testers union, IMPACT, the terms of a bonus scheme are being circulated to driver testers. I look forward to a substantial take up of the scheme by the driver testers. Arrangements are being made to recruit additional testers and I expect invitations to tender for the delivery of the outsourced tests to issue shortly.

According to the motor insurance industry the cost of insuring a driver who has yet to pass the driving test is substantially higher than for a driver with a full licence. Consequently, I expect that the implementation of the package of measures aimed at a substantial increase in test throughput will enable the insurance industry to reduce premium costs proportionately.

Air Services.

34. **Ms Burton** asked the Minister for Transport if he will provide details of the new contracts for the latest round of the State-subsidised public service obligation air routes to six regional air-

ports; to state the price difference between the various bids for the routes; if he is satisfied with the level of transparency in the allocation of public service aviation routes; and if he will make a statement on the matter. [21204/05]

77. **Mr. Gogarty** asked the Minister for Transport the seat subvention on a flight on each of the internal scheduled air services to Galway, Kerry, Sligo, Donegal, Knock and the city of Derry airport which are to be supported by new public service obligation contracts, which come into effect in July 2005. [21104/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 34 and 77 together.

Contracts for the operation of PSO air services for the next three-year term, commencing 22 July 2005, were recently announced. The successful proposals were selected following the completion of an open procurement process, which was conducted in full compliance with the relevant EU rules and regulations governing the award of PSO air service contracts.

Aer Arann has been awarded the contracts for the routes linking Dublin with the regional airports in Donegal, Sligo, Galway and Kerry. Loganair has been awarded the contract for air services on the Knock and Derry routes. Aer Arann will provide three daily return services on the Galway and Kerry routes and two daily return services on the Sligo and Donegal routes. Loganair will provide two daily return services on the Derry route and one return service each day on the Knock route. Scheduled departure times on all routes will continue to enable passengers, particularly business passengers, to make same-day return journeys. It remains open to the appointed air carriers to provide additional non-PSO services on the routes in question.

The total maximum contracted subvention for the three-year contract term for the provision of air services on all six routes is €45.8 million. Based on projected passenger numbers and the maximum subvention levels specified in the new contracts, the average subvention per passenger per flight on each route would be as follows: Derry-Dublin, €78; Donegal-Dublin, €62; Sligo-Dublin, €51; Knock-Dublin, €87; Galway-Dublin, €37; and Kerry-Dublin, €28.

With regard to the price difference between the bids received, information of that nature would be considered commercially sensitive by the various airlines concerned.

Both Loganair and Aer Arann have provided a high quality service under the PSO programme to date and I am confident this will continue under these new contracts. The proposed new timetables will provide convenient flight times for business travellers and tourists and continued growth in passenger numbers at the regional airports is anticipated. The continuation of Government support for regional air services will have a very positive impact on regional development through increased economic activity, tourism and employment.

Taxi Regulations.

35. **Ms Shortall** asked the Minister for Transport his plans to introduce a new complaints procedure to address abuse or overcharging by taxi drivers; if his attention has been drawn to the fact that the National Taxi Drivers Union claims it has received far more complaints than the official 425 claimed for 2004 by the Garda Carriage Office; if his attention has further been drawn to the fact that procedural difficulties in lodging a complaint with the Garda is a deterrent for many persons who wish to make complaints regarding taxi drivers; and if he will make a statement on the matter. [21209/05]

Minister for Transport (Mr. Cullen): The Commissioner for Taxi Regulation is an independent regulator and, in accordance with the provisions of section 51 of the Taxi Regulation Act 2003, he is required to set up a procedure to consider complaints from members of the public and users and intending users of taxis, hackneys and limousines. This procedure will cover complaints in respect of the condition and cleanliness, the conduct and behaviour of a driver, overcharging or other matters relating to fares charged by a driver for the hire, and matters relating to the hiring of a small public service vehicle. I understand the regulator will publish in the coming weeks his proposals for regulating the market, which will include a formalised complaints procedure.

Information in regard to current complaints involving taxi drivers is not available in my Department and the investigation of such complaints is currently the responsibility of the Garda Síochána. I would hope that any difficulties that may be experienced in regard to the current complaints procedures will be addressed in the context of the development of new complaint procedures by the Commission for Taxi Regulation.

Road Network.

36. **Mr. P. Breen** asked the Minister for Transport if his attention has been drawn to any negotiations currently taking place relating to a proposal for the State to buy out the West Link toll bridge; and if he will make a statement on the matter. [21172/05]

85. **Mr. Howlin** asked the Minister for Transport if the NRA has yet reported to him on the outcome of his engagement with NTR in relation to the current contract for the M50 toll bridge; if so, the details of its report and the action he is taking on foot of it; and if not, when he expects the NRA to report to him on the matter. [21242/05]

107. **Mr. O'Dowd** asked the Minister for Transport if he has been informed by the NRA on its talks with the NTR; if he has received a report from the NRA on these talks; the central issues which are on the agenda during these talks; and if he will make a statement on the matter. [21227/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 36, 85 and 107 together.

I am aware that, in the context of the upgrade of the M50 and my policy objective to move to open road tolling, the National Roads Authority, NRA, is in negotiation with NTR on a range of issues affecting the West Link toll agreement. Any matters arising from the NRA's negotiations with NTR will be a matter in the first instance for the NRA to consider.

The NRA will report to me on the outcome of its engagement with NTR, including any implications for the current agreement. I am anxious to see the various M50 related issues progressed as rapidly as possible, including the move to open road tolling, and I expect, therefore, to receive the outcome of the negotiations from the NRA at the earliest possible date.

Road Traffic Offences.

37. **Mr. Penrose** asked the Minister for Transport the position with regard to plans to change legislation to provide for the use of speed cameras to detect motor insurance and tax offences; if he has had any further discussions with the Data Protection Commissioner on this issue; and if he will make a statement on the matter. [21250/05]

Minister of State at the Department of Transport (Mr. Callely): There are no immediate plans to provide for the use of speed cameras to detect motor insurance related offences. The Road Traffic Acts provide that evidence produced by electronic or other apparatus, including a camera, can be tendered in court as a *prima facie* proof of specified offences. Offences related to motor insurance and motor tax are not specified in the legislation.

I have not had any discussions with the Data Protection Commissioner on this matter. However, I understand that the Department of the Environment, Heritage and Local Government has been considering the use of cameras in respect of the detection of motor tax offences.

While I have an open mind regarding the application of a camera system for the detection and enforcement of motor insurance offences, such an approach presents a number of technical problems concerned with establishing *prima facie* that an insurance-related offence was committed. These would have to be resolved before a camera-based approach to the detection of the offences in question could become operational.

My Department is currently in consultation with the Irish motor insurance industry and the Department of the Environment, Heritage and Local Government about the development of a single real-time motor insurance related database for all registered vehicles. Such a database would streamline compliance with certain provisions of the fourth motor insurance directive of the EU but would also have the potential for significantly improved motor insurance compliance rates.

Furthermore, developments are taking place at EU level on an electronic vehicle identification,

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EVI, scheme. These developments also have the potential for more effective enforcement of road traffic law including motor insurance requirements.

Cycle Facilities.

38. **Mr. Cuffe** asked the Minister for Transport if his Department favours the introduction of contra-flow cycle lanes on one-way roads, which have proved highly successful in other European cities in improving conditions for cyclists. [21101/05]

Minister for Transport (Mr. Cullen): The statutory basis for the use of cycle tracks is set out in the Road Traffic (Traffic and Parking) Regulations 1997 and 1998.

A design manual for cycle facilities entitled Provision of Cycle Facilities — National Manual for Urban Areas was published in March 1998 by the Dublin Transportation Office, DTO. The manual comprises a comprehensive set of guidelines for the design and provision of cycle facilities and established a range of circumstances in which contra-flow cycle tracks may be provided.

The provision of any cycle facilities is a matter for the determination of each local authority.

Air Services.

39. **Mr. S. Ryan** asked the Minister for Transport if he has met with Aer Lingus representatives to discuss the scrapping of the airline's routes to Orlando and Washington in the United States; the efforts he will make to ensure that other routes to the US are maintained; and if he will make a statement on the matter. [21208/05]

109. **Ms O. Mitchell** asked the Minister for Transport if he is satisfied with the decision of Aer Lingus to end its service to Orlando; if Aer Lingus's service to Los Angeles is secure in the longer term; and if he will make a statement on the matter. [21161/05]

Minister for Transport (Mr. Cullen): I propose to take Question Nos. 39 and 109 together.

The issues raised in relation to the operation of services by Aer Lingus are day-to-day matters for the airline, taking account of its commercial mandate. In the circumstances, it would be inappropriate for me to intervene.

In announcing the cessation of the Orlando service from 12 January 2006, Aer Lingus advised that the decision was reached following the failure of the IMPACT cabin crew to agree to necessary work practice changes.

Aer Lingus believes that there is significant growth potential, particularly on long-haul routes, provided it has the appropriate cost base and access to funds to finance aircraft acquisition. As a result of the recent decision on the sale of a majority shareholding, the Government, for its part, is ensuring that the necessary funds will be made available to the company. It is, therefore,

imperative that Aer Lingus management and staff urgently agree on the changes necessary to achieve the appropriate cost base and operational flexibility essential to support a sustainable growth plan.

Road Traffic Offences.

40. **Mr. Noonan** asked the Minister for Transport if it remains his intention to legislate for random breath-testing of motorists; when such legislation will be published; and if he will make a statement on the matter. [21226/05]

47. **Mr. Costello** asked the Minister for Transport if his attention has been drawn to a recent National Safety Council survey that found that almost 40% of drivers admit to drink-driving; when he will introduce the legislation for random breath-testing; and if he will make a statement on the matter. [21215/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 40 and 47 together.

The question of the adoption of changes in the circumstances where the driver of a vehicle can be made the subject of a preliminary roadside breath test has been the subject of considerable debate and consideration for some time. The first Government road safety strategy, which related to the period 1998 to 2002, indicated that while the Government would consider the possibility of some change to the position that prevailed in advance of the publication of that strategy, it did not envisage the adoption of the unqualified application of random breath-testing by the end of the period in question. Subsequently, the Road Traffic Acts were amended to provide that the gardai are now empowered to require that all drivers involved in road collisions or detected committing any traffic offences must submit to roadside breath tests. This is in addition to the power to demand that a driver who in the opinion of a garda has consumed alcohol must submit to such a test.

The current road safety strategy recommends that the introduction of random breath-testing should be pursued within its operational time-frame of 2004 to 2006. Against that background, I am examining the development of a scheme for a more general basis for roadside testing.

To allow for the operation of full random breath-testing needs to be considered very carefully. Drink-driving laws have historically been the subject of regular scrutiny in our courts. I do not intend to pursue any policy initiative in this area until I am satisfied that a more generally applied system of roadside testing provides clear potential for improving road safety on a sustained basis for the future.

The results of a survey carried out by Lansdowne Market Research on behalf of the National Safety Council were published in association with the joint NSC-Garda Arrive Alive campaign, which I launched on 30 May. The results of the survey support the contention that

addressing the issue of drink-driving must remain a key focus of road safety policy and traffic law enforcement. The two compelling messages that can be taken from the survey are that while a percentage of drivers continue to drink and drive, there is support for the strict enforcement of the laws relating to drink-driving.

Public Transport Access.

41. **Mr. Bruton** asked the Minister for Transport if Dublin Bus will reach its target of having 60% of its fleet fully accessible to those with disabilities by 2006; if Irish Rail will meet its target of 50% full accessibility by 2007; if not, in either case, when these targets will be achieved; and if he will make a statement on the matter. [21202/05]

Minister of State at the Department of Transport (Mr. Cally): Significant investment has been made to date under the national development plan, NDP, in acquiring new buses for Dublin Bus and new rolling stock for Iarnród Éireann. All of the public transport vehicles purchased under the NDP for the services of both companies have been specified to fully accessible standards.

Dublin Bus now operates 486 low-floor, wheelchair accessible buses, which equates to some 45% of its total fleet. A further 70 buses are on order for delivery later this year, at which point low-floor buses will constitute more than 50% of the fleet.

I am not aware that Dublin Bus has set a target of having 60% of its fleet fully accessible. My Department's draft outline sectoral plan under the Disability Bill 2004 provides that all new buses acquired by Dublin Bus will be fully accessible but does not set a percentage target. While the company is currently assessing its future fleet needs, there is a commitment that all purchases of new buses for Dublin Bus will be low-floor and wheelchair accessible as the fleet is upgraded in order to reach my desire of 100% of Dublin Bus fleet being fully accessible.

In my Department's draft sectoral plan there is a commitment that almost half of the rolling stock on InterCity rail services will be accessible by 2007. I am very confident that this target will be met. There are currently over 180 rail carriages and railcars on order for Iarnród Éireann, all of which have been specified to very high accessibility standards. This rolling stock will be brought into service between the end of 2005 and 2008. At that point practically all of the rolling stock providing InterCity services will be fully accessible for people with disabilities. DART and the other suburban rail services of Iarnród Éireann are already accessible for people with disabilities.

Question No. 42 answered with Question No. 29.

State Airports.

43. **Mr. Penrose** asked the Minister for Transport if he will commission a study to examine the case for a second airport in the greater Dublin-Leinster area in view of the concerns regarding traffic congestion and noise disturbance which will result from the proposed development of Dublin Airport; and if he will make a statement on the matter. [21245/05]

65. **Mr. S. Ryan** asked the Minister for Transport if he will commission an independent study, including a cost benefit analysis, with regard to the provision of a second greater Dublin-Leinster-midlands airport as an alternative to the proposed second northern parallel runway at Dublin Airport; if his attention has been drawn to the fact that the chief executive of the DAA has stated that he would not be opposed to such a study although such a decision would have to be made by the Department of Transport. [21252/05]

105. **Mr. Sargent** asked the Minister for Transport if he will take into account the need for regional balance and the national spatial strategy in any future decision with regard to the development of a new runway at Dublin Airport. [21107/05]

192. **Ms Shortall** asked the Minister for Transport if, in relation to his Department's guidelines for the appraisal and management of capital expenditure proposals in the public sector, he is satisfied that these guidelines have been adhered to in respect of the proposal to develop a new runway at Dublin Airport; if he will provide details of the alternatives, such as a new airport which have been considered; and if he will make a statement on the matter. [21486/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 43, 65, 105 and 192 together.

Proposals in regard to the development of Dublin Airport, including the planning and provision of runway capacity, are in the first instance a matter for the Dublin Airport Authority which has statutory responsibility to manage, operate and develop the airport and to provide such facilities and services as it considers necessary for aircraft and passengers.

Dublin Airport will remain the country's main airport serving the needs not just of the travelling public in our capital city and the surrounding counties but also of the country's tourism, business and freight sectors generally. Notwithstanding the greatly welcome increase over recent years in traffic at Shannon and Cork Airports and at the regional airports, Dublin Airport will remain crucial to the national economy. In this regard, passenger traffic through Dublin Airport is expected to grow from over 17 million last year to an estimated 23 million in 2009 and is forecast to increase to 30 million by around 2017.

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It is also noteworthy that the national spatial strategy has acknowledged that the expansion of the level of air services from Dublin Airport to a wider range of destinations is essential in the interests of underpinning Ireland's future international competitiveness.

The Dublin Airport Authority submitted its application for planning permission for the new runway to Fingal County Council in December last and the current planning process provides the appropriate forum for all interested parties, including local communities and residents, to have their views and concerns heard and taken into account by the planning authorities.

Dublin Airport has the scope and potential to expand to cater for future growth in air traffic for the foreseeable future. The lands necessary for the new runway began to be acquired in the late 1960s and, as far back as 1972, the then Dublin County Council included the proposed new runway in the county development plan. Thus, as a result of good long-term planning stretching back over four decades, the capacity now exists to provide the proposed second parallel runway and facilitate the continued growth of Dublin Airport.

I have no proposal to commission any study of alternative options for the provision of airport capacity to serve the greater Dublin area. Subject to planning permission, it is envisaged that the Dublin Airport Authority will provide such capacity through the expansion of existing facilities and infrastructure at Dublin Airport. I am informed by the Dublin Airport Authority that all capital projects are subjected to rigorous appraisal procedures and ultimately board approval in compliance with the guidelines issued by the Department of Finance.

International Agreements.

44. **Mr. Allen** asked the Minister for Transport the position regarding negotiations between Ireland and the US with respect to the changes to the existing bilateral agreement between both countries; and if he will make a statement on the matter. [21178/05]

Minister for Transport (Mr. Cullen): I refer the Deputy to a reply to Question No. 490 answered on 14 June 2005, which is set out in full below. The reply states:

My officials have been maintaining contact with the US authorities, regarding issues surrounding the Ireland-US bilateral air transport agreement and the EU-US talks. As part of ongoing dialogue with the US on this issue, officials from my Department travelled to Washington to discuss the Ireland-US bilateral agreement on 6 April 2005, to explore what adjustments to the current Ireland-US arrangements are possible. The meeting was technical and exploratory in nature, and no conclusions were reached at that meeting. Both sides agreed to keep in touch, and to continue to

consider how those issues might be moved forward, having regard to the EU-US negotiations.

The recent Transport Council in Luxembourg on 21 April 2005 considered the issue of the EU-US negotiations. The Council authorised the Commission to prepare an outline of what it considers could be the elements of an overall EU-US deal. That outline will, I understand, be presented to the Council at its next meeting at the end of this month. Should the Council approve an outline deal, then the Commission will seek to restart formal negotiations with the US, using that outline as a basis for negotiations. The negotiations would then focus on agreeing the necessary steps and stages to achieve the outline deal. Many uncertainties exist at this stage such as whether an outline deal can be agreed, whether the US will accept the outline deal if agreed in June, and how long it might take to negotiate all of the details of that deal.

I expect to have a clearer view as to how to proceed regarding Ireland-US Bilateral Agreement following the Transport Council, since the prospects for a re-engagement of the EU-US process will have a major bearing on the EU and US's attitude to amending the existing Ireland-US bilateral agreement.

Increased access to US destinations under an open skies agreement would provide significant benefits to Irish tourism, trade, economic growth and aviation. However, I am equally clear that Ireland must obtain the best possible transition for Shannon, to enable a smooth phasing in of open skies with the US in the future and I consider it appropriate for any changes that occur in this area to be on a phased basis over a number of years.

National Car Test.

45. **Dr. Upton** asked the Minister for Transport when he will announce adjustments to the current NCT arrangements following the recent review. [21243/05]

Minister of State at the Department of Transport (Mr. Callely): I was pleased to initiate the mid-term review of the national car testing service, NCTS, which included a public consultation process. That process concluded on 18 May 2005. The submissions and suggestions for the improvement of the car testing service which were received from interested organisations and individuals during this process are now being assessed by PricewaterhouseCoopers who have been engaged by my Department to manage the mid-term term review of the NCTS.

I understand that a report on the outcome of their review of the NCTS will be submitted by PricewaterhouseCoopers to my Department shortly. Arising from the report, it would be my intention to announce any necessary adjustments to the current NCT arrangements in the course of the next few months.

Vehicle Safety.

46. **Mr. Howlin** asked the Minister for Transport his plans to proceed with the European Union proposals to require safety belts to be fitted to all seats in all new vehicles except for buses used on stage stop routes as approved in May 2005 by the European Parliament, ahead of directives legally requiring the State to do so; and if he will make a statement on the matter. [21241/05]

68. **Mr. M. Higgins** asked the Minister for Transport his plans to introduce any new regulations for children's safety on school buses in view of the recent bus crash tragedy in Meath; if he has received the report from the Health and Safety Authority into the crash; and if he will make a statement on the matter. [21213/05]

Minister of State at the Department of Transport (Mr. Callely): I propose to take Questions Nos. 46 and 68 together.

Last month's approval by the European Parliament of proposals to extend the requirement for safety belts to be fitted to all seats in all new vehicles, except for buses used on stage stop routes, opens the way for the proposals to be adopted as directives by the Council of Ministers. Given that the date by which seat belts must be fitted in new buses will not be settled until the proposals have been adopted as directives, the question of requiring safety belts in new buses at an earlier date cannot be fully assessed at the present time.

In accordance with EU Directive 2003/20, which must be transposed into national law by 9 May 2006, seatbelts must be used where they are fitted. From that date, unless a derogation is secured, the three for two rule, which permits three children to be counted as two passengers when reckoning the passenger capacity of a school bus going to or coming from school or school related activities, will no longer apply in respect of any school bus fitted with safety belts. No such derogation has been sought by Ireland. The Department of Education and Science has made it clear that the three for two arrangement, which only applies to about 14% of the 138,000 school children transported every day, will be phased out as soon as is practicable.

The investigation by the Health and Safety Authority is one of three separate independent investigations in regard to last month's bus accident in County Meath. The other investigations are being carried out by the Garda Síochána and Bus Éireann. I understand that all three investigations are continuing and I will be assessing the implications of the outcome of these investigations for road safety policy when they have been completed.

Question No. 47 answered with Question No. 40.

Infrastructure Development.

48. **Mr. Ferris** asked the Minister for Transport if increased attention will be paid to enhancing the rail and road infrastructure in the Shannon and Kerry regions to ensure visitors can move around quickly and easily, for example by facilitating the western rail link, and giving consideration to extending it to Kerry. [20570/05]

Minister for Transport (Mr. Cullen): The western rail corridor is a proposal that would link Collooney in County Sligo with Ennis in County Clare, thereby creating rail connections between Sligo, Galway, Limerick, Cork and Waterford. Because the corridor would be linked to the rail network generally it would also be connected to the Kerry line.

The chairman of the working group set up in June 2004 to examine the western rail corridor proposal recently submitted his report to me. That report is now being examined within my Department in the context of the finalisation of the multi-annual investment framework for transport.

The planning, design and implementation of national roads improvement projects is a matter for the National Roads Authority, NRA, in conjunction with the relevant local authorities.

I am informed by the NRA that the 2005 national roads allocations for the Shannon-Kerry region reflects an increase of 38.4% over the 2004 allocations with an allocation of €139.7 million in 2005 compared to €101 million in 2004.

Significant improvements to the national road network in the area include the completion of the N7 — Limerick southern ring road, phase one, the N18-N19 — Newmarket on Fergus and Hurlers Cross, and the N21 — Castleisland to Tralee. In addition, I am informed that work is continuing on projects such as the N18 — Ennis bypass, the N85 — western relief road, the N21 — Castleisland-Abbeyfeale and the N22 — Gortatlea to Farranfore among others. National road projects in planning also include the N85 — Ennis-Inagh, the N7 — Limerick southern ring road, phase two, the N21 — Castleisland and Adare bypasses and the N22 — Tralee bypass and Tralee to Bealagrellagh.

I am informed by Iarnród Éireann that since 1994 over €50 million has been invested in the Mallow-Tralee railway line as part of the national development plan. This involved the total relaying of the line and the replacement of old track with new continuous welded rail, CWR, and the upgrading of customer facilities on the route.

The Kerry route re-signalling project was completed in February 2005. The project involves the replacing of the old semaphore mechanical signalling system by a computer controlled colour light signalling system on the Tralee-Mallow section of the line. The re-signalling project is designed to deliver significant service improvements to rail customers who use the Tralee-Dublin route.

[Mr. Cullen.]

Planned investment in 120 regional railcars will enable an increase in frequency of services on the Kerry line to two hourly with up to eight trains per day in each direction. These railcars are expected to come into service in late 2007.

By the end of 2005, 67 new purpose built InterCity carriages will be delivered for use on the Dublin-Cork line. When the full fleet is in service in 2006, Iarnród Éireann will begin to deliver an hourly service in each direction on the Cork-Dublin route. The carriages, currently operating on the Cork-Dublin route, will be allocated to other routes, including the services to Kerry.

Service frequency improvements introduced on the Limerick to Ennis line in December 2003 have been hugely successful and have seen a 50-fold increase in weekly passenger numbers on this line.

Transport Strategy.

49. **Mr. Gogarty** asked the Minister for Transport the overall transport budget he expects to be able to allocate in the new ten year transport investment plan. [21103/05]

75. **Mr. Stagg** asked the Minister for Transport when he expects to finalise and announce the ten year transport package. [21230/05]

79. **Mr. Deenihan** asked the Minister for Transport the reason for the delay in the publication of his ten-year transport strategy; if this strategy has been considered by Cabinet; when he will announce this strategy; and if he will make a statement on the matter. [21221/05]

193. **Ms O. Mitchell** asked the Minister for Transport when his ten year transport infrastructure plan will be announced; the reason for the undue delay in its publication; the criteria being used by him and his officials to determine the specific projects to proceed with under this plan; and if he will make a statement on the matter. [21509/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 49, 75, 79 and 193 together.

I refer to my reply to parliamentary question reference number 21561/05 of today's date. I do not accept that there has been any delay in publishing the plan. An outline of the draft transport investment framework is currently under active consideration by the Cabinet committee on infrastructure, housing and PPPs. When the committee has concluded its consideration I will bring my proposals to Government as quickly as possible.

The transport investment framework will build on the work already completed under the transport element of the NDP. It will also take account of the work already done on investment priorities under the current capital envelope to end 2009 and of the various strategic studies already completed by my Department and its agencies,

including A Platform for Change, the Strategic Rail Review and the National Road Needs Study. More specifically, my Department has engaged with Córas Iompair Éireann, the Railway Procurement Agency, the National Roads Authority and the Dublin Transportation Office in order to identify the broad direction and priorities under the investment framework.

It is a fundamental requirement that in so doing we propose an integrated solution to the transport challenges facing us and not merely a sectoral response.

It is not possible to outline the specifics of the draft framework or the level of funding to be made available pending the completion of its consideration by the Cabinet committee and a decision by the Government. However, the broad direction of the framework is expected to be along the following lines: completion of the major inter-urban motorways by 2010 and the upgrading of the rest of the national road network over the period of the framework; transformation of the transport system in the greater Dublin area, with a particular focus on the public transport network; completion of the renewal of the national rail network, with a major focus on the provision of enhanced services; upgrading of the public transport services in provincial cities and in the regions; addressing the management of the demand for transport; ensuring the accessibility of the public transport system to people with disabilities; and mainstreaming the rural transport initiative into the transport investment programme.

Light Rail Project.

50. **Mr. Gormley** asked the Minister for Transport if his Department has a preferred route for the extension of the Luas from Connolly station to the docklands; when such a routing will be agreed; and when a railway order process will commence. [21105/05]

Minister for Transport (Mr. Cullen): Responsibility for the development of specific proposals for the expansion of the Luas network lies with the Railway Procurement Agency, RPA. I understand that the RPA is at present advancing plans for extension of Luas from Connolly station to a terminal stop in the vicinity of the Point Depot.

Under the provisions of the Transport (Railway Infrastructure) Act 2001, the statutory approval process for any specific extension of the Luas network is initiated by an application to me by the RPA for a railway order. As Minister with responsibility for granting any such order, it would not be appropriate for me to comment on the preferred alignment or any other aspect of the proposed docklands extension in advance of my consideration of the application for a railway order submitted to me.

Semi-State Bodies.

51. **Mr. Hogan** asked the Minister for Trans-

port if he will report on the current financial position of the Aer Lingus pension scheme; the extent to which this scheme is currently in deficit; the way in which he intends to deal with this deficit in advance of any sale; and if he will make a statement on the matter. [21163/05]

78. **Mr. Bruton** asked the Minister for Transport his views on moves to remedy the deficit in the Aer Lingus pension fund in the context of privatisation. [18328/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 51 and 78 together.

As I have indicated in the House on previous occasions, the pension scheme for general employees in Aer Lingus, the Irish airlines — general employees — superannuation scheme, is a multi-employer scheme which also includes the Dublin Airport Authority, DAA, and SR Technics, formerly FLS, a private sector company. I understand that the employers in the pension scheme have been meeting all their liabilities towards the pension fund in accordance with the rules of the scheme.

In regard to claims about a deficit in the pension scheme, the last actuarial valuation which was carried out in March 2003 satisfied the minimum funding standard included in the Pension Act 1990. The next full actuarial valuation was due in March 2006 but the trustee decided to bring this forward to end March 2005. The preliminary actuarial advice at end March was that the scheme continues to meet the minimum funding standard and as a result, the trustees increased pensions in line with CPI again this year. Aer Lingus is expecting to receive the formal actuarial report shortly. While the payment of pensions is always dependent on the actuarial position of the scheme, I understand that the scheme continues to be able to pay the current level of pensions to existing pensioners. However, the question of whether such pensions can continue to be increased in line with inflation, as has been the practice for years, depends on the performance of the scheme going forward. The position will be clearer once the actuarial report has been issued.

If a deficit did arise, the rules of the pension scheme provide that the trustee has to decide what action to take but the rules also indicate that there is no obligation on the part of either employers or members to increase contributions. I assume that the trustee, employers and staff would work together in those circumstances to try and agree a mutually satisfactory outcome.

I must emphasise that the pension entitlements for employees of commercial State bodies, including Aer Lingus and the DAA, are matters primarily for the trustee, the members of the relevant scheme and the companies involved. The State has no involvement in the funding of these schemes.

The question of an injection of State funds into the pension scheme, from whatever source, does not arise as any such proposal would run counter

to established policy in this area and would, in all likelihood, be challenged by the European Commission as a State aid.

Rail Services.

52. **Ms C. Murphy** asked the Minister for Transport his plans for the expansion of service including provision of expanded park and ride facilities, along the western suburban rail corridor in the areas of Leixlip, Louisa, Confey, Collinstown, Maynooth and Kilcock and along the southern suburban rail corridor in the area of Celbridge, Hazelhatch and Sallins; and if he will make a statement on the matter. [20983/05]

Minister for Transport (Mr. Cullen): The scheduling and timetabling of rail services is a day-to-day operational matter for Iarnród Éireann to consider. On the basis of projected demand into the future, Iarnród Éireann has submitted a greater Dublin integrated rail network plan, which proposes the enhancement of all suburban and outer suburban services into Dublin. The proposals are being examined by my Department, at present, in the context of the multi-annual investment framework for transport.

Iarnród Éireann will introduce into service this year 36 diesel railcars and I understand that it is planned to place the majority of them on the Sligo-Dublin line to increase capacity and to remove older rolling stock from service. This will be of direct benefit to Maynooth passengers. The balance of the new fleet will be assigned to other outer suburban services to increase capacity on those lines. This capacity increase comes on top of a capacity increase of 24% on the Maynooth line and an increase of up to 160% on the Kildare line delivered in the past 18 months.

I am acutely aware of the need to develop appropriate park and ride facilities in tandem with the expansion of suburban rail services. In this regard, I would point out that a Dublin Transportation Office working group, consisting of representatives of the DTO, Iarnród Éireann, RPA and the local authorities, produced a strategy for the development of rail-based park and ride facilities in the greater Dublin area in November 2004. My colleague, the Minister of State, Deputy Callely has recently held a number of meetings with the chairman and officials of the DTO to discuss the findings and recommendations of this strategy. Arising from the meetings, the DTO has now been informed by the Minister of State that capital grants will be provided in appropriate circumstances and subject to a satisfactory business case for the development of park and ride facilities in the greater Dublin area.

State Airports.

53. **Mr. McGinley** asked the Minister for Transport if he will provide details on the final cost of the new terminal at Cork Airport; his views on the cost overruns in this project; if the cost of this terminal will be met by the Dublin Airport Auth-

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ority as promised; and if he will make a statement on the matter. [21195/05]

67. **Mr. J. O’Keeffe** asked the Minister for Transport if the business plans of the three State airports have been finalised and received by him; when these plans will be published; the main recommendations arising from these business plans in relation to each airport; if the plans have not been published, the reason for the delay; and if he will make a statement on the matter. [21194/05]

71. **Ms B. Moynihan-Cronin** asked the Minister for Transport the position with regard to the proposed sale of the Great Southern Hotel chain; if he intends to pursue a part, or full sale of the group; if he has received a submission on the future of the chain from the Great Southern Hotel Group Board; and if he will make a statement on the matter. [21211/05]

83. **Mr. Noonan** asked the Minister for Transport his preferred option for the future management of the Great Southern Hotels and Aer Rianta International; if a decision has been taken in relation to both these entities; and if he will make a statement on the matter. [21225/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 53, 67, 71 and 83 together.

In keeping with the provisions of the State Airports Act 2004 the board of the Dublin Airport Authority has a statutory mandate to do everything necessary to give effect to the restructuring of the State airports. The Shannon and Cork Airport Authorities were incorporated in September last year and in line with the framework provided by the 2004 Act, these two new authorities will, in due course, own and operate their respective airports once sufficient distributable reserves are available to transfer the relevant assets. Prior to the assets of Shannon and Cork Airports being vested in their respective authorities, their boards are charged with preparing to assume full responsibility for the management and development of their airports. They are also empowered to undertake functions delegated to them, on an agreed basis, by the Dublin Airport Authority. Each of the airport authorities is also required to prepare a comprehensive business plan for its airport.

As part of its business planning process, the Dublin Airport Authority will be considering the future direction of its subsidiaries including the Great Southern Hotels Group and Aer Rianta International and I will be considering the DAA’s proposals in this regard in consultation with the Minister for Finance.

Both I and the Minister for Finance must be satisfied as to the state of operational and financial readiness of the Shannon and Cork Airport Authorities before the assets of the airports are vested in those authorities. The formulation of comprehensive business plans by the boards will

be a key aspect in evaluating operational and financial readiness.

The three airport authorities are continuing to work on preparing comprehensive business plans with the Dublin Airport Authority co-ordinating the process. In this context there is a range of issues, including the unsustainable cost base at Shannon Airport, the charges determination process for Dublin Airport which is currently under way by the Commission for Aviation Regulation and the optimum mechanisms for the financing of the new terminal in Cork, that need to be considered.

With reference to cost of the terminal at Cork Airport, the business planning process will provide a basis for determining the most feasible options for carrying through the restructuring. As required under the State Airports Act, the Deputy can be assured that Cork’s ability to operate on a fully commercial basis will be fully assessed as part of this process and will be factored into the decisions made. I am informed by the airport authorities that the budgeted cost, including variations, for the major development programme at Cork Airport amounts to approximately €163 million and that the project remains on budget. Approximately half of this relates to the new passenger terminal with the balance for other new facilities including a multi-storey car park, a new fire station, new internal roadways and surface car parks and the replacement of all existing utility services at the airport.

I understand that the Dublin Airport Authority together with its advisers and the contractor have a framework in place for monitoring the project and that the costs to completion are kept under constant review.

Question No. 54 answered with Question No. 33.

Road Network.

55. **Mr. Wall** asked the Minister for Transport his policy direction to the NRA in relation to the provision of service areas on motorways to which the NRA should operate. [21246/05]

Minister for Transport (Mr. Cullen): I have not issued any policy direction to the National Roads Authority, NRA, concerning the provision of service areas on motorways. However, my Department has requested the NRA to review, as a matter of urgency, its policy on the provision of service areas. The NRA has been specifically asked to consider the merits of locating such service areas on motorways as well as at, or close to, motorway interchanges.

Rail Network.

56. **Mr. Gilmore** asked the Minister for Transport the position in regard to the possible opening of a rail connection between Navan and Dublin via Dunboyne. [21233/05]

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 understand that the provision of a park and ride site at Pace to cater for Navan traffic has been included in the feasibility study.

I am aware that Iarnród Éireann is at present 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.

Question No. 57 answered with Question No. 31.

Dublin Port Tunnel.

58. **Mr. Stagg** asked the Minister for Transport when he expects the port tunnel to open to traffic and the reason for the further delays. [21231/05]

74. **Mr. G. Murphy** asked the Minister for Transport his views on the huge cost overrun on the Dublin Port tunnel project; the way in which he intends to ensure that the taxpayer does not end up paying for this overrun; and if he will make a statement on the matter. [21181/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 58 and 74 together.

The construction of the Dublin Port tunnel, including contractual matters related thereto, is a matter for the National Roads Authority, NRA, and Dublin City Council. I understand from the NRA that the estimated final cost of the Dublin Port tunnel is expected to be €751 million, including price variation, against an estimated cost at tender stage of €580 million — year 2000 prices excluding provision for price variation in line with construction inflation indices. The increase is mainly due to the operation of the price variation clause over the period since tender receipt in 2000 to date, with a limited number of other factors, such as higher than anticipated land settlements, impacting on the updated overall project cost.

I also understand that the primary construction work on the port tunnel is expected to be completed in December 2005 and that the tunnel will be open to traffic early in 2006, following commissioning of the tunnel's operations and safety features.

Semi-State Bodies.

59. **Mr. Sargent** asked the Minister for Transport if his attention has been drawn to the serious difficulties facing airlines as a result of the ongoing increase in fuel prices; if further price increase will prompt the Government to reconsider its decision to sell a majority stake in Aer Lingus in view of the strategic importance of having such a carrier at a time when other airlines may be going out of business. [21108/05]

72. **Mr. Morgan** asked the Minister for Transport if the privatisation of Aer Lingus has the potential to damage the future competitiveness of the State. [18091/05]

81. **Mr. G. Murphy** asked the Minister for Transport the progress made in introducing private investment into Aer Lingus; and if he will make a statement on the matter. [21180/05]

90. **Mr. Broughan** asked the Minister for Transport the amount of money the Government expects to raise from the sale of its majority shareholding in Aer Lingus; the amount of this total which will be reinvested in the national airline; and if he will make a statement on the matter. [21188/05]

94. **Mr. Broughan** asked the Minister for Transport the guarantees he will provide that the Aer Lingus landing slots at Heathrow Airport will not be sold-off once the Government completes the sale of its majority shareholding in the national airline; and if he will make a statement on the matter. [21187/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 59, 72, 81, 90 and 94 together.

The Government's recent decision to allow the sale of a majority shareholding in Aer Lingus is the culmination of detailed and comprehensive consideration of the various options facing the company over the past year. The key driver was to ensure that Aer Lingus continues to make a valuable contribution to the economic and tourism development of the country.

Significant growth potential has been identified, particularly on long-haul routes, provided Aer Lingus has the appropriate cost base and access to funds to finance aircraft acquisitions. The Government decision will ensure that funds are available to support that growth and to provide financial security. With access to funds and a competitive cost base, the airline can continue to make a major contribution, flying to more destinations, offering more choice to consumers, opening new markets for tourism and growing jobs.

The Government also decided that in view of the strategic importance of the company, a significant minority stake of at least 25% should be retained, irrespective of the chosen transaction mechanism.

I am well aware that Aer Lingus faces many challenges looking forward, including pressure from rising fuel prices. However, the Government decision provides the basis for good long-term planning and shifts the focus from crisis management to planning for growth.

In relation to arrangements for the investment process, the Minister for Finance and I have moved quickly to engage advisers with the publication on 2 June last of a tender notice inviting proposals from financial and legal advisers. These advisers will advise on the size, type and timing

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of the Aer Lingus sale transaction as well as execute the chosen transaction.

I have already written to both Aer Lingus and ICTU in relation to implementation of the Government decision. Consultations have begun with the company in this regard and I will be meeting with ICTU on 28 June next.

As the objective for facilitating an equity injection in Aer Lingus is to fund growth and provide financial security, it is clear that any investment transaction must involve the issuing of new shares, thereby allowing the proceeds to go directly to the company. However, decisions on all matters relating to a transaction, including the valuation of the company, will be made at the appropriate time with the assistance of the selected advisers.

Rail Network.

60. **Mr. Crawford** asked the Minister for Transport the criteria used by his Department in deciding to proceed with rail projects; and if he will make a statement on the matter. [21170/05]

Minister for Transport (Mr. Cullen): Any project being considered for funding by my Department would generally be part of a wider strategic transport objective, such as the national development plan. It would also be expected to be consistent with the national spatial strategy and the relevant regional planning guidelines. My Department would also take into account whether it was consistent with the Strategic Rail Review and any relevant regional transportation strategy such as DTO's A Platform for Change or the Cork Area Strategic Study.

Any project being proposed by Iarnród Éireann, IE, will have received both IE and CIE board approval prior to submission to my Department. When project proposals are received by my Department they are checked for conformity with the Guidelines for the Appraisal and Management of Capital Expenditure Proposals in the Public Sector as published by the Department of Finance. In the case of projects costing over €20 million my Department seeks business cases or financial-economic cost benefit analyses. Depending on the nature and complexity of the project it may be subject to further external analysis by independent consultants to test the robustness of the costs as presented and of the economic and financial evaluation undertaken by the company.

61. **Mr. O'Dowd** asked the Minister for Transport the progress made to date in the development of a new rail station at Spencer Dock; and if he will make a statement on the matter. [21228/05]

Minister for Transport (Mr. Cullen): I understand that Iarnród Éireann is still examining possible locations for a new railway station in the city

centre area. I expect to hear from the company when this work is complete.

Penalty Points System.

62. **Mr. Sherlock** asked the Minister for Transport his Department's role in the computerisation of the driver penalty points system and the action he is taking to address the continued delay introducing it. [21239/05]

Minister for Transport (Mr. Cullen): Penalty points are recorded on the licence record of an individual on the national driver file, which is held and administered by the Department of the Environment, Heritage and Local Government. Points are endorsed on the licence record on receipt of either a notification from an Garda Síochána of the payment of a fixed charge, or notification of a conviction from the Courts Service in respect of an offence which attracts penalty points.

While the Department of Transport has no direct role in the computerisation of the penalty points system, responsibility for the legislation governing the penalty points system and for ensuring that points are recorded on the driver licence record on receipt of the appropriate notifications rests with the Department. The Department is represented on the working groups set up to implement the penalty points system.

When the penalty points system is fully operational it will involve electronic transfer of data between the national driver file and the computer systems of the Garda Síochána and the courts. The system will not become fully operational until the computerised fixed charge processing system has been fully rolled out by the Garda Síochána.

Road Safety.

63. **Ms McManus** asked the Minister for Transport when the Rules of the Road booklet will be updated by his Department; the expected date of publication; and will he ensure that an electronic version will be provided as part of any updated booklet. [21237/05]

Minister for Transport (Mr. Cullen): My Department is currently engaged in a comprehensive review of the Rules of the Road booklet. It is the intention that a draft of the new booklet will shortly be published on the Department's website and that comments and submissions will be invited from the public and interested parties. The new booklet will be finalised following consideration of any submissions received and it is intended that the booklet will be made available in the autumn. The new booklet will be available on the Department's website.

Rail Network.

64. **Ms C. Murphy** asked the Minister for Transport when it is intended to double the track between Maynooth and Kilcock in order that the

frequency of train services can be improved to this rapidly developing area; if the work has been costed; his estimate of the length of time it will take to complete such works; and if he will make a statement on the matter. [20982/05]

Minister for Transport (Mr. Cullen): The statutory responsibility for the provision of railway services rests with Iarnród Éireann. The Iarnród Éireann greater Dublin integrated rail network plan does not include plans for double-tracking the line from Maynooth to Kilcock. However the situation will be kept under review in the light of any developments in the catchment area.

Question No. 65 answered with Question No. 43.

66. **Mr. Coveney** asked the Minister for Transport when he will make a decision on providing a rail link to and from Dublin Airport; and if he will make a statement on the matter. [21182/05]

Minister for Transport (Mr. Cullen): The programme for Government contains a specific commitment to develop a metro for Dublin with a link to Dublin Airport. The Railway Procurement Agency has submitted to my Department a detailed business case for a metro from the city centre to Dublin Airport while Iarnród Éireann have submitted proposals for an integrated rail network in the greater Dublin area including a rail connection to Dublin Airport.

In the light of the announcement by the Minister for Finance in his Budget Statement of agreement in principle to a ten year capital investment envelope for transport, work is under way in my Department on a ten year transport investment framework which will, *inter alia*, address the issues referred to. An outline of the draft investment framework is currently under active consideration by the Cabinet committee on infrastructure, housing and PPPs. I intend to bring proposals to Government in due course once the Cabinet committee has concluded its work.

Question No. 67 answered with Question No. 53.

Question No. 68 answered with Question 46.

Airport Development Projects.

69. **Ms Enright** asked the Minister for Transport the details of a project recently decided by the Cabinet to give the go-ahead to the Dublin Airport Authority to build a second terminal at Dublin Airport; the location of is the chosen site for the second terminal; when work will commence on this project; when it is expected to be fully operational; the overall cost of this project; when work on a new pier D will begin and be completed; the cost of this project; and if he will make a statement on the matter. [21223/05]

92. **Mr. McGinley** asked the Minister for Transport his views on the call that there have to be

changes in work practices by Dublin Airport Authority workers who are to be employed in the proposed second terminal; if such changes are being developed; his further views on whether changes in work practices at the airport are compatible with the terms of agreement signed by the Taoiseach and the trade unions as part of the mid-term review of Sustaining Progress in July 2004; and if he will make a statement on the matter. [21200/05]

99. **Mr. O'Shea** asked the Minister for Transport the details of the reasons behind the recent Government decision on the construction of a second terminal at Dublin Airport; and if he will make a statement on the matter. [21189/05]

113. **Mr. English** asked the Minister for Transport the cost of development of a second terminal at Dublin Airport; the details of the anticipated demolition costs necessary to develop this terminal; and if he will make a statement on the matter. [21201/05]

201. **Mr. Durkan** asked the Minister for Transport the number of terminals which are proposed for Dublin Airport; and if he will make a statement on the matter. [21511/05]

202. **Mr. Durkan** asked the Minister for Transport when a final picture will emerge in respect of Dublin Airport; and if he will make a statement on the matter. [21512/05]

203. **Mr. Durkan** asked the Minister for Transport his plans for the use of Dublin Airport; and if he will make a statement on the matter. [21513/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 69, 92, 99, 113 and 201 to 203, inclusive, together.

The Government decision of 18 May last was based on detailed consideration of how best to provide additional terminal capacity at Dublin Airport. Two key considerations were the importance of ensuring the continued overall operational integrity and strategic development of Dublin Airport to meet the needs of current and future users of the airport, both airlines and passengers, combined with the need to ensure that additional terminal capacity is provided within a reasonable timeframe to meet the growth in air traffic.

The Dublin Airport Authority is now in the process of putting in place practical arrangements to deliver the second terminal and additional pier capacity as quickly as possible. This includes Dublin Airport Authority engaging with airline customers to ascertain their requirements. Final decisions on the location and specifications for the second terminal will be made after this consultation with airlines and independent verification of the project scope and costings. The Dublin Airport Authority has indicated that its preliminary assessment indicates that the cost of the new terminal is likely to be in the range €130 million to €190 million depending on the required

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level of complexity. In addition, site preparation and support infrastructure costs, such as roads, aprons and contact stands, are likely to be in the range of €70 million to €100 million.

As regards Pier D, Dublin Airport Authority has indicated that the estimated cost of delivering the new pier will be between €83 million and €93 million depending on the planning requirements in relation to access to the pier from the existing terminal building.

The second terminal is expected to be operational in 2009 with the extra pier capacity due to come on stream in 2007. The Government decision provides that the operator of the second terminal will be determined following an open tender process. Selection of the successful tenderer will be on the basis of the most economically advantageous tender as judged by an independent expert panel. It is intended that the agreement between the Government and ICTU which was reached in tandem with last year's Mid-Term Review of Sustaining Progress will be reflected appropriately in arrangements for the conduct of the competition. It is too early to determine the work practices which will be required for the operation of the second terminal. A clearer picture will become available once a decision is made on the final terminal specification. Work practices in the second terminal would be a matter for negotiation by the terminal operator.

In the longer term, the number of terminals and indeed the provision of infrastructure in general at Dublin Airport will be dictated by the growth in air traffic through the airport.

Garda Traffic Corps.

70. **Mr. Costello** asked the Minister for Transport if he will report on the position with regard to the establishment of the Garda traffic corps; if he has met with the Department for Justice, Equality and Law Reform to discuss staffing levels and the timescale proposed for full operation of the unit; and if he will make a statement on the matter. [21190/05]

Minister for Transport (Mr. Cullen): I was pleased by the announcement late last year by the Minister for Justice, Equality and Law Reform in relation to the establishment of a dedicated corps of gardaí, under a distinct management structure within the overall force, which will provide for the significant enhancement of the deterrent effect that emanates from high levels of traffic law enforcement.

The question of staffing levels and the timescale proposed for full operation of the unit is a matter for Minister of Justice Equality and Law Reform, however, for the continuing close communications between our two Departments on these matters, I understand that the timescale for the development of the traffic corps remains as set out in the original statement of the Minister for Justice late last year, that is a 1,200 member corps by 2008.

Question No. 71 answered with Question No. 53.

Question No. 72 answered with Question No. 59.

Cycle Facilities.

73. **Mr. Gormley** asked the Minister for Transport the stage of development the proposed Sutton to Sandycove coastal cycle route is at; the estimated cost, the design and timetable for the construction of the project; and the agencies responsible for its completion. [21106/05]

Minister of State at the Department of Transport (Mr. Callely): The S2S — Sutton to Sandycove — proposal involves the provision of a 22 km promenade and cycleway around Dublin Bay from Sutton to Sandycove, with links to the city centre. The plan entails linking the existing and planned walkways and cycleways around Dublin Bay by providing linking schemes and by upgrading some of the facilities that already exist.

I support the concept and am pleased to say that the DTO traffic management grant committee approved Exchequer funding for a feasibility study for the proposed scheme. The DTO, the Dublin Regional Authority, and the three local authorities in whose areas the scheme would be, that is, Dublin City Council, Dún Laoghaire-Rathdown County Council and Fingal County Council, participated in the steering committee for the feasibility study. The report is now complete, and is being assessed by the DTO and its committees. I look forward to being advised by the DTO on its recommendations as to future progress on the scheme.

Question No. 74 answered with Question No. 58.

Question No. 75 answered with Question No. 49.

Rail Services.

76. **Mr. Durkan** asked the Minister for Transport the efforts he has made to date to provide park and ride facilities adjacent to all commuter rail stations throughout the greater Dublin area; if he has had discussions with any of the service providers on this issue; the outcome of any such discussions; and if he will make a statement on the matter. [21196/05]

Minister of State at the Department of Transport (Mr. Callely): I am very aware of the need to develop appropriate park and ride facilities in tandem with the expansion of public transport services. In this regard, I point out that a Dublin Transportation Office working group, consisting of representatives of the DTO, Iarnród Éireann, the RPA and the local authorities, produced a strategy for the development of rail-based park and ride facilities in the greater Dublin area in November 2004. In the recent past, I have had a number of meetings with the chairman, the chief executive and officials of the DTO on the findings and recommendations of this strategy. In the light

of my meetings, I have now informed the DTO that capital grants will be provided, in appropriate circumstances and subject to a satisfactory business case, for the development of park and ride facilities in the greater Dublin area.

Question No. 77 answered with Question No. 34.

Question No. 78 answered with Question No. 51.

Question No. 79 answered with Question No. 49.

Appointments to State Boards.

80. **Mr. Timmins** asked the Minister for Transport the way in which the board of the National Roads Authority is appointed; and if he will make a statement on the matter. [21198/05]

Minister for Transport (Mr. Cullen): Appointments to the board of the National Roads Authority, NRA, are made in accordance with section 28 of the Roads Act 1993. Under the Act, I as Minister, appoint board members for a period of five years or less. Each member appointed must, as stated in section 28 (1)(d) of the Roads Act 1993, be a person who in the opinion of the Minister have wide experience and competence in relation to roads, transport, industrial, commercial, financial or environmental matters, local government, the organisation of workers or administration.

Question No. 81 answered with Question No. 59.

Rail Services.

82. **Mr. Boyle** asked the Minister for Transport the estimate of the number of additional lorry journeys that will take place between Dublin and Cork each day as a result of the proposed cancellation of the thrice daily container rail freight service between the two cities; and the possibility of allowing another rail freight operator access to the use of the rail network to provide freight services in view of the continuing withdrawal by Iarnród Éireann from the rail freight business. [21100/05]

117. **Mr. Deenihan** asked the Minister for Transport if he has considered allowing private sector operators to tender for the delivery of container rail freight services; and if he will make a statement on the matter. [21222/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 82 and 117 together.

Iarnród Éireann held wide-ranging consultations with business interests around the country to identify those freight activities which are best suited to rail transport. The company has developed a business plan based on a strategy with regard to freight which is to: break even by 2006; increase the profitability of the existing profitable business; withdraw from those busi-

nesses that are heavily loss-making; and target trainload traffic.

Iarnród Éireann remains in the business of carrying containers by rail on the basis of full trainloads, point-to-point. The company has decided to cease container operations for volumes less than full trainloads. Due to the low volume of traffic between Dublin and Cork, the company has ceased service on this line. The company has indicated that this will have a very minor impact on volumes of road hauled container traffic. The volume of traffic on this line is not guaranteed at any time and is seasonal in character — around 20 containers will transfer over the course of a full day.

Iarnród Éireann continues to pursue a policy of growing its rail freight business where opportunities present. However, as in all businesses, it must adjust the freight business from time to time to reflect market realities.

In accordance with Directive 2004/51/EC the market for international rail freight services will be opened from 1 January 2006. This will enable any railway undertaking established in the EU, whether publicly or privately owned, to provide international freight services on the existing Irish rail network. From 1 January 2007, the domestic freight market will be opened. Under the proposed arrangements CIE, as the owner of the rail network, will be entitled to recoup the costs associated with allowing access to their network. In preparation for market opening, my Department is open to discussions with any interested operator.

Question No. 83 answered with Question No. 53.

Road Safety.

84. **Mr. Eamon Ryan** asked the Minister for Transport the budget in 2005 for the safe routes to school programme; the number of schools that are involved; his plans to extend the programme; and the way in which he intends to proceed in that regard. [21097/05]

Minister of State at the Department of Transport (Mr. Callely): I refer the Deputy to my response to parliamentary question reference number 20787/05.

The Dublin Transportation Office initiated six safer routes to school projects during 2002-03. 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 organisational and consultation activities intended to show school management and parent committees how to manage the mobility needs of the children attending the school.

[Mr. Callely.]

The total cost of the programme was €1.66 million, predominantly for the infrastructure changes, for example, pedestrian crossing, cyclepaths, 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 table set out below 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 currently 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 it might advance this initiative 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.

Question No. 85 answered with Question No. 36.

Public Transport.

86. **Ms O. Mitchell** asked the Minister for Transport the quality bus corridors which will be developed in 2005; the location of and investment envisaged in each; and if he will make a statement on the matter. [21160/05]

Minister of State at the Department of Transport (Mr. Callely): The Quality Bus Network Office and the local authorities are progressing the delivery of some 18 separate bus priority schemes in the greater Dublin area during the course of 2005 and into 2006. These schemes,

costing an estimated €47.05 million, have been approved by the DTO traffic management committee.

The following table sets out the itemised list of projects as it currently stands. The completion date of individual projects will depend on the pace of design work and the outcome of public consultation and tender processes. In addition to the projects listed in the table, it should be noted that the local authorities and the QBN office have been progressing QBC schemes which were planned prior to 2005. The main schemes include the N11, Foxrock-Bray; Howth; the Ballymun extension; Swords; Grange Castle Parkway; the Belgard Fonthill orbital route; and Nangor Road-south Clondalkin.

Table 1: Approved QBN projects 2005.

Code	Name	Estimated Cost (€m)
T-QBN-701	Dunshaughlin	2.50
T-QBN-104	Blackrock QBC (Merrion Road: Dublin City Council)	3.50
T-QBN-302	Snugborough Road	2.50
T-QBN-704	Bracetown	0.05
T-QBN-106	Earlsfort Terrace / Stephen's Green	1.00
T-QBN-205	Blackrock (Dún Laoghaire Rathdown)	3.00
T-QBN-303	Blanchardstown Road North and South	4.00
T-QBC-402	Naas Road (Phases 2 & 3)	3.50
T-QBN-110	South Clondalkin (Phase 3)	2.50
T-QBN-316	N3 inbound	2.00
T-QBC-407	Newcastle Road Bus Priority Measures	1.00

Code	Name	Estimated Cost (€m)
T-QBN-117	Waterloo Road	1.00
DLR-QBN-005	Foxrock Church to Dún Laoghaire (Kill Lane)	5.00
T-QBN-203	Kilmacud QBC	3.00
T-QBN-122	Blanchardstown SuperQBC	4.00
T-QBN-114	Pearse Street (Phase 2)	4.00
T-QBN-317	Huntstown Bus Gate	0.50
T-QBN-121	Malahide Super QBC	4.00
	Total	47.05

Penalty Points System.

87. **Mr. Quinn** asked the Minister for Transport if his attention has been drawn to the practice whereby dangerous drivers who accrue penalty points trade these points with other drivers; if he considers the penalties for such an offence offers a sufficient deterrent; if his attention has further been drawn to the fact that the practice of speed cameras photographing car licence plates is flawed in that it identifies only the car and not the actual driver of the speeding vehicle; his plans to address this anomaly; and if he will make a statement on the matter. [21212/05]

Minister for Transport (Mr. Cullen): The endorsement of penalty points may result from one of two situations. These occur where a person is convicted of the commission of an offence that attracts penalty points or where a person decides voluntarily to pay a fixed charge, which results in the matter not being referred to the courts for determination. If the motorist pays the fixed charge he-she will be accepting the consequence that the prescribed number of penalty points will be endorsed on his or her driving licence record.

In certain instances, it is not possible to identify the driver of a vehicle where an alleged offence is being committed. This situation arises where the speeding offence is detected by a speed camera. In such circumstances, a notice is issued by the Garda Síochána to the registered owner of the vehicle concerned. This notice conveys details of the alleged offence and indicates that no prosecution will be initiated if the driver pays a fixed charge within a maximum 56-day period.

This notice also conveys to the registered owner that if he or she was not driving or otherwise using the vehicle at the time of the commission of the offence they should furnish the name and address of the person who was driving the vehicle to the gardaí. It is an offence for a registered owner to supply information that is, to his or her knowledge, false or misleading in respect of the notification of the name and address of a driver. That offence attracts a maximum penalty of €1000.

In addition, section 115 of the Road Traffic Act 1961 provides that where the Road Traffic Acts generally apply a requirement on a person to give information in relation to a licence or a vehicle and the person furnishes false or misleading information, he or she is committing an offence

for which the penalty is a maximum fine of €1,500 and-or a six month prison sentence.

Section 21 of the Road Traffic Act 2002 provides an appropriate and comprehensive basis for the use of apparatus, including cameras, for the purpose of establishing evidence in respect of a range of traffic offences, including speeding offences. Operational decisions relating to the use of technology to support enforcement are matters for the determination of the Garda Commissioner.

Haulage Industry.

88. **Dr. Upton** asked the Minister for Transport the action he intends to take to assist hauliers here who may be put at a competitive disadvantage as a result of UK proposals to impose a new toll scheme with compensation for fuel costs designed to be cost neutral to British drivers; if his attention has been drawn to research which indicates that the new regime will cost businesses here €60 million annually; if he raised this issue at EU level; and if he will make a statement on the matter. [21244/05]

Minister of State at the Department of Transport (Mr. Callely): In November 2001 the UK Treasury published a consultation document, *Modernising the Taxation of the Haulage Industry*. The purpose of the document was to set out UK Government thinking on its proposal to introduce a form of lorry road-user charging in the UK.

The charge would be implemented to ensure that lorry road-users in the UK contribute on a fairer and more equal basis towards the costs they impose when using UK roads infrastructure. The charge would be levied on all road users regardless of nationality.

A rebate of fuel excise duty would be paid to hauliers using the system and buying fuel in the UK. It is not clear how this element of the scheme will be implemented in detail, but it would appear to be designed to be cost neutral to hauliers in Britain, who purchase their fuel in the UK. However, the scheme could potentially result in extra cost to non-UK hauliers who have purchased lower cost fuel at home, as is the case for hauliers in the Irish Republic. Consequently, Ireland has a special interest in this proposal since Irish hauliers, in addition to bilateral Ireland-UK

[Mr. Callely.]

trade operations, uniquely use the UK as a land bridge to mainland Europe.

My Department is monitoring the development of the proposed scheme to ensure that any charging system put in place will not in practice result in unfair cost to Irish hauliers. Any potential disruption of trade and in particular cross-Border North-South trade must also be avoided.

These concerns have been raised with the UK Treasury and it has indicated a willingness to work closely with my Department when designing the administration of the system and related matters.

The specific issue of UK lorry road user charges has not been formally raised at EU level. However, my Department has raised concerns at EU level in relation to ensuring that multiple charging regimes and toll-charge levels do not impact adversely on the competitiveness of the transport sector and industry generally. I believe the same considerations should apply in the case of the proposed UK charges.

Semi-State Bodies.

89. **Mr. Hogan** asked the Minister for Transport if a memorandum of understanding has been finalised between his Department and Irish Rail; the main terms of this memorandum; when it will be published; and if he will make a statement on the matter. [21162/05]

Minister for Transport (Mr. Cullen): Discussions are ongoing with Irish Rail regarding the finalisation of the company's revised memorandum of understanding, MOU, between the Department and the company.

The revised MOU, as well as accounting for public expenditure, will provide a reporting structure for performance indicators from the company. The MOU will contain targets on service quantity and quality as well as detailed financial reporting requirements. Failure to meet the targets agreed will be discussed in the context of the company accounting for subvention and the level of subvention to be allocated for future years. It is hoped that the final document will be ready for presentation to the Government in July.

Question No. 90 answered with Question No. 59.

Public Transport.

91. **Mr. English** asked the Minister for Transport the position regarding the pilot use of hard shoulders for public buses; the results from the pilot project to date; if it is intended to extend this concept; and if he will make a statement on the matter. [21174/05]

Minister of State at the Department of Transport (Mr. Callely): I have met with Bus Éireann management and it has brought to my attention an number of issues, one of which is the use of hard shoulders. Proposals are now being pursued

by my Department to progress how the hard shoulder area could be safely used at "congestion hot spot" locations on national roads, including those linking Dublin and its satellite towns. The objective of such hard shoulder usage is to assist bus operators in meeting their schedules, thereby assisting in the achievement of modal shift from the private car to public transport.

Pilots of this type of bus priority initiative are being developed at present at a number of locations including the northbound and southbound approaches to Dunshaughlin and at Bracetown between Dunshaughlin and Clonee in County Meath, and at various locations on the Naas Road in the South Dublin County Council area.

The Quality Bus Network Office of Dublin City Council is currently overseeing tendering and design work as a prelude to having these pilot projects implemented for use by buses. It is expected that some of these pilot projects will be operational in the near future.

The operation of the pilot measures will be monitored with a view to having similar measures introduced at other suitable locations throughout the country.

Question No. 92 answered with Question No. 69.

Freight Traffic.

93. **Mr. Boyle** asked the Minister for Transport the most recent figures available for the percentage of freight traffic in this country being carried by rail and by road; the relevant statistics for five, ten and 20 years ago; and if he will make a statement on the matter. [21099/05]

Minister for Transport (Mr. Cullen): The information requested by the Deputy is as follows: The information requested by the Deputy is as follows:

Year	Total tonnes-kilometres carried by road and rail (thousand)	Road Share %	Rail Share %
2003	16,296,309	97.6	2.4
2000	12,838,825	96.2	3.8
1995	6,095,457	90.1	9.9
1985	5,121,200	88.3	11.7

Source: CSO Road Freight Transport Survey, Irish Rail.

While the rail freight share of the overall freight market has declined over the period 1985 to 2003, not all freight is amenable to carriage by rail. Current policy in relation to freight is set down in my reply to Questions Nos. 82 and 117 of today's date.

Question No. 94 answered with Question No. 59.

Decentralisation Programme.

95. **Mr. Stanton** asked the Minister for Trans-

port, further to Question No. 76 of 12 May 2005, if any staff of Bus Éireann have indicated that they are willing to move to Mitchelstown as part of the decentralisation programme; if there has been any suitable accommodation located in Mitchelstown; and if he will make a statement on the matter. [21186/05]

Minister for Transport (Mr. Cullen): I refer the Deputy to my answer to parliamentary question reference number 13423/05.

Under the decentralisation programme Bus Éireann headquarters posts are to be relocated to Mitchelstown. That position remains unchanged. To date, 86 posts suitable for decentralisation have been identified by the company, however, no employee has indicated a wish to move and this is being examined. Implementation issues, including the identification of accommodation, are being pursued by Bus Éireann. The position still remains unchanged.

Semi-State Bodies.

96. **Mr. J. O'Keefe** asked the Minister for Transport if the review of its services has been completed by Dublin Bus; the recommendations arising from this review; if it has not been completed, when this will occur; when its findings will be published and enacted; and if he will make a statement on the matter. [21193/05]

Minister for Transport (Mr. Cullen): Dublin Bus has told me that the company has appointed international transport consultants to oversee the network review and it is expected that the project will be completed by December 2005.

While the matters arising from the review are a matter for Dublin Bus in the first instance, the company has indicated it will consult with representative groups in relation to the implementation of recommendations.

Road Network.

97. **Mr. P. Breen** asked the Minister for Transport if and when he intends to proceed with legislation to allow for barrier free tolling at the West Link toll bridge; and if he will make a statement on the matter. [21171/05]

Minister for Transport (Mr. Cullen): The move from the current toll arrangement on the M50 West Link bridge to a barrier free automated toll collection facility will be completed over a number of stages, involving a phased reduction in the cashier-coin basket lanes with a corresponding increase in payments by automated methods.

My Department is contributing to the process by reviewing the need to change, where necessary, the legislative framework so as to facilitate the introduction of open road tolling. I anticipate, subject to the other priorities on the legislative programme, that the draft legislation will be introduced in autumn of this year.

Rail Network.

98. **Mr. Naughten** asked the Minister for Transport the steps he intends to take to upgrade the rail network in the BMW region; and if he will make a statement on the matter. [20985/05]

Minister for Transport (Mr. Cullen): I refer the Deputy to my answer to Question No. 192 of 1 June 2005. Since 2000, significant improvements have taken place on infrastructure and services in the BMW region.

In the coming days, Iarnród Éireann will begin to take delivery of a fleet of 36 new diesel railcars, most of which will operate on the Dublin to Sligo route. These railcars will be used to increase the reliability and frequency of services on this route. In addition, continuous welded rail on concrete sleepers has been put in place on the whole main-line rail network, including those lines serving the BMW region.

Iarnród Éireann is currently undertaking a network resignalling project on most of its InterCity routes. The new signalling system on the Galway line was completed in 2003, the Sligo line will be completed later this year and work will begin, early in 2006, on the line from Athlone to Westport and Ballina, finishing in 2007. At that point all track-work and signalling on existing operational railway lines serving the BMW region will be of the highest international standards.

To complete the transformation of the rail network, the company will take delivery of a fleet of 120 InterCity railcars, beginning in mid-2007. These railcars will operate on routes serving, among others, Galway, Westport and Ballina. Their introduction to service will allow Iarnród Éireann to begin hourly and two-hourly frequencies on almost all of its InterCity routes.

Proposals for the future upgrade and development of the rail network are being considered in the context of the multi-annual investment framework for transport, which is being prepared by my Department at present.

Question No. 99 answered with Question No. 69.

Parking Regulations.

100. **Ms McManus** asked the Minister for Transport the reason for the continued delay in introducing heavier fines for illegal parking in disabled parking bays; if the consultation process has been completed; and when he expects to introduce the new fines. [21236/05]

Minister for Transport (Mr. Cullen): Where a person is convicted by a court of committing the offence of parking illegally in a disabled person's parking bay, he or she is liable to a fine not exceeding €800 for a first offence. The maximum fine for a second or subsequent offence is €1,500 and in the case of a third or subsequent offence committed within a 12 month period €1,500 and/or a prison sentence of up to three months.

[Mr. Cullen.]

These levels of maximum fines were established in the Road Traffic Act 2002 and represent very significant increases over the maximum fines that could be applied to that offence under previous legislation, which were €190 or £150 in respect of a first offence and €440 or £350 in respect of a second or subsequent offence. This offence currently comes within the scope of the on-the-spot fines system and, in association with the majority of other parking offences, it attracts an on the spot fine of €19.

The Road Traffic Act 2002 provides for the replacement of the on-the-spot fine system with the new fixed charge system. That system currently applies to the offences of exceeding a speed limit and non-compliance with seat belt regulations. Regulations to provide for the rollout of that system to a significant number of additional traffic and parking offences are currently being prepared by my Department in consultation with the Department of Justice, Equality and Law Reform and the Garda Síochána. This extension of the operation of the fixed charge system will include its application to the offence of illegally parking in disabled person's parking bays. The level of the charge for that offence will be pitched at a level significantly higher than that which will apply to other parking offences.

The operation of the fixed charge system is dependent on the development of a new computerised processing system for the Garda. It is expected that the new system will be available later this year.

Traffic Management.

101. **Mr. Durkan** asked the Minister for Transport his proposals to address the issue of ever growing traffic bottlenecks throughout the greater Dublin area; and if he will make a statement on the matter. [21197/05]

215. **Mr. Durkan** asked the Minister for Transport his proposals to encourage the use of public transport in view of the seriously overcrowded roads in towns, cities and villages, as well as in the capital; and if he will make a statement on the matter. [21525/05]

216. **Mr. Durkan** asked the Minister for Transport the way in which he proposes to enhance public transport with a view to alleviating traffic chaos; and if he will make a statement on the matter. [21526/05]

Minister of State at the Department of Transport (Mr. Callely): I propose to take Questions Nos. 101, 215 and 216 together.

The ten year transport investment framework, which is currently being developed, will focus on the enhancement and integration of the public transport network throughout the country, and particularly in the greater Dublin area. By so doing, it will provide a real and attractive alternative to the private car, help remove traffic bottle-

necks and improve public transport generally. The framework will also address the management of the demand for transport. At present, major increases in the capacity of the public transport system are being delivered in the greater Dublin area. Capacity on the DART has almost doubled since 2000; 80 new diesel railcars were introduced earlier this year on suburban commuter services and a further 36 are to be delivered next year; the capacity of Dublin Bus has been increased with over 25% more capacity at peak times; Bus Éireann has increased its services by approximately 40% from commuter towns such as Drogheda, Navan and Naas to Dublin city centre; the Department of Transport is funding a major programme to expand the quality bus corridor network and improve traffic management in the greater Dublin area; the Luas is now in successful operation on the Sandyford Green line and on the Tallaght Red line; work is continuing on the DART upgrade project, phase two of which will deliver a further increase in capacity; and the completion of the M50, the port tunnel and the M50 upgrade will provide substantial additions to the city's strategic road network.

In addition to increases in the supply of infrastructure and services, the Dublin Transportation Office is also working closely with the planning authorities to influence land use policies in the greater Dublin area to favour more sustainable forms of transport at the planning stage. This is being achieved through integrated land use and transportation plans at local level and commenting on major planning applications and appeals which are of strategic transport importance. All this is being done within the spatial planning context provided by the national spatial strategy and the regional planning guidelines.

Question No. 102 answered with Question No. 32.

Public Transport.

103. **Ms Shortall** asked the Minister for Transport the progress which the RPA has made on integrated ticketing; the reason its introduction is taking so long; and when the full system will be in place. [21251/05]

Minister for Transport (Mr. Cullen): The roll out of integrated ticketing using smartcard technology, for which the Railway Procurement Agency, RPA, was given statutory responsibility in March 2002, will be introduced on a phased basis, in line with international experience.

The proposed system, which will enable a passenger to use a ticket on one or more scheduled public transport services, by road and rail, irrespective of the transport operator involved, will be introduced in the Dublin area initially. The projected timescale of four years, from 2002 to 2006, compares favourably with similar systems developed elsewhere, for example in London and Hong Kong.

The first stage of the phased rollout took place in April 2004 when a private operator, Morton's Coaches, in conjunction with the RPA and as a proof of concept, successfully launched smartcards on its services. Last March, another step was taken with the launch of smartcards on Luas services. The Luas smartcard deployment will provide important feedback from passengers and operational experience for the next stage of integrated ticketing.

The RPA currently projects that smartcards will be introduced on Dublin Bus services next year, with the DART projected to follow thereafter. In 2006, passengers should be able to travel on both bus and Luas services in Dublin using one integrated smartcard.

EU Directives.

104. **Mr. Quinn** asked the Minister for Transport the progress he has made in transposing EU Directive 2002/15/EC and EU Directive 2002/85/EC into Irish law. [21207/05]

Minister for Transport (Mr. Cullen): Transposition of Directive 2002/15/EC was delayed due to discussions with the industry and the EU Commission regarding problems of application to mobile workers in the concrete sector, road construction sector and in relation to certain coach operations. In addition, legal advice was sought as to whether transposition would require primary legislation. My Department has now received a decision from the Office of the Attorney General and arrangements will be made to transpose the directive as quickly as possible.

My Department is currently engaged in putting in place the necessary organisational and administrative arrangements for the effective implementation of Directive 2002/85/EC. The arrangements include the designation of an approval authority for the appointment and supervision of persons authorised to install and seal speed limiters in motor vehicles. It is my intention to make the necessary regulations to transpose the directive into Irish law as soon as these arrangements are finalised.

Question No. 105 answered with Question No. 43.

106. **Ms Lynch** asked the Minister for Transport when European Council Regulation (EC) 261/2004 will come into practical effect; the reason no Irish body was appointed by the February 2005 deadline; the position for persons who would have been entitled to redress under the terms of the directive had Ireland complied by that deadline; the date the Commission for Aviation Regulation assumed its position as the complaints body; the reason, as of 15 June 2005, there is no information on contact details for complaints procedures on the Commission for Aviation Regulation website; if there is a specific telephone number passengers should contact; and

if he will make a statement on the matter. [21235/05]

Minister for Transport (Mr. Cullen): European Council Regulation No. 261/2004, establishing common rules on compensation and assistance to passengers in the event of denied boarding and cancellation or long delay of flights, came into effect on 17 February 2005. The regulation confers rights on passengers without the need for the intervention of the enforcement body.

Deliberations and consultation by my Department regarding the designation of an enforcement body took longer than expected. However, the Commission for Aviation Regulation, CAR, was appointed as the enforcement body on 31 May 2005. Any passengers who have sought compensation from airlines since the regulation came into force, but have not received satisfaction can forward their details in writing to the CAR.

The Commission for Aviation Regulation has now published a statement on its website relating to the complaints procedure under the regulation which can be accessed at www.aviationreg.ie. The contact details for the commission are: Commission for Aviation Regulation, Alexandra House, Earlsfort Terrace, Dublin 2; telephone — 01-6611700; fax — 01-6611269; and email — info@aviationreg.ie.

Question No. 107 answered with Question No. 36.

Aviation Tax.

108. **Mr. Coveney** asked the Minister for Transport his views on the EU initiative of introducing an aviation tax on all EU flights to fund development in third world countries; and if he will make a statement on the matter. [21192/05]

Minister for Transport (Mr. Cullen): Discussions have been taking place at recent ECOFIN councils about methods to increase the European Community's overseas development aid contribution. A number of member states have suggested that additional funds could be derived from a tax or levy on airline tickets or aviation fuel. The Minister for Finance has informed me that there was no overall consensus on an aviation tax of any sort and opinions differed on the wisdom of such an approach. The European Commission has been asked to examine the matter further.

The air transport industry is particularly important for Ireland, given our island location on the periphery of Europe and our reliance on the air transport industry to maintain our strong economic links to the United States. It is not clear to me why, in view of the generally weak financial position of airlines, the aviation sector is being singled out to be the vehicle for collecting funds for development aid. Any proposal to introduce an extra charge on air travel journeys would have to be assessed carefully with these important

[Mr. Cullen.]

factors in mind and having regard to the global nature of the aviation industry.

Question No. 109 answered with Question No. 39.

Public Transport.

110. **Mr. McCormack** asked the Minister for Transport his plans regarding the expansion of the bus market in the greater Dublin area; when this will occur; and if he will make a statement on the matter. [21219/05]

Minister for Transport (Mr. Cullen): My Department is currently awaiting the outcome of a review being carried out by Dublin Bus on how best to maximise the utilisation of its existing resources, in light of the significant investment made in bus and rail services and ongoing demographic changes. This review will be completed by the end of the year.

In addition, discussions are taking place with the key stakeholders on the modernisation of the public transport regulatory framework. I intend to provide a modern and robust basis for the expansion of the bus market. Both public and private companies will have a role to play in meeting the expanding demand for bus services. I remain hopeful that these discussions will reach an effective conclusion in the near future.

Light Rail Project.

111. **Mr. Allen** asked the Minister for Transport if the Railway Procurement Agency has carried out a review of the Luas projects with a view to analysing all aspects of the two lines completed in 2004; if not, when this promised review will be completed; and if he will make a statement on the matter. [21179/05]

Minister for Transport (Mr. Cullen): The Railway Procurement Agency, RPA, and the Dublin Transportation Office are carrying out a comprehensive assessment of the effect of Luas on travel patterns. The “Before Luas” survey was carried out in the spring of 2004 and it is intended that an “After Luas” survey will be carried out in 2006 when travel patterns on Luas have become more established.

Road Traffic Offences.

112. **Mr. Rabbitte** asked the Minister for Transport the length of time the issue of mutual recognition of penalty points system in Ireland and the UK has been under consideration by the British Irish Council; if a resolution is expected soon; and if he will make a statement on the matter. [21234/05]

Minister for Transport (Mr. Cullen): Where a driver with a foreign licence is detected committing a penalty-point offence in the Republic of Ireland at present, it is not possible to record his or her penalty points as no entry exists in the

national driver file relating to that driver. The Road Traffic Act 2002 provides that where such drivers pay a fixed charge a record is opened in the national driver file recording details of the offence and the number of penalty points applicable are held in abeyance. Should the driver apply for an Irish driving licence at a later date the points then become live and will be endorsed on the licence record for a three year period.

The North-South work programme, which was agreed by the North-South Ministerial Council, included a commitment to examine the mutual recognition of penalty points between the Republic of Ireland and Northern Ireland. However, in addition to the fact that separate penalty point systems operate in the two jurisdictions on this island, the system that operates in Northern Ireland differs from that applying in Great Britain. There is no mutual recognition between those two systems. Accordingly, where a person who holds a Northern Ireland licence commits a penalty-point offence in Great Britain, the points cannot be recorded on that licence. For that reason, it was agreed in 2003 that it would be more appropriate to pursue the question of mutual recognition of penalty points on the basis of the operation of the three systems and that it would also be more appropriate to deal with the issue under the auspices of the British Irish Council. As Northern Ireland has the lead role for transport matters in the council, the authorities in that jurisdiction are taking the lead in considering this issue.

The development of a system of mutual recognition of penalty points presents complex legal questions and may require the negotiation of a bilateral agreement between the two Governments and possibly the passage of primary legislation to support such an agreement. For that reason, my Department has sought the advice of the Attorney General’s Office in relation to this issue.

Question No. 113 answered with Question No. 69.

Traffic Management.

114. **Ms Burton** asked the Minister for Transport if he will provide details of the reported value for money audit of cycle lanes in Dublin; the person who is carrying out the audit; the level of funding awarded to provide bus lanes in each of the past five years; the number of kilometres this has provided in each case and the locations; his plans for future funding of cycle lanes in Dublin and the rest of the country. [21206/05]

Minister of State at the Department of Transport (Mr. Callely): My Department proposes to undertake an expenditure review of the traffic management grants scheme, commencing in late 2005. This is part of the ongoing expenditure review initiative, including the Exchequer assistance for cycle facilities, in which all Departments participate. The purpose of these reviews is to

evaluate the effectiveness of the relevant public expenditure. No decision has yet been made on who will carry out the audit, but it is likely to be undertaken by independent consultants.

Some €28.9 million has been spent on the provision of cycling facilities since 1994, resulting in the provision of 220 km of cycle networks in the greater Dublin area.

The emerging implications for cycling policy are that a more holistic approach, which involves addressing the real and perceived safety concerns of potential cyclists is called for in order to create

an attractive environment for cycling. In light of this, I have asked the Dublin Transportation Office to advise on the future direction of cycling policy and this will of necessity involve consideration of the expenditure undertaken to date.

The information sought by the Deputy in relation to the funding of bus lanes in each of the past five years is as follows: 2000, €17.8 million; 2001, €23.4 million; 2002, €15.1 million; 2003, €18.6 million; and 2004, €28.1 million. These figures yield a total of €103 million. Information relating to the location and length of bus lanes is set out in the following table.

QBC Scheme	Launch date	Length in km
Lucan QBC, N4	July 1996	12.1
Malahide QBC	December 1998	7.5
Stillorgan QBC, N11	August 1999	12.9
Finglas QBC	July 2000	6.0
North Clondalkin QBC	February 2001	12.1
Rathfarnham QBC	March 2001	7.1
Tallaght QBC	April 2001	12.2
Blanchardstown	September 2001	16.4
Swords, Whitehall to Dublin Airport	November 2001	2.9
Swords QBC, Whitehall to city centre	April 2001	11.7
<i>Extensions</i>		
N11 QBC Ext., Foxrock to Bray	quarter four, 2004	10.7
N4 QBC Ext., St. Johns Road	quarter one, 2004	2.5
N4 QBC Ext., Lucan Bypass	2004	2.2
Rathfarnham QBC Ext., Ballyboden Road	quarter three, 2004	1.0
Newtownpark Avenue, N11 QBC approach	quarter one, 2005	0.4
Total		117.7

The following table lists additional bus priority measures, which are in addition to the QBCs listed in the first table. These bus priority measures may not meet the full QBC specification, but they do prioritise buses through traffic.

	Length
N7, Monastery Road to Newlands Cross	1.5 km
Newtown Park Avenue	0.5 km
Outer ring road	3.3 km
N32	2.5 km
Clontarf Road	1.5 km
Laurel Lodge	0.5 km
Total	9.8 km

Public Transport.

115. **Mr. G. Mitchell** asked the Minister for Transport if he will report on the details of the development of Kent Station in Cork and the development of a new Bus Éireann station at Horgan's Quay; and if he will make a statement on the matter. [21203/05]

Minister for Transport (Mr. Cullen): CIÉ intends to redevelop its properties at Kent Station and Horgan's Quay as one development which will offer an integrated public transport link for bus and rail transport users. The station will have a new entrance facing the new development on Horgan's Quay and the city centre. This will offer improved facilities to all passengers. It will comprise a mixed-use development of approximately 15 acres, both residential and commercial, and represents a significant step in the ongoing regeneration of the Cork city centre.

Appointments to State Boards.

116. **Mr. Timmins** asked the Minister for Transport the identity of the members of the National Roads Authority; when they took up their positions; who appointed them; what is the function of the board; the number of times they meet; the selection criteria used in the allocation of funding; the input he has into their policy; and if he will make a statement on the matter. [21199/05]

Minister for Transport (Mr. Cullen): Appointments to the board of the National Roads Authority, NRA, are made in accordance with section 28 of the Roads Act 1993. The NRA board may

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comprise up to 14 members. A list of the current members and their respective appointment dates is set out below.

Appointments to the board were made as follows: during 2002 by the former Minister for the Environment, Heritage and Local Government, Deputy Noel Dempsey; during 2003 and 2004 by the former Minister for Transport, Deputy Brennan; and during 2005 by me, as Minister for Transport.

Board Members	Appointment Date	Expiry Date
Mr. Peter Malone, Chairman	12.02.2002	12.02.2007
Ms Jenny Kent	12.02.2002	12.02.2007
Mr. Raymond Potterton	12.02.2002	12.02.2007
Ms Frances Boyle	28.03.2002	28.03.2007
Prof. Frank Convery	28.03.2002	28.03.2007
Ms Eimear McCauliffe	28.03.2002	28.03.2007
Connie Ní Fhatharta	20.03.2003 (re-appointed)	20.03.2006
Brendan O'Mara	03.04.2003	03.04.2006
Mr. David Holden	01.10.2004	30.09.2009
Mr. John Newell	01.10.2004	30.09.2009
Dr. Donncha Ó Cinnéide	14.04.2005	14.04.2008
Mr. Eddie Breen	21.04.2005	21.04.2008

The board is directly responsible for the exercise of the NRA's functions as outlined in the Roads Act 1993. The frequency of board meetings is a matter for the board.

The Minister for Transport is responsible for securing Exchequer funding for the national roads programme. The policy framework for this programme is set out in the national development plan and related policy statements. The allocation of funding to particular projects within the programme is a matter for the NRA.

Question No. 117 answered with Question No. 82.

Departmental Reports.

118. **Mr. Kehoe** asked the Taoiseach the number of reports which have been published in his Department since June 1997; the name of

each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each; and if he will make a statement on the matter. [21619/05]

The Taoiseach: The information sought by the Deputy relating to reports published in my Department since June 1997 is detailed in the following schedule.

Name of report	Cost of report	Date of publication	Length of time to prepare report
IMS "Survey of Civil Service Customers"	Fixed price contract for consultancy and publication costs €11,369 (IR£8,954)	July 1997	Three months
Implementing the Information Society in Ireland: An Action Plan	€3,823 (IR£3,011)	January 1999	Approximately seven months
Reducing Red Tape: An Action Programme on Regulatory Reform	€3,369.88	July 1999	Preparation of SMI Working Group Report — four months Preparation of Action Programme — two years
Strategy for the Development of the International Financial Services in Ireland	€11,880	March 1999	It is not possible to estimate the exact time it took to prepare
Hay Management Consultants Report on 'Design & Development of effective systems of feedback within PMDS'	Fixed price contract for Consultancy and Publication costs €45,800 (£36,050)	October 2000	Five months
'Evaluation of Partnership' Report	Production Costs €14,000 (£11,111)	March 2000	One month
e-Business in International Financial Services: Developing Ireland's Potential Proposals for Action	Prepared internally at marginal cost	Published on Department of Taoiseach website January 2001	It is not possible to estimate the exact time it took to prepare
'Equality/Diversity and Quality Customer Service'	€38,700 (£30,492) Production costs €1,760 Total: €40,460	December 2001	Ten months

Name of report	Cost of report	Date of publication	Length of time to prepare report
Consultation Document: Towards Better Regulation: Initiating a public consultation process leading to a national policy statement on better regulatory management: Consultation Document: Executive Summary: Towards Better Regulation: Initiating a public consultation process leading to a national policy statement on better regulation and regulatory management	Designing/Printing €18,081.46 Consultancy fees €6,692.00 Total: €24,773.46	February 2002	Seven months
'Evaluation of Customer Action Plans'	€25,400 Production Costs €3,055 Total: €28,455	April 2002	Four months
*eCabinet Feasibility study	€152,094	January 2002	Approximately ten months
New Connections: A strategy to realise the potential of the Information Society	€14,775	March 2002	Approximately seven months
Evaluation of the Strategic Management Initiative	(Consultancy only) €491,991.83 no printing fees incurred, Report published by the Department of Finance	March 2002	Approximately nine months
Ireland and the European Union: Identifying Priorities and Pursuing Goals	€9,674.26	April 2002	This Report involved contributions from a broad range of Government Departments. It is not possible to estimate the exact time it took to prepare
Reports on submissions received arising from public consultation on Towards Better Regulation	Designing/Printing €7,790 Consultancy fees €4,000 Total: €11,790.00	December 2002	Six months
High Level Review Group on the Freedom of Information Act 1997 — Report to the Government.	Negligible	February 2003	Approximately Six months
Lansdowne Market Research Report 'Irish Civil Service — Customer Satisfaction Survey'	Price included Consultancy, Survey and supply of Report €36,000	January 2003	Four months
NGM Report 'Communicating Change & Modernisation in the Civil Service'	Price included Consultancy, Survey and supply of Report €15,000	January 2003	Four months
'Customer Charters — Guidelines for preparation'	Production Costs €34,000	September 2003	Nine months
Ireland and the European Union: Identifying Priorities and Pursuing Goals — Second Edition 2003	€12,207.47	April 2003	This Report involved contributions from a broad range of Government Departments. It is not possible to estimate the exact time it took to prepare
Regulating Better: A Government White Paper setting out six principles of Better Regulation: Regulating Better: Executive Summary: A Government White Paper setting out six principles of Better Regulation	Designing/Printing €25,763.57 Consultancy fees €4,840 Total: €30,603.57	January 2004	12 months
'Our Commitments to our Colleagues — Internal Customer Service in the Civil Service'	Production Costs €11,000	January 2004	Four months
'Redress for Civil Service Customers — International Approaches'	€76,894 Production Costs €5,049 Total: €81,943	November 2004	11 months
An Inquiry into certain matters in relation to procurement as requested by the Taoiseach, Mr. Bertie Ahern, T.D.	Negligible	January 2005	Approximately one month

*The €152,094 paid to PwC for a feasibility study on eCabinet covered the cost of extensive key stakeholder liaison, international research and research into the business processes involved. This culminated in PwC producing a comprehensive two-volume report on eCabinet.

The cross departmental team to the Cabinet committee on housing, infrastructure and public private partnerships has, since its establishment in 1999, prepared an annual progress report. These

reports are prepared internally at marginal cost and take approximately one month to prepare. They are laid before both Houses of the Oireachtas and the latest four are available on the Department of the Taoiseach's website.

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In addition, my Department has published annual reports for each year since 1998. The 2004 report is currently being finalised. The cost of the most recent annual report for 2003 was €26,352. The Department has published strategy statements since 1998 and the cost of the most recent statement, for 2003 to 2005 was €13,405.

Additionally, the Deputy will be aware that for every full year that Fianna Fáil and the Progressive Democrats have been in Government, we have published an annual progress report. The second annual progress report of this current administration was published on 1 August 2004. The total cost of printing and publication was €1,933. Work is currently under way on the third annual progress report.

Medical Cards.

119. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the criteria for the doctor-only medical cards; when this scheme will be put in place; and if she will make a statement on the matter. [21338/05]

Tánaiste and Minister for Health and Children (Ms Harney): In 2005 funding has been provided to allow the Health Service Executive, HSE, to 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. These patients' income can be up to 25% in excess of the income guidelines used for the assessment of full eligibility. The reason for this initiative is to ensure that as many people as possible, particularly those with low incomes and children, will be free from the worry of costs associated with accessing general practitioner services for themselves and their families.

The HSE has put in place the necessary administrative arrangements for the introduction of the so-called GP-visit cards and will undertake a public information campaign to indicate the process to be followed by applicants to obtain application forms and to have their eligibility assessed by the HSE. It is foreseen that the general practitioners services which will be 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 has 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. The recommendation is welcomed and it is hoped that it will be accepted by the IMO so that the GP-visit card initiative can be implemented without further delay.

Health Services.

120. **Mr. Allen** asked the Tánaiste and Minister for Health and Children the reason a person

(details supplied) in County Cork has had home help hours cut. [21347/05]

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 is 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 reply directly to the Deputy.

121. **Ms McManus** asked the Tánaiste and Minister for Health and Children the number of persons availing of the home care grant by each former health board area; and the number waiting for the home care grant by each former health board area. [21358/05]

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 is 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 reply directly to the Deputy.

Hospital Accommodation.

122. **Ms McManus** asked the Tánaiste and Minister for Health and Children if she has received correspondence from a person (details supplied) in Dublin 9 which outlines the lack of comfort, care and hygiene in the Whitworth ward, Beaumont Hospital; her views on the issues raised; and if she will make a statement on the matter. [21359/05]

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 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 investigated and to reply directly to the Deputy.

Regarding the correspondence referred to by the Deputy, a reply issued from my Department on 14 June 2005.

Rights of the Child.

123. **Ms Shortall** asked the Tánaiste and Minister for Health and Children, further to Question No. 277 of 14 June 2005, if a person (details supplied) has been the subject of administrative proceedings over the past year or more which come under the ambit of Article 12 of the UN Convention on the Rights of the Child; her views on whether there are *prima facie* conflicts of interest on the part of Irish State parties who

have been involved in the case to date, as against the interests of the child; if this person is entitled under the aforementioned conventions to be independently represented; if such entitlement exists in respect of the current administrative proceedings and, therefore, is not contingent on any judicial proceedings being brought in the future, such as proceedings related to the person's adoption or citizenship; if the Attorney General will apply to the High Court for an order appointing an independent representative for this person; and if a comprehensive reply will be provided to this question. [21375/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): This is a most complex and highly sensitive case. The Government is actively engaged in seeking to find a solution. At all times the best interests of the child have been and will remain the primary consideration.

High Court proceedings against the adoptive parents of this child have been instigated by the Attorney General in his role as protector of the unprotected. As the matter is before the court it is not appropriate to comment further.

Hospital Services.

124. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Westmeath will be immediately admitted to St. James's Hospital for urgent treatment; and if she will make a statement on the matter. [21376/05]

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 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 investigated and to reply directly to the Deputy.

Hospital Procedures.

125. **Ms Shortall** asked the Tánaiste and Minister for Health and Children to explain the charge for medical card holders for a SIDCA bone scan at a public hospital; the reason a medical card holder is required to pay a charge for a necessary medical service such as this; if medical card holders will not be required to pay this and similar charges; and if she will make a statement on the matter. [21377/05]

Tánaiste and Minister for Health and Children (Ms Harney): Medical card holders are entitled to a full range of services, including general practitioner services, prescribed drugs and medicines, all inpatient services in public wards including consultant services, dental, ophthalmic and aural and appliances and a maternity and infant care service.

The Health (Amendment) Act 1991 gave statutory effect to the measures which determined that everyone in this country, regardless of income, is entitled to public hospital and consultation services subject only to modest statutory charges from which medical card holders are exempt. The Act also removed the entitlement to combine public and private elements of inpatient care at the same time. Any person can opt to be the private patient of both the consultant and the hospital. In these circumstances the patient, whether a medical card holder or not, is liable for the costs relating to such treatment. An inpatient of a public hospital who holds a medical card should not be charged for a bone scan unless the person has explicitly opted to be treated as a private patient or is due compensation as a result of a road traffic accident under the Health (Amendment) Act 1986 Act.

The Deputy's question relates to the management and delivery of health and personal social services, which 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 investigated and to reply directly to the Deputy.

Hospital Services.

126. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the proportion of inpatient discharges and activity which is made up by private patients in each of the Dublin hospitals in the years 1999 to 2004. [21393/05]

Tánaiste and Minister for Health and Children (Ms Harney): I will provide the information requested separately to the Deputy.

127. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if she is satisfied that all appropriate inquiries and measures have been taken in regard to allegations and information supplied by a person (details supplied) regarding the hospital, the HSE and the Department of Health and Children; and if she will make a statement on the matter. [21399/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The person referred to by the Deputy made a formal complaint in November 2004 under the Department of Health and Children's customer service complaints procedure. His complaint was investigated and he has appealed the outcome of that investigation. His appeal is currently being considered in line with the Department's formal appeals procedure.

With regard to the person's concern relating to the hospital, the Department considers the matter closed and the person was so informed in July 2003.

Environmental Policy.

128. **Mr. Gormley** asked the Tánaiste and Mini-

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ster for Health and Children if a large number of plastic bottles for distilled water are used by the dentistry section of the HSE; her views on whether it would make more sense to have distilled water on site or have distilled water in glass bottles; if there are plans to recycle the plastic bottles that now exist; and if she will make a statement on the matter. [21408/05]

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 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 investigated and to reply directly to the Deputy.

Health Services.

129. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the steps a person can take if he or she is not happy with the home help provided by the HSE; and if she will make a statement on the matter. [21414/05]

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 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 investigated and to reply directly to the Deputy.

Medical Cards.

130. **Mr. Cregan** asked the Tánaiste and Minister for Health and Children the situation with regard to entitlement to a medical card for persons from the United Kingdom who move here for work or other purposes; and the restrictions on same. [21439/05]

Tánaiste and Minister for Health and Children (Ms Harney): EU entitlement to health services in Ireland is dependent on the production by the individual of the appropriate liaison form, duly completed by the competent authority in the home state. However, Ireland and the United Kingdom have agreed to waive the requirement to produce liaison forms for citizens who, while on temporary stays in either country, need only to show proof of residence.

EU Regulations (1408/71) deal with the co-ordination of social security schemes, including health care, for those moving within the European Union. Arrangements under these regulations supersede the provisions of the Irish eligibility system in respect of certain categories of nationals of other EU countries. These arrangements are as follows: social security pensioners of other EU countries who are not covered by an

Irish social welfare pension, as recipient or as dependent, and who are not employed or self-employed here, receive a medical card; and persons resident here who are insured workers in the territory of another EU country receive a medical card.

Applications for health benefits can be made through the Health Service Executive, HSE, area where an individual intends to live or stay.

Eligibility for health services in Ireland under national legislation is primarily based on residency and means. The determination of eligibility for a medical card is the responsibility of the Health Service Executive. Other than for persons aged 70 years and over, who are automatically entitled to a medical card, medical cards are issued to persons who, in the opinion of the HSE, are unable to provide general practitioner medical and social services for themselves and their dependants without undue hardship.

Drugs Payment Scheme.

131. **Mr. Cregan** asked the Tánaiste and Minister for Health and Children the situation for a person on high levels of medication and availing of the €85 per month maximum on prescriptions and who is prescribed new drugs which must be bought separately due to the fact that they are not on the approved list; and if she will make a statement on the matter. [21445/05]

Tánaiste and Minister for Health and Children (Ms Harney): The common list of reimbursable medicines for the General Medical Services and drugs payment schemes is reviewed and amended monthly, as new products become available and deletions are notified. In order to be included on the list an item must comply with published criteria, including authorisation status as appropriate, price and, in certain cases, the intended use of the product. In addition, the product should ordinarily be supplied to the public only by medical prescription and should not be advertised or promoted to the public. It is a matter for the manufacturer or supplier to apply to my department for inclusion of a product on the list of reimbursable items. It is understood that no such application has been made in this case.

A person who experiences financial difficulty in obtaining products not on the list of reimbursable items should contact the Health Service Executive.

Health Service Staff.

132. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if her Department has plans to appoint a pain specialist in County Mayo (details supplied). [21494/05]

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 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 investigated and to reply directly to the Deputy.

Health Services.

133. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children the number of children awaiting orthodontic treatment in County Kildare; the average waiting time; the number of dentists on hire at present to clear the waiting list; and if she will make a statement on the matter. [21495/05]

134. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children the number of children awaiting orthodontic treatment in County Kildare; the average waiting time; the number of dentists on hire at present to clear the waiting list; and if she will make a statement on the matter. [21495/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 133 and 134 together.

The Deputy's question relates to the management and delivery of health and personal social services, which 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 investigated and to reply directly to the Deputy.

Nursing Home Inspections.

135. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children her views on whether, in view of the recent case in a nursing home (details supplied) in County Kerry, there is an adequate number of inspectors available in the north Kerry region for the monitoring of care within its nursing homes. [21496/05]

Minister of State at the Department of Health and Children (Mr. S. Power): In the HSE southern area, which covers counties Cork and Kerry, there are five nursing homes inspection teams, each comprising a senior medical officer, chairperson, a director or assistant director of public health nursing and a principal or senior environmental health officer. One of these teams is based in County Kerry, where there are 18 registered private nursing homes.

As the issues raised by the Deputy are operational in nature, the HSE southern area which is responsible for the delivery of health services in the Kerry area, has informed the Department that it is satisfied that it has sufficient resources to enable it to meet its inspection requirements under the Health (Nursing Homes) Act 1990 and the Nursing Homes Regulations 1993.

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.

Medical Aids and Appliances.

136. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will receive a special bed from the Health Service Executive; and if she will make a statement on the matter. [21497/05]

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 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 investigated and to reply directly to the Deputy.

Medicinal Products.

137. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children if drugs (details supplied) have come to the attention of the relevant authorities; if they are listed as illegal drugs. [21503/05]

Minister of State at the Department of Health and Children (Mr. S. Power): Ketamine is a legal drug subject to control under the Medicinal Products (Prescription and Control of Supply) Regulations 1996. It is used for the induction and maintenance of anaesthesia. It is also used in veterinary medicine. However, because of its potential for abuse, it is intended to apply controls under the Misuse of Drugs Acts to it. Regulations giving effect to this change are currently being drafted.

Crystal Meth is a form of Methamphetamine. It is controlled under Schedule 2 of the Misuse of Drugs Acts 1977 and 1984 and as such is subject to stringent controls.

The other matter raised by the Deputy is the responsibility of my colleague, the Minister of Justice, Equality and Law Reform, and I understand that the Deputy has also put this question to him.

Nursing Homes Standards.

138. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if she sought or received a report on the action by the Health Service Executive in relation to the Rostrevor nursing home; if on the basis of that report the HSE has acted to fully vindicate the policies which she espouses. [21551/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Department received a report from the former South Western Area Health Board on the Rostrevor nursing home in September, 2004. As the Deputy is aware, there are ongoing proceedings taken by the HSE against this nursing home. The former South Western Area Health Board initiated proceedings in the District Court against the home in March 2004 and then decided to initiate proceedings in the High Court in August, 2004 to close the home because of delays in resolving the matter in the District Court. The High Court decided that jurisdiction in this case rested with the District Court and it refused the health board's application. In the circumstances it would be inappropriate for me to comment further at this stage, pending the outcome of these proceedings. The case is due to be heard in the autumn in the District Court.

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.

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 determine which powers available to the Health Service Executive need to be strengthened. This will be a wide-ranging review which will have the rights of patients at its centre. It is intended to publish this Bill later this year.

Medical Aids and Appliances.

139. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if the digital hearing aids for which a tender was completed some time ago, are now being supplied to the agencies who will distribute them to priority cases; and if young persons who need this facility will have them well before the start of the next school year. [2152/05]

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 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 investigated and to reply directly to the Deputy.

National Children's Advisory Council.

140. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the membership of the National Children's Advisory Council, NCAC, for the period from 2004 to 2007; when the first NCAC membership was dissolved; when the NCAC was reconstituted; the functions and remit of the NCAC; the directions her Department provides to the NCAC with regard to standards and the performance of its functions; and if she will make a statement on the matter. [21553/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The membership of the National Children's Advisory Council for the period 2005-08 is as follows:

Chairperson

Mr. Peter O'Brien

Vice Chairperson

Mr. Paul Gilligan — ISPCC

Youth Representatives

Mr. Dennis Drought

Ms Méabh Healy

Mr. Anthony Keigher

Ms Sheila O'Donnell

Statutory Sector

Mr. PJ Breen — Department of Education and Science

Mr. Ger Crowley — Health Service Executive

Ms Dora Hennessy — Department of Health and Children

Ms Anne-Marie Hughes — Irish Sports Council

Ms Marie Kennedy — National Children's Office

Mr. Heber McMahon — Department of Social and Family Affairs

Ms Mary Meaney — National Disability Authority

Mr. Finbar Murphy — An Garda Síochána

Ms Jean O'Dwyer — The Arts Council

Mr. Eamon Waters — Department of the Environment, Heritage and Local Government

Mr. John O'Callaghan — Department of Justice, Equality and Law Reform

Voluntary Sector

Ms Maria Corbett — Children's Rights Alliance

Ms Norah Gibbons — Barnardos

Ms Geraldine Graydon — National Parents Council — Primary

Ms Jim Jackman/Mr. Gerry O'Reilly — National Parents Council — Post Primary

Mr. Declan Jones — Focus Ireland

Mr. Dermot Kearney — National Youth Council of Ireland

Ms Collette Murray — Pavee Point

Sr. Catherine Prendergast — Council of Religious of Ireland

Ms Máire Uí Aininn — National Childcare Coordinating Committee

Ms Jennifer Wallace — National Consultative Committee on Racism and Interculturalism

Research

Dr. Saoirse Nic Gabhainn — National Children's Research Advisory Board

Independent Nominees

Mr. David Hopkins

Mr. George Maybury

Dr. Dermot Stokes.

The first National Children's Advisory Council served from May 2001 to May 2004. The first meeting of the reconstituted council took place on 20 April 2005.

The council has an independent advisory and monitoring role in relation to the implementation of the national children's strategy and reports to the Minister for Health and Children in that regard. Its functions are: to advise the Minister on all aspects of children's lives, including the development of child well-being indicators; to advise the Minister on the better co-ordination and delivery of services to children; to contribute to monitoring and evaluation of the implementation of the strategy; to undertake and advise on research and to advise on training in relation to the strategy; and to advise on the development of mechanisms to consult with children;

Letters requesting nominees to the reconstituted council set out the following guidelines: tenure will be on a three-year basis, with meetings of the council anticipated to be held no more than quarterly; consistent attendance is essential to the efficient operation of the council; members will not be remunerated but will be refunded expenses in accordance with Civil Service guidelines; and the council is supported in its work by

the National Children's Office which provides the secretariat and the budget to support its activities.

The National Children's Advisory Council provides independent advice to the Minister for Health and Children. Through its diverse membership, the council is uniquely placed to provide advice which reflects a combination of expertise and practical experience. The council also plays an important role in monitoring the implementation of the national children's strategy. One of the key features of the council when it was first established was that, for the first time, an advisory council to the Minister included youth members who would work alongside nominees from the statutory and voluntary sector. The current council includes four youth members who have been elected by the recently established children and young people's forum of the National Children's Office.

The first council published a very detailed report on its work over its term of office. This sets out the areas in which the council has formally submitted advice to the Minister for Health and Children. It also deals with internal mechanisms to facilitate the effective working of the council, including good practice guidelines to ensure the effective involvement of young people in its work. This report, along with other documents issued by the Council, can be downloaded from www.ncac.ie.

Health Services.

141. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if the health services executive will be directed to review the case of a person (details supplied) in Dublin 6W; and if she will make a statement on the matter. [21559/05]

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 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 investigated and to reply directly to the Deputy.

Hospital Waiting Lists.

142. **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. [21606/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and per-

[Ms Harney.]

sonal social services, which 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 investigated and to reply directly to the Deputy.

Health Service Schemes.

143. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children if the HSE south eastern area, will establish a first responders scheme similar to that which existed in the former Eastern Regional Health Authority at Ashamore, County Wexford (details supplied). [21608/05]

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 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 investigated and to reply directly to the Deputy.

144. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children if the HSE will establish a mechanism whereby communities can set up first responders schemes similar to that currently in operation in County Wicklow; and if she will make a statement on the matter. [21609/05]

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 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 investigated and to reply directly to the Deputy.

Departmental Reports.

145. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of reports that have been published in her Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each; and if she will make a statement on the matter. [21620/05]

Tánaiste and Minister for Health and Children (Ms Harney): The information requested is being collated in my Department and will be forwarded directly to the Deputy as soon as possible.

Tax Code.

146. **Mr. Cregan** asked the Minister for Finance if a person in employment with a contribution record aged over 66, but whose employer under-

stands him to be younger, claims the old age pension, if he can pay tax separately on it without it being shown on his tax documents, P60, tax allowance form and so on; and if such a person did not claim it until he was 70, if the arrears he could claim at that stage could be clarified. [21431/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that, while PAYE is not deducted at source from pensions paid by the Department of Social and Family Affairs, the tax due on taxable pensions, such as the old age pension, is collected via the PAYE system by way of adjustment of that individual's certificate of tax credits and standard rate cut-off point, that is, the individual's tax credits and standard tax rate cut-off point are reduced to take into account the amount of his or her taxable pensions and-or, benefits received.

However, as an alternative to above, the Revenue Commissioners can, if requested, collect the income tax liability on the old age pension directly by way of an annual assessment on the individual through the self-assessment tax system. While the payment of tax under self-assessment is generally by way of an annual lump sum called preliminary tax, the Revenue Commissioners have a scheme whereby preliminary tax due under self-assessment can be paid by way of a direct debit instalment arrangement. The explanatory leaflet CG9, which is available on www.revenue.ie provides more details.

However, under the self-assessment tax system, if the annual tax return is not submitted on time, a late filing surcharge will apply on that income which was not subject to tax deduction under PAYE, whether directly or indirectly.

While the question of time limits and restrictions on claiming arrears of old age pension entitlements is a matter for the Department of Social and Family Affairs, where an individual allows his or her entitlement to an old age pension build up and claims the arrears by way of a lump sum in later years, such arrears of old age pension are taxable in the relevant tax year to which the pension relates rather than the year in which the arrears are paid.

147. **Mr. Hayes** asked the Minister for Finance if it is lawful to subject the subsistence and mileage allowances of a member of a board of governors of an Institute of Technology to income tax and PRSI deductions for attendance at board of governors' meetings. [21365/05]

Minister for Finance (Mr. Cowen): The Revenue Commissioners require further information to determine the precise tax treatment of the reimbursement of expenses of travel and subsistence in the specific case giving rise to the Deputy's question. If the Deputy will provide the name and address of the relevant board member and the names of the relevant Vocational Edu-

cation Committee and Institute of Technology to my office, such details will be passed on to the Revenue Commissioners who will examine the matter.

On a general note, the Revenue Commissioners inform me that members of the board of governors of an Institute of Technology are office holders and that the remuneration payable to them in their capacity as office holders is chargeable to tax under what is known as Schedule E and subject to deductions, that is, tax, PRSI and the health contribution as appropriate, at source under the PAYE system.

The payment of expenses to office holders in respect of travel and subsistence is chargeable to tax as an emolument of an office or employment. That said, office holders and employees may claim tax relief on the expenses of travel necessarily incurred in the performance of the duties of their office or employment. This is the reason employers may, within limitations, reimburse without deduction of tax to office holders and employees the expense of travel necessarily incurred in the performance of their duties. For practical purposes, the limitations commonly accepted across all sectors are the Civil Service rates, limits and procedures.

However, I am further informed by the Revenue Commissioners that it is a long established and widely understood principle of tax case law that the expense of travelling to and from an individual's normal place of work is not an expense of travelling necessarily incurred in the performance of the duties of that office or employment. Accordingly, the reimbursement to an office holder or employee of such expenses is taxable and subject to deductions at source, that is tax, PRSI and health levies as appropriate, under the PAYE system.

Having regard to the nature of work of State and other such boards and committees, it is likely that, in most cases, the normal place of work of the members of such boards and committees, in their capacity as members, is the place where the relevant meetings are held and accordingly, if expenses are paid to travel to such meetings, they are taxable.

Public Service Contracts.

148. **Mr. Howlin** asked the Minister for Finance if Oireachtas secretarial assistants who accept the current buy out arrangement and any future VER package will retain entitlement to a pension lump sum on reaching pension age in addition to both components of the package; and if he will make a statement on the matter. [21366/05]

Minister for Finance (Mr. Cowen): The buy out arrangement recently introduced by the Oireachtas commission for certain secretarial assistants has no implications for entitlement to pension lump sums. However, what happens under future VER arrangements will be deter-

mined at the time and in the light of the factors then prevailing.

Pension Provisions.

149. **Mr. Connaughton** asked the Minister for Finance the reason a person (details supplied) in County Galway is not entitled to the widow's and orphan's pensions; and if he will make a statement on the matter. [21378/05]

Minister of State at the Department of Finance (Mr. Parlon): To be entitled to a widow's pension, the husband of the person concerned would have had to be a member of the widow's and orphans' pension scheme while he was employed in the Office of Public Works. As the records in the Office of Public Works indicate that her husband opted out of the original widows' and orphans' pension scheme 1978, and the revised spouses' and children's pension scheme 1986, she is not entitled to any widow's pension under the scheme in respect of his service in the Office of Public Works.

Tax Code.

150. **Dr. Upton** asked the Minister for Finance if he will review the circumstances whereby a person (details supplied) in Dublin 12 has two PPS numbers and is in receipt of two P60s. [21379/05]

Minister for Finance (Mr. Cowen): The Revenue Commissioners advise me that the taxpayer is entitled to two forms P60 as he has two different sources of income from the same company, namely, his pension and a part-time employment. However, he should only have one PPS number. The Department of Social and Family Affairs has informed the Revenue Commissioners that one was purged and amalgamated to the second number prior to 1992. All Department Social and Family Affairs records are under the correct number. The correct number is now being used by the Revenue Commissioners.

151. **Dr. Upton** asked the Minister for Finance if a person (details supplied) in Dublin 12 will receive the money owed for a DIRT refund. [21418/05]

Minister for Finance (Mr. Cowen): The Revenue Commissioners advise that a balancing statement together with a cheque for the amount due will issue to the taxpayer within the next ten days.

152. **Mr. Cregan** asked the Minister for Finance the VAT take on various energy costs in the past five years; if he will consider reducing VAT rates on all or some energy costs due to the significant effect these costs are having on some categories in society, for example, pensioners who use a greater proportion of their income on heat for health reasons and for being at home more. [21428/05]

Minister for Finance (Mr. Cowen): The Revenue Commissioners inform me that the amount of VAT collected from the supply of energy related goods and services cannot be identified in the overall yield of VAT as the information furnished on VAT returns does not require this to be identified. However, estimates of the VAT yield on energy sources, derived from CSO statistical data, are as follows:

	2000	2001	2002	2003	2004
	€m	€m	€m	€m	€m
Electricity	85	89	98	117	128
Coal	9	21	18	18	20
Turf/Briquettes	9	14	13	12	13
Gas	26	27	34	42	46
C/Heating Oil	32	23	28	31	34
Kerosene	24	34	42	48	53
LPG Domestic	6	8	8	9	10
Firewood/Firelighters	6	3	4	4	5
Total	197	219	245	281	309

The supply of the above named goods is already subject to the reduced VAT rate of 13.5%. On the issue of reducing VAT rates for certain categories of consumer, the position is that the rate of VAT which applies to a particular good or service is determined by the nature of the good or service and not by the status of the consumer. There is no provision in European VAT law, with which Irish VAT law must comply, which would allow the application of a lower VAT rate for supplies to consumers of a certain age.

However, under the social welfare code, any person resident in the State, who is aged 70 or over, is entitled to the social welfare household benefits package subject to certain conditions and regardless of income or household composition. This package includes allowances for electricity, natural gas or bottled gas.

The electricity allowance covers the normal standing charge and up to 1,800 units of electricity each year. At current prices, the value of the electricity allowance to the consumer can be up to €381 per annum, inclusive of VAT at 13.5%. Alternatively, if the natural gas allowance option is selected, the customer is entitled to the supply charge and up to 1,674 kwh of gas per year. The annual value of this is up to €250 per annum, inclusive of VAT at 13.5%. If the person's home is not connected to an electricity or natural gas supply, the person is entitled to 15 cylinders of bottle gas per annum at an annual value of approximately €320, inclusive of VAT at 13.5%.

153. **Mr. Cregan** asked the Minister for Finance when age allowance was last increased from a tax point of view; if he will now consider same as a recognition that these are extra costs associated with living alone. [21429/05]

Minister for Finance (Mr. Cowen): The age tax credit was last changed in the 2002 budget when, in the context of the changeover to the euro, its

value was increased slightly to €205 per annum for a single person aged 65 or over and to €410 per annum for a married couple where one or both spouses is aged 65 or over. It is not intended to function as a tax relief for those living alone.

However, I would point out to the Deputy that the approach adopted in recent years with regard to tax policy and the elderly has been to assist such persons primarily through increases in the age exemption limits under which those aged 65 or over are exempt from income tax up to specified limits. If the income of an elderly person rises slightly above the age exemption limits, he or she can be taxed under the system of marginal relief taxation. Under this system, the exemption limits continue to be applied and the person is taxed at 40% on all income above the exemption limits until his or her level of income is such that it would be more favourable to be taxed under the normal tax system using credits and bands. A person who is taxed under the system of marginal relief pays less tax than he or she would if taxed under the normal tax system.

The age exemption limits have been increased in every budget since 1997. In the last four budgets alone, the limits have increased by almost 53%. Following budget 2005, they stand at €16,500 per annum in the case of a single or widowed person and €33,000 per annum in the case of a married couple where one spouse is or both spouses are aged 65 or over.

The Revenue Commissioners estimate that in the current tax year there are 86,000 elderly individuals and couples who are exempt from taxation. The question of further increases in the value of the age tax credit and the age exemption limits will be a matter to be considered in the context of future budgets.

State Property.

154. **Mr. Gregory** asked the Minister for Finance the number of public buildings currently renting roof space to telecommunications companies; the number of additional public buildings from which it is proposed to rent such space for the erection of masts; the income generated in this manner; and if he will make a statement on the matter. [21487/05]

Minister of State at the Department of Finance (Mr. Parlon): Since October 2004 the Commissioners of Public Works have granted 28 licences, in respect of 19 State-owned buildings, to mobile telephone operators. As the process is ongoing it is not possible to say how many additional licences will be granted in the future. While the exact licence fee depends on the amount of equipment installed, the average licence fee is €12,500 per annum.

155. **Mr. Naughten** asked the Minister for Finance if the Office of Public Works has sought tenders for the DVO for Drumshambo, County Leitrim; when it is envisaged that the project will be completed; and if he will make a statement on the matter. [21548/05]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works are currently finalising the purchase of the land in Drumshambo. The purchase will be completed on receipt of a current tax clearance certificate from the vendor.

On receipt of the final brief of requirements, the commissioners will arrange for the advancement of the project to tender stage.

Tax Collection.

156. **Mr. Wall** asked the Minister for Finance the reason a person (details supplied) in County Kildare has not received their income tax rebate in view of the fact that they have submitted the relevant documentation; and if he will make a statement on the matter. [21554/05]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that the person concerned has applied for two income tax repayments, both of which have already issued to him, dated 12 May 2005 and 20 June 2005, respectively.

Departmental Reports.

157. **Mr. Kehoe** asked the Minister for Finance the number of reports which have been published in his Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each; and if he will make a statement on the matter. [21621/05]

Minister for Finance (Mr. Cowen): The information requested is being compiled by my Department and will be forwarded directly to the Deputy as soon as possible.

Pension Provisions.

158. **Mr. Cregan** asked the Minister for Communications, Marine and Natural Resources the reason for the delay in giving An Post pensioners their due increases; and when these increases and arrears will be awarded. [21452/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): An Post is a commercial State body and the question of pension increases in the company is one in which I have no function.

A recently published assessors' report, commissioned by the Labour Court, on foot of negotiations between An Post and its unions, recommended that a 5% pay increase, backdated to 1 January 2005, be implemented by the end of June 2005. I understand that An Post intends to pay the recommended 5% increase to its employees and pensioners by the end of June 2005.

Departmental Reports.

159. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the number of reports which have been published in his Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it

took to prepare each; and if he will make a statement on the matter. [21622/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In the time available, it has not been possible to identify and assemble all the information sought by the Deputy. My Department is compiling the relevant material and I will write to the Deputy in this regard as soon as possible.

International Agreements.

160. **Mr. Penrose** 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 relation to the EU requests for opening of markets under the proposed EPAs; if he will make records of such contacts available to Dáil Éireann; and if he will make a statement on the matter. [21367/05]

161. **Mr. Penrose** asked the Minister for Foreign Affairs if his Department has aired any concerns with the Department of Enterprise, Trade and Employment in relation to the opening up of priority country markets to EU competition; if there has been a suggestion by his Department that areas of these markets be excluded from liberalisation; and if he will make a statement on the matter. [21368/05]

162. **Mr. Penrose** asked the Minister for Foreign Affairs if the Government has undertaken an assessment 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; and if he will make a statement on the matter. [21369/05]

163. **Mr. Penrose** asked the Minister for Foreign Affairs the discussions and proposals the Government is pursuing to ensure that the EU works with the 77 African, Caribbean and Pacific countries, either to achieve at the WTO an extension of the Cotonou Waiver or to change Article XXIV of the General Agreement on Tariffs and Trade in order that the EU can continue to give preferential access to poorer countries; and if he will make a statement on the matter. [21370/05]

164. **Mr. Penrose** asked the Minister for Foreign Affairs the representations his Department has had at the EU 133 committee meetings considering the liberalisation of trade with Ireland's priority countries under EPAs; and if he will make a statement on the matter. [21400/05]

165. **Mr. Penrose** asked the Minister for Foreign Affairs the consultations his Department has had with priority country Governments and with business, community and civil society regarding their defensive interests in the EPA trade negotiations; the areas of concern which were highlighted through consultations; the steps which have been taken by his Department to ensure that those interests are recognised; and if he will make a statement on the matter. [21401/05]

166. **Mr. Penrose** asked the Minister for Foreign Affairs if his Department has made an assessment of the industries, in each of Ireland's priority aid 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; the level of unemployment in Ireland's priority aid countries he expects will result from such liberalisation; and if he will make a statement on the matter. [21402/05]

167. **Mr. Penrose** asked the Minister for Foreign Affairs the industries in Mozambique, which can sustain full opening up to competition from South Africa; the way in which this can be envisaged as a poverty reduction strategy consistent with the objectives of the Cotonou Agreement; and if he will make a statement on the matter. [21403/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 160 to 167, inclusive, together.

I refer the Deputy to my reply to Questions Nos. 363 to 370, inclusive, by Deputy Paul McGrath of Tuesday, 21 June 2005, a copy of which follows. 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, focused 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 general 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 relevant 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 LDCs into the international trading system. This approach will help build the economic infrastructure in the least developed countries 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 in relation to 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.

Departmental Reports.

168. **Mr. Kehoe** asked the Minister for Foreign Affairs the number of reports which have been published in his Department since June 1997; the name of each report; the estimated cost of each

report; the date of publication of each; the length of time it took to prepare each; and if he will make a statement on the matter. [21623/05]

Minister for Foreign Affairs (Mr. D. Ahern): In the time available, it is not possible to provide a full list of all the reports published by the Department of Foreign Affairs from 1997 to date. Details of the reports on which information is available is set out below. A full list of reports with the details requested will be forwarded to the Deputy as soon as possible.

Reports Published by the Department of Foreign Affairs since 1997.

1. Developments in the EU report series.

The following reports were published between 1997 and 2002 under the terms of the European Communities Act 1972.

Report Title	Cost	Date of Publication	Preparation Period (Approximate)
	€		
50th Report — January-June 1997	1,641.45	January, 1998	6 months
51st Report — July-December 1997	1,807.00	May, 1998	4 months
52nd Report — January-June 1998	1,630.00	October, 1998	4 months
53rd Report — July-December 1998	1,271.86	July, 1999	6 months
54th Report — January-June 1999	1,649.97	October, 2000	15 months
55th Report — July-December 1999	1,675.77	February, 2002	25 months
56th Report — January-June 2000	1,847.54	February, 2002	19 months
57th Report — July-December 2000	1,847.54	February, 2002	13 months
58th Report — January-June 2001	8,211.00	May, 2002	11 months
59th Report — July-December 2001	7,339.00	May, 2002	4 months
60th Report — January-June 2002	15,662.89	October, 2002	3 months
61st Report — July-December 2002	9,583.00	August, 2003	7 months

2. Oireachtas Scrutiny Series.

Since January 2003, the Department has published two types of reports under the terms of the European Union (Scrutiny) Act 2002: an Annual Report on Developments in the European Union and a six-monthly report on Developments at European Union Level.

Report Title	Cost	Date of Publication	Preparation Period (Approximate)
Annual Report on Developments in the European Union in 2003	No Costs — Printed in-house	March, 2004	2 months
Annual Report on Developments in the European Union in 2004	Awaiting invoice	June, 2005	5 months
Report on Developments in the European Union: January-June 2003	No Costs — Printed in-house	September, 2003	2 months
Report on Developments in the European Union: July-December 2003	No Costs — Printed in-house	April, 2004	4 months
Report on Developments in the European Union: January-June 2004	No Costs — Printed in-house	August, 2004	3 months
Report on Developments in the European Union: July-December 2004	No Costs — Printed in-house	March, 2005	2 months

3. Report on Ireland's Presidency of the European Union, January-June 2004.

Report Title	Cost	Date of Publication	Preparation Period (Approximate)
	€		
Report on Ireland's Presidency of the European Union, January-June 2004	23,483.68	June 2004	1 month

[Mr. D. Ahern.]

4. Expenditure Review Initiatives (ERI).

Report Title	Cost	Date of Publication	Preparation Period (Approximate)
	€		
Public Expenditure Review of Development Cooperation Ireland's Area Based Programme in Inhambane, Mozambique	5,189	March, 2003	3 months
EU Accession Training Programme Public Expenditure Review 2001-2003	4,878.82	October, 2004	12 months
Report on the Cultural Relations with other Countries Programme, 2000-2002	1,500	March, 2005	24 months
Public Expenditure Review of Development Cooperation Ireland's Support to Afghanistan 2000-2003	4,107	March, 2005	5 months

5. Strategy Statements/Annual Reports — Department of Foreign Affairs.

Report Title	Cost	Date of Publication	Preparation Period (Approximate)
	€		
Department of Foreign Affairs Strategy Statement 2003-2005	8,000	August, 2003	11 months
Department of Foreign Affairs Annual Report 2002	6,000	November, 2003	8 months
Department of Foreign Affairs Annual Report 2003	8,000	May, 2005	10 months

6. Task Force on Policy regarding Emigrants.

Report Title	Cost	Date of Publication	Preparation Period (Approximate)
	€		
Report of the Task Force on Policy regarding Emigrants	136,086	December, 2001	9 months.

7. Department of Foreign Affairs Non Governmental Organisation (NGO) Forum on Human Rights.

Report Title	Cost	Date of Publication	Preparation Period (Approximate)
	€		
Department of Foreign Affairs Fourth Annual NGO Forum on Human Rights	4,565	July, 2002	12 months
The Department of Foreign Affairs Fifth Annual NGO Forum on Human Rights	2,590	April, 2004	8 months
The Department of Foreign Affairs Sixth Annual NGO Forum on Human Rights	3,774	April, 2005	4 months

8. Advisory Board for Development Cooperation Ireland.

Report Title	Cost	Date of Publication	Preparation Period (Approximate)
Annual Report 2003	€6624.50	April 2004	1 month
Annual Report 2004	Awaiting invoice	April 2005	2 months

9. The Irish Aid Advisory Committee published a number of technical reports on the topic of HIV/AIDS jointly with Ireland Aid in 2000 and 2002.

Report Title	Cost	Date of Publication	Preparation Period (Approximate)
(i) HIV/AIDS in sub-Saharan Africa: a development issue for Irish Aid and (ii) An HIV/AIDS Strategy for the Ireland Aid Programme	€ 9,000 for both reports	January, 2000	2 months
Experiences and Lessons of Best Practice in Addressing HIV/AIDS	4,040	June, 2002	1 month

10. Annual Reports — Development Cooperation Division.

Report Title	Cost	Date of Publication	Preparation Period (Approximate)
Ireland Aid Annual Report 2001	€ 23,276	October, 2002	3 months
Development Cooperation Ireland Annual Report 2002	22,844	October, 2003	3 months
Development Cooperation Ireland Annual Report 2003	53,644	October, 2004	3 months

11. Other Reports — Development Cooperation Division.

Report Title	Cost	Date of Publication	Preparation Period (Approximate)
Report of the Ireland Aid Review Committee	€ 15,391.39	February, 2002	12 months
Research Report and Seminar Proceedings on the Extent and Effectiveness of Development Education at Primary and Second Level	19,000	February, 2003	36 months
Feasibility Study: An Approach to Developing an Accreditation Framework for the Development Education Sector	6,000	September, 2003	9 months
Development Cooperation Ireland's South Africa Country Strategy Paper 2004-2006	5,805	April, 2004	3 months
Gender Equality Policy Document	5,881	September, 2004	18 months

Departmental Expenditure.

169. **Mr. M. Higgins** asked the Minister for Arts, Sport and Tourism the total spend here on arts and culture over the past year; the spend on a yearly basis over the past five years; and if he will make a statement on the matter. [21484/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The Deputy will be aware that the arts and culture areas are funded through various

means, not all of which fall within my remit, for example, local authority funding for arts and cultural measures is not provided by my Department. Accordingly, the figures provided in the table below relate solely to funding provided by my Department since its inception in June 2002. It should be noted that the figure for 2002 relates only to the period June-December. The 2005 figure represents my Department's allocation for the year.

Year	Funding €000
2002	94,361
2003	83,573
2004	111,255
2005	119,472

Sports Capital Programme.

170. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if he will allocate a grant under the sports capital programme to a project

(details supplied) in County Galway in order to allow the project to proceed; and if he will make a statement on the matter. [21613/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery-funded sports

[Mr. O'Donoghue.]

capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Applications for funding under the 2005 programme were invited through advertisements in the press on last 5 and 6 December. The closing date for receipt of applications was 4 February 2005. All the 1,362 applications received before that deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the prog-

ramme as soon as possible after the assessment process has been completed.

Departmental Reports.

171. **Mr. Kehoe** asked the Minister for Arts, Sport and Tourism the number of reports which have been published in his Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each; and if he will make a statement on the matter. [21624/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): My Department has published a total of eight reports since it was formed in June 2002. These reports are listed in the following table.

Title	Date of Publication	Cost of Publication (€)	Preparation Time
Report of the Attorney General on the award of the operator contract for the Aquatic and Leisure Centre	November 2002	Nil (Published on Department's website only.)	Six months
New Horizons for Irish Tourism: An Agenda for Action	September 2003	€49,624	9 months
First Progress Report of the Tourism Action Plan Implementation Group	August 2004	€480	Within 7 months
Second Progress Report of the Tourism Action Plan Implementation Group	April 2005	€508	Within 8 months
Public Art: Per Cent for Arts Scheme — General National Guidelines 2004	December 2004	€22,699	2 years
Annual Report 2002/2003	December 2004	€8,232	3 months
Statement of Strategy 2003-2005	December 2003	€9,353	3 months
Statement of Strategy 2005-2007	June 2005 (on Department's website)	Currently being printed	3 months

Industrial Development.

172. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the details of the sale of an IDA advance factory (details supplied) in County Leitrim which took place in 2002; the price paid and the conditions attached; and if he will make a statement on the matter. [21392/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The operation of the IDA industrial property portfolio is an operational issue for IDA Ireland and one in which I, as Minister for Enterprise, Trade and Employment, have no direct function.

I am informed by IDA that it approved the sale of the relevant building to BFN Foods for the sum of €190,460 on 8 April 2002 and the sale was closed on 30 September 2002 with standard leasehold conditions applying to such cases.

As part of the IDA marketing effort for this building, an attractive sale price was agreed by the board of IDA Ireland and put in place to attract new investment into the Drumshanbo area. This was offered to all projects considering purchasing the property. This building had been

vacant for a number of years despite the best efforts of IDA Ireland to market it and no project was secured until the BFN project was negotiated.

Work Permits.

173. **Mr. McGuinness** asked the Minister for Enterprise, Trade and Employment if his Department will arrange an appeal in relation to an application for a work permit in the name of a person (details supplied) in County Kilkenny with a view to granting them the permit for another person; and if the case will be expedited. [21394/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The work permit section of my Department took a decision to refuse this application on 13 June 2005 in line with Government policy, which is to only consider applications in respect of highly paid and highly skilled positions. The employer was notified of this decision in writing and of their right to appeal. To date no such appeal has been received.

174. **Mr. McGuinness** asked the Minister for Enterprise, Trade and Employment if a response

will be expedited to a recent submission for a work permit in the name of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [21407/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The work permit section of my Department has informed me that they have no record of a work permit application in this instance. Since the accession of the ten new member states on 1 May 2004 it is Government policy only to consider applications in respect of highly paid and highly skilled positions.

Metrology Service.

175. **Mr. Cregan** asked the Minister for Enterprise, Trade and Employment the status and future of the metrology unit under her Department; if he will report on proposed changes; the reason they are being considered; if all parties, including staff, have an input into the decision; the objections to the changes (details supplied); and if he will make a statement on the matter. [21451/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): The National Metrology Laboratory, NML, is the national metrology institute for Ireland. It is responsible for the development, maintenance and dissemination of the national measurement standards for physical units to Irish users. The NML resided within the functionality of Forbairt until 1998.

The Government decided, in the context of the Industrial Development (Enterprise Ireland) Act 1998, that the functions of Enterprise Ireland, EI, which succeeded Forbairt, would be rationalised in line with its core functions which principally relate to assisting the development of indigenous enterprise in the manufacturing and internationally traded services sectors. As a result the Government decided to transfer the NML from Forbairt-EI to NSAI. As the national metrology functions were not specifically provided for under statute it was decided to transfer this function on an administrative basis. The national metrology functions are related to those of the NSAI and can be encompassed within the functions of NSAI as set out in section 7 of the National Standards Authority of Ireland Act 1996.

A consultation process involving all relevant parties, including staff and trade union representatives, commenced in 2002. Agreement to re-designate NML staff as NSAI staff was not reached at that stage. A further round of consultation with the relevant parties is underway at present. Agreement on the secondment of NML staff to the NSAI is anticipated before the end of 2005. Section 50 of the Industrial Development (Enterprise Ireland) Act 1998, gives authority to the Minister to designate staff of Forfás or Enterprise Ireland, which includes the staff of NML, to be transferred to the staff of NSAI.

The integration of the staff and functions of the NML with NSAI was progressed significantly this year with the grant-in-aid for NML being paid directly to the NSAI. In addition, the NSAI is preparing, in consultation with staff interests, a strategy statement for the function which will be supported by the transfer of significant Exchequer funding on a multi-annual basis.

It is clear to me that the future of NML and the dynamic industrial sectors which it serves will be optimised by being positioned within the NSAI because of the coherence with its functions and the fact that the NML functions are not aligned with those of Enterprise Ireland. I see the NML as having a critical and defined role within NSAI which, will be of benefit to both organisations and, more important, will enhance the delivery of public services to the clients of NSAI-NML.

Redundancy Provisions.

176. **Mr. G. Mitchell** asked the Minister for Enterprise, Trade and Employment if a person (details supplied) can apply for voluntary redundancy; and if she will make a statement on the matter. [21560/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The position is that illness alone is not a valid reason for redundancy. However, if a redundancy situation exists in a company, the person concerned could seek a statutory redundancy lump sum from the employer. In this case, the company is being taken over. Employees bring with them accumulated employment rights including service for the purpose of calculating statutory redundancy. The new employer must have due regard to these accumulated employment rights.

If the new employer does not wish to take over all of the employees, then the old employer would be obliged to pay statutory redundancy to those that were not being taken over. If that situation occurs then the person concerned could seek redundancy from his employer. If the employer refuses to pay him, then it would be open to him to bring an appeal against his employer before the Employment Appeals Tribunal for a decision in the matter.

Bullying in the Workplace.

177. **Mr. F. McGrath** asked the Minister for Enterprise, Trade and Employment if he will respond to the representations made to him in 2004 by Mandate in the area of violence in the retail sector. [21563/05]

178. **Mr. F. McGrath** asked the Minister for Enterprise, Trade and Employment if he will act on the commitments given (details supplied) to Mandate concerning the serious issue of violence in the retail sector. [21564/05]

179. **Mr. F. McGrath** asked the Minister for Enterprise, Trade and Employment if, in view of the vulnerable position of workers in the retail sector, he has proposals to ask the Garda separately to record all incidents of violence in the retail sector; if he will work with Mandate, IBEC, the Garda and the Health and Safety Authority to reduce violence to shop workers; and if he will implement urgent measures to protect workers in this sector who deal with the public on a daily basis. [21565/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I propose to take Questions Nos. 177 to 179, inclusive, together.

Violence in any sector of the economy is a matter for reporting to the Garda for investigation and prosecution where an offence has been committed. It would not be appropriate for me to single out any sector for special treatment by the Garda.

Physical ill-treatment of workers has long been recognised as unacceptable. It is clear that the Mandate trade union is particularly concerned about its members who are on the receiving end of violence and other unacceptable behaviour from customers in the retail sector.

Where violence is identified as a hazard at any workplace, employers are required under the Safety, Health and Welfare at Work Act 1989, to include a provision in their safety statement to deal with the problem. The new Safety, Health and Welfare at Work Bill 2005, which will shortly be enacted and commenced, requires in section 8 an employer to manage and conduct work activities so as to prevent improper conduct or behaviour likely to prejudice safety and health. This is a new element in the Bill, the purpose of which is to consolidate and update the Safety, Health and Welfare at Work Act 1989 and to include relevant provisions of the Safety, Health and Welfare at Work (General Application) Regulations 1993, which implement, in part, requirements of Directive No. 89/391/EEC of 12 June 1989 of the Council of the European Union on the introduction of measures to encourage improvements in the health and safety of workers in the workplace.

While there are no specific occupational health and safety regulations relating to the prevention of violence at the workplace, an information and advisory booklet on this matter is available from the Health and Safety Authority. This is a helpful aid to both employers and workers in dealing with this difficult matter.

On 15 April last, the Health and Safety Authority hosted a seminar and workshop on violence at work. In attendance were representatives from public and private sectors, large and mid-sized companies, occupational health professionals and many employee assistance personnel. It was presented in partnership with a company who provide employee assistance services to many enterprises across the public and private sector.

Departmental Reports.

180. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the number of reports which have been published in his Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each; and if he will make a statement on the matter. [21625/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The information requested by the Deputy cannot be provided within the timescale available.

Officials of my Department are currently compiling a list of reports which have been published by my Department since June 1997. As a significant number of reports would have been prepared internally by Department staff, the proportion of staff time which related to the preparation of these reports cannot be costed at this point. The length of time it took to prepare each report will be provided where that information is available. I will have the information forwarded to the Deputy as soon as it is compiled.

Services for Persons with Disabilities.

181. **Ms Burton** asked the Minister for Social and Family Affairs the new resources which will be committed to secure equality for persons with disabilities in relation to the findings of the recent report by the Economic and Social Research Institute that persons with disabilities are twice as likely to be poor than the rest of the population, have lower educational qualifications and live a less active social life. [21330/05]

188. **Mr. Stanton** asked the Minister for Social and Family Affairs if his attention has been drawn to the ERSI report, Disability and Social Inclusion in Ireland; his views on the findings of the report that between 1994 and 2001 the proportion of disabled adults at risk of poverty rose sharply from 21% to 38%; and if he will make a statement on the matter. [21634/05]

189. **Mr. Stanton** asked the Minister for Social and Family Affairs his views on the fact that according to an ERSI study, Disability and Social Inclusion in Ireland, persons with disabilities are twice as likely to be at risk of poverty than the general population; and if he will make a statement on the matter. [21635/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 181, 188 and 189 together.

It is clear from the ESRI Report, Disability and Social Inclusion in Ireland, that the barriers faced by people with disabilities and, indeed, other groups who are vulnerable to poverty and social exclusion, are multi-faceted and require a multi-agency response.

The National Action Plan against Poverty and Social Exclusion 2003-2005, sets out the framework for the Government's response to these

problems. The current plan sets out the range of policies and programmes, such as income and employment supports, health and education, which are being undertaken by relevant Departments aimed at reducing or eliminating poverty and social exclusion.

The national action plan specifically targets people with disabilities as one of a number of groups who are particularly vulnerable to poverty and social exclusion. The overall aim for people with disabilities is to increase their participation in work and society generally, and to assist them and their families to lead full and independent lives. The plan details specific targets and actions which include: rehabilitative training provision and skills development; increased participation in third level education; specific employment supports for people with disabilities and employers; access to health care; and care of people with disabilities.

The office for social inclusion, OSI, which is based in my Department, has overall responsibility for developing, co-ordinating and driving the national action plan. The OSI is currently completing a comprehensive review of progress against the targets contained in the current plan and a progress report will be submitted to the EU by the end of this month.

Over the past number of years there have been significant real improvements in social welfare payments which increased at about the same percentage rate as gross average industrial earnings.

However, households where a person moved from inactivity to employment would have seen a more significant rise in income.

Many households indeed moved from having one to two incomes. As a result, while many persons with disabilities who are not in employment saw their living standards improve, their position relative to other people fell back.

There has been a substantial increase in Government spending on disability specific services. This year, some €2.9 billion, representing almost 7.5% of gross current public expenditure on services, will be spent in this way. This compares with expenditure of just under €0.8 billion in 1997, a 3.5-fold increase in eight years. The figure of €2.9 billion does not include the €2.1 billion which will be spent by my Department in 2005 on income supports for people with disability, illness and their carers.

The Government has guaranteed a multi-annual investment programme totalling over 900 million, comprising both capital and current funding for high priority disability support services, over the years 2006 to 2009. The funding is focused mainly in the health and education sectors and will enhance service levels where they are most needed.

The Government remains committed to continuing efforts to alleviate poverty, especially for those who have not been in a position to benefit from the employment opportunities afforded by high economic growth.

During the period 2001 to 2005, there were substantial real increases in social welfare rates, with the lowest rates increasing by 40% while the consumer price index increased by just over 13%. As a result of the 2005 budget, social welfare payments have increased by three times the expected rate of inflation. Government policy is to increase the level of social welfare over the period to 2007 and this commitment will be delivered. This will benefit all social welfare recipients, including those in receipt of disability payments.

Social Welfare Benefits.

182. **Dr. Upton** asked the Minister for Social and Family Affairs if he will review the decision of his Department to deprive pensioners (details supplied) in Dublin 12 of their entitlements to the fuel allowance. [21372/05]

Minister for Social and Family Affairs (Mr. Brennan): There is no question of depriving pensioners of their entitlements to fuel allowances. Fuel allowances have never been payable in cases where a person has a subsidised heating service, such as those provided by Dublin City Council at a number of its developments.

To qualify for an allowance under the national fuel scheme an applicant must be in receipt of a qualifying payment, live alone or only with a dependent spouse-partner-child or children or with other eligible recipients and be unable to provide for his or her heating needs from his or her own resources.

The residents concerned are provided with subsidised heating by Dublin City Council, at the complex where they reside and, consequently, are not entitled to a fuel allowance.

Social Welfare Code.

183. **Mr. Cregan** asked the Minister for Social and Family Affairs if the living alone allowance might be extended to those not in receipt of a social welfare pension, but whose existence is known and recognised by the granting of the free schemes. [21430/05]

Minister for Social and Family Affairs (Mr. Brennan): The living alone allowance is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare type payments and who are living alone. It is also paid to people under 66 years of age who are living alone and are receiving one of a number of invalidity type schemes.

It is not a payment in its own right but an allowance which can only be paid as a supplement to a social welfare payment. As such, it cannot be paid to people without a social welfare entitlement or to those whose pension payments are made under the social security regimes of other countries.

Social Welfare Benefits.

184. **Mr. Cregan** asked the Minister for Social

[Mr. Cregan.]

and Family Affairs when the fuel allowance was last increased; if he will report on the current rules regarding income eligibility; if he will increase the fuel allowance and income eligibility in budget 2006. [21436/05]

Minister for Social and Family Affairs (Mr. Brennan): To qualify for an allowance under the national fuel scheme an applicant must be in receipt of a qualifying payment, live alone or only with a dependant spouse-partner-child or children or with other eligible recipients and be unable to provide for his or her heating needs from his or her own resources.

People who are in receipt of relevant non-contributory social assistance payments do not have to undergo a further means assessment for fuel allowance purposes. An income test applies in the case of other applicants, whereby they and members of their household may have means of up to €51 a week derived from income or from savings-capital of up to €46,000, above the benchmark of the old age contributory pension rate appropriate to their household size, and still qualify for the fuel allowance.

This formula provides an in-built annual indexation of the eligibility limits for fuel allowance purposes. These income limits are increased automatically in line with the prevailing rate of old age contributory pension.

The last increase in the fuel allowance was made in 2002, when rates were increased from £5, €6.35, to €9 in January of that year. There has been no change in the supplement of €3.90 payable in the designated urban smokeless fuel zones.

The very significant increases since then in primary social welfare payment rates have improved the income position in real terms for people dependent on the social welfare system. These rates are payable throughout the year and are intended to cover basic living costs, including cooking and heating, supplemented where applicable by the fuel allowance during the winter heating season. Many households also qualify for electricity or gas allowances throughout the year under the social welfare household benefits scheme. In addition a heating supplement may be payable through the supplementary welfare allowance scheme in cases of individual special need.

Apart from the automatic indexation of the fuel allowance income limits each year in line with general social welfare pension increases, there are no plans at present to increase fuel allowance scheme rates or to amend the eligibility criteria. Any such change to the scheme would have to be considered in a budget context, and in the light of other priorities.

185. **Mr. Cregan** asked the Minister for Social and Family Affairs if he will increase the number of free units of electricity and gas given under the household free schemes due to the significant increase in energy costs in the past five years

(details supplied); and if he will make a statement on the matter. [21438/05]

190. **Mr. Stanton** asked the Minister for Social and Family Affairs his plans to extend the free travel scheme; and if he will make a statement on the matter. [21636/05]

Minister for Social and Family Affairs (Mr. Brennan): It is proposed to take Questions Nos. 185 and 190, together.

The electricity allowance covers normal standing charges and up to 1,800 units of electricity each year. VAT due on this standard allowance is also covered. The value of the allowance, if fully taken up, is €359.91 per annum.

The free travel scheme is available to all people living in the State aged 66 years, or over, to all carers in receipt of carer's allowance and to carers of people in receipt of constant attendance or prescribed relative's allowance.

It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. Improvements to these schemes would be a matter to be considered in a budgetary context.

186. **Dr. Upton** asked the Minister for Social and Family Affairs if he will review an application for the respite care grant by a person (details supplied) in Dublin 6W. [21531/05]

Minister for Social and Family Affairs (Mr. Brennan): The person to whom the Deputy refers submitted an application for the respite care grant on 9 May 2005 in respect of full-time care provided by her in respect of her parents. A decision not to award the respite care grant in this case was made by a deciding officer on 10 June 2005. Among the documentary information relied upon by the deciding officer was the opinion of a medical assessor who, on examination of the medical evidence submitted with the application, was of the view that the people being cared for were not so incapacitated as to require full time care and attention.

A deciding officer may revise any decision on receipt of new facts or evidence. Should further medical evidence supporting the contention that the people in question requires full-time care and attention be submitted to my Department, the situation will be reviewed.

The carer is entitled to formally appeal the decision to disallow the respite care grant by submitting an appeal to the social welfare appeals office.

Communications Masts.

187. **Mr. Gregory** asked the Minister for Social and Family Affairs if the concerns of staff at his Department's Aras Mhic Diarmuida building and a petition signed by a large number of staff have been brought to his attention regarding this installation of telecommunications masts on the

roof of the building; if this will be reviewed; and if he will make a statement on the matter. [21532/05]

Minister for Social and Family Affairs (Mr. Brennan): In line with Government policy to support the rollout of 3G mobile technology, the Office of Public Works has entered into contractual arrangements with mobile phone companies to locate telecommunications infrastructure, on Government buildings, as necessary. Aras Mhic Dhiarmada has been identified as one such building.

My Department is aware that staff have health and safety concerns in relation to this and has received assurances from the Office of Public Works that the installation and operation of this equipment will strictly comply with all relevant health and safety standards, EU regulations and guidelines on emissions issued by the International Commission on Non-Ionising Radiation Protection, ICNIRP.

The site will be surveyed prior to the mast going live and afterwards to ensure that it complies with the guidelines referred to above. To further allay staff concerns my Department has contracted another company to take readings of emissions to ensure compliance. The result of both of these readings will be conveyed to staff.

Questions Nos. 188 and 189 answered with Question No. 181.

Question No. 190 answered with Question No. 185.

Anti-Poverty Strategy.

191. **Mr. Stanton** asked the Minister for Social and Family Affairs his views on the fact that 52.7% of lone parents are not economically active in comparison to just 28.2% of persons in a couple relationship with children (details supplied); and if he will make a statement on the matter. [21637/05]

Minister for Social and Family Affairs (Mr. Brennan): Despite the huge increases in employment participation in Ireland in recent years and in employment opportunities generally, the proportion of lone parents in employment is low compared to other developed countries. This was borne out by an OECD report on reconciling work and family life, published in 2003, which found that employment participation among lone parents at 45% in this country is among the lowest in the OECD. This is despite the huge employment growth and increasing female participation in the workforce in recent years.

It is also true that both employment and labour force participation by lone parents in Ireland is lower than for other family units.

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, edu-

cation, 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.

It is intended that the outcome of these reviews will contribute to 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.

Question No. 192 answered with Question No. 43.

Question No. 193 answered with Question No. 49.

Public Transport.

194. **Ms Shortall** asked the Minister for Transport if he will report on his proposal for a Dublin transport authority and the timescale proposed for its establishment; and if he will make a statement on the matter. [21562/05]

Minister for Transport (Mr. Cullen): As I have indicated previously before this House, I am committed to reforming the public transport market in order to provide opportunities for both public and private companies to deliver increased public services and to ensure the taxpayer and the customer gets a high quality of service and best value for money.

To this end, I propose to establish an independent national public transport commission to, *inter alia*, allocate Exchequer subvention for public transport services, both bus and rail, through public service contracts, license commercial bus services and regulate fares on all rail services, LUAS and buses.

In addition to modernising the regulatory framework, I am currently finalising plans for a major programme of investment in public transport and I am considering the structures and arrangements which will need to be put in place to ensure that the best possible return is achieved from this investment. In this context, I am giving consideration as to the institutional structure

[Mr. Cullen.]

required to ensure the timely, co-ordinated and integrated delivery of public transport investment in the greater Dublin area. Work will continue in my Department to identify the best way forward. However, I envisage that whatever arrangements are put in place will work effectively with the proposed national public transport commission. I should add that operational planning of services will remain with the public transport providers.

Officials in my Department are continuing to meet with stakeholders on how to modernise the regulatory structure governing public transport.

Driving Tests.

195. **Mr. Penrose** asked the Minister for Transport the details of current driving test waiting times, by centre, for the latest date for which figures are available; the number of applicants waiting for their driving test for each driving test centre; and if he will make a statement on the matter. [21249/05]

Minister for Transport (Mr. Cullen): The table below sets out the numbers waiting and the average waiting time at each driving test centre on 13 June 2005.

Average Waiting times and numbers waiting for Driving Tests at 13 June 2005.

Centre	Average Weeks Waiting	Numbers waiting
<i>North Leinster Region</i>		
Finglas	29	10,425
Dundalk	26	3,274
Mullingar	23	1,998
Navan	35	4,525
Raheny	40	7,772
<i>South Leinster Region</i>		
Churchtown/Rathgar	41	11,584
Gorey	31	2,418
Naas	31	5,200
Tullamore	34	1,936
Wicklow	41	2,618
Tallaght	38	9,137
<i>West Region</i>		
Athlone	26	1,180
Birr	26	1,280
Castlebar	33	2,215
Clifden	21	362
Ennis	18	1,265
Galway	26	3,074
Loughrea	15	1,067
Roscommon	17	913
Tuam	20	1,112
<i>North West Region</i>		
Ballina	26	1,071
Buncrana	35	713
Carrick-on-Shannon	22	963
Cavan	26	1,633

Centre	Average Weeks Waiting	Numbers waiting
Donegal	29	1,184
Letterkenny	37	2,327
Longford	25	950
Monaghan	26	1,222
Sligo	32	1,626
<i>South East Region</i>		
Carlow	38	2,442
Clonmel	39	2,157
Dungarvan	36	1,651
Kilkenny	31	2,139
Nenagh	43	913
Portlaoise	41	1,653
Thurles	40	1,245
Tipperary	22	1,144
Waterford	29	2,875
Wexford	27	2,426
<i>South West Region</i>		
Cork	25	7,056
Killarney	35	2,144
Kilrush	29	494
Limerick	29	3,913
Mallow	29	2,135
Newcastle West	28	1,855
Shannon	28	892
Skibbereen	36	2,102
Tralee	17	1,734

Dublin Port Tunnel.

196. **Mr. Bruton** asked the Minister for Transport the restrictions he intends to impose on vehicles whose size will not permit them to use the Dublin Port tunnel. [21380/05]

Minister for Transport (Mr. Cullen): The preparation of a HGV traffic management strategy designed to ensure that maximum traffic flow benefits are secured from the Dublin Port tunnel, including arrangements to cater for the limited number of HGVs unable to use the tunnel, is a matter for Dublin City Council.

197. **Mr. Bruton** asked the Minister for Transport the legislation under which Dublin City Council will be able to ban heavy goods vehicles from inside the canal zones except for access once the tunnel is open with specific procedures for issuing permits. [21381/05]

Minister for Transport (Mr. Cullen): The general legislative framework to support the application of restrictions or prohibitions on traffic of the kind mentioned by the Deputy is set out in section 35 of the Road Traffic Act 1994.

Traffic Management.

198. **Mr. S. Ryan** asked the Minister for Transport if his attention has been drawn to the situation that exists for motorists using the N32, particularly at peak periods, when traffic is

backed up to the Malahide Road while they are charged €1.80 each way in toll charges; the action being taken to resolve this situation. [21384/05]

Minister for Transport (Mr. Cullen): The Roads Act 1993, provides that the planning, design and implementation of national road improvement projects, such as the upgrade of the M1-M50 and N32 junction, is a matter for the National Roads Authority, NRA, and the local authorities concerned -- in this case Fingal County Council.

Vehicle Regulations.

199. **Ms Shortall** asked the Minister for Transport the regulations which cover the operation of car transporters; the accident data relating to such vehicles; if his attention has been drawn to public concerns regarding the safety of such vehicles; and if he will make a statement on the matter. [21413/05]

218. **Ms Shortall** asked the Minister for Transport the regulations which cover the operation of car transporters, the accidents data relating to such vehicles; if his attention has been drawn to public concerns regarding the safety of such vehicles; and if he will make a statement on the matter. [21538/05]

Minister of State at the Department of Transport (Mr. Callely): I propose to take Questions Nos. 199 and 218 together.

The Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 to 2002, the Road Traffic (Construction and Use of Vehicles) Regulations 2003 to 2004 and the Road Traffic (Lighting of Vehicles) Regulations 1963 to 1996 govern the use of vehicles, including car transporters, in public places. Safety standards applied under these regulations relate, *inter alia*, to maximum dimensions, overall vehicle weight and axle weight limits and fitment of speed limiters. Car transporters would also be liable to periodic vehicle testing in accordance with the European Communities (Vehicle Testing) Regulations 2004.

Information on collisions involving car transporters is not available to my Department nor is it contained in the road collision facts, published by the National Roads Authority. My Department is not aware of any specific concern regarding inherent safety deficiencies with these vehicles.

Public Transport.

200. **Mr. Durkan** asked the Minister for Transport the extent to which he intends to provide for increases in the rolling stock on all commuter rail routes; and if he will make a statement on the matter. [21510/05]

204. **Mr. Durkan** asked the Minister for Transport if he has received any submissions from interested parties with a view to encouraging the use of rail and bus transport in view of the chaotic

traffic situation with particular reference to County Kildare; and if he will make a statement on the matter. [21514/05]

208. **Mr. Durkan** asked the Minister for Transport when he expects to be in a position to announce the higher utilisation of the rail service serving County Kildare with particular reference to encourage greater use in the rail service thereby alleviating road traffic congestion; and if he will make a statement on the matter. [21518/05]

209. **Mr. Durkan** asked the Minister for Transport the way in which he intends to increase the daily commuter capacity at the various rail stations throughout County Kildare on an individual basis; and if he will make a statement on the matter. [21519/05]

210. **Mr. Durkan** asked the Minister for Transport the way in which he intends to encourage the greater use of public transport with particular reference to the rail services for commuters using the rail stations at Kilcock, Maynooth, Leixlip, Hazelhatch, Newbridge and Kildare; the extent to which daily use can be increased and by what means; and if he will make a statement on the matter. [21520/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 200, 204 and 208 to 210, inclusive, together.

I refer the Deputy to my answer to parliamentary question reference number 15870/05 of 12 May 2005.

The scheduling and timetabling of rail services is a day-to-day operational matter for Iarnród Éireann to consider.

On the basis of projected demand into the future, Iarnród Éireann has submitted a greater Dublin integrated rail network plan, which proposes the enhancement of all suburban and outer suburban services into Dublin through the development of infrastructure and the acquisition of additional rolling stock. The proposals are being examined by my Department, at present, in the context of the multi-annual investment framework for transport.

Specifically in Kildare, I understand that Iarnród Éireann plans to place the majority of the new 36 diesel railcars, which will be introduced into service this year, on the Sligo-Dublin line to increase capacity and to remove older rolling stock from service. This will be of direct benefit to Maynooth passengers. The balance of the new fleet will be assigned to other outer suburban services to increase capacity on those lines. This capacity increase comes on top of a capacity increase of 24% on the Maynooth line and an increase of up to 160% on the Kildare line delivered in the past 18 months. In addition, I am still awaiting revised proposals from Iarnród Éireann in relation to four-tracking a section of the Kildare line.

Questions Nos. 201 to 203, inclusive, answered with Question No. 69.

Question No. 204 answered with Question No. 200.

Road Network.

205. **Mr. Durkan** asked the Minister for Transport the full extent of the cost overrun on the port tunnel and the Red Cow roundabout; and if he will make a statement on the matter. [21515/05]

Minister for Transport (Mr. Cullen): The construction of the Dublin Port tunnel, including contractual matters related thereto, and the upgrade of the M50 including the Red Cow interchange are matters for the National Roads Authority, NRA, and the local authorities concerned.

I understand from the NRA that the estimated final cost of the Dublin Port tunnel is expected to be €751 million, including price variation, against an estimated cost at tender stage of €580 million — year 2000 prices, excluding provision for price variation in line with construction inflation indices.

The increase is mainly due to the operation of the price variation clause over the period since tender receipt in 2000 to date, with a limited number of other factors, such as higher than anticipated land settlements, impacting on the updated overall project cost. Construction work on the upgrade of the M50, which include the conversion of the Red Cow interchange to a free-flow system, has not yet commenced.

Public Transport.

206. **Mr. Durkan** asked the Minister for Transport if he has received any communication from Bus Éireann or Bus Átha Cliath with a view to providing a feeder bus service to the various commuter rail stations in County Kildare; and if he will make a statement on the matter. [21516/05]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply on this matter of 12 May 2005. The position remains unchanged.

There are some licence applications under consideration in my Department for bus services in the County Kildare area which include stops at train stations. The provision of public bus services on specific routes is a commercial and operational matter for bus operators. It is open to any private bus operator who may be interested to apply to my Department for an annual passenger licence under the Road Transport Act 1932 to operate a regular bus service on such as those routes mentioned in the Deputy's question and my Department would look favourably on any such application.

It is also open to Bus Éireann to initiate new services subject to compliance with the necessary regulatory requirement of giving advance notice to my Department and to compliance with the provisions of section 25 of the Transport Act 1958

concerning competition with licensed private operators.

207. **Mr. Durkan** asked the Minister for Transport if he is satisfied that full health and safety requirements prevail on all public transport with particular reference to commuter buses and trains; his proposals to fully enhance such measures; and if he will make a statement on the matter. [21517/05]

Minister for Transport (Mr. Cullen): I refer the Deputy to my replies to parliamentary questions reference numbers 21477/05 and 21542/05 which I have answered today.

Matters in relation to the health and safety of workers are a matter for the Minister for Enterprise, Trade and Employment.

Questions Nos. 208 and 210, inclusive, answered with Question No. 200.

Car Use.

211. **Mr. Durkan** asked the Minister for Transport the estimated number of cars used on a daily basis by commuters ten years ago; the number of commuters currently using cars; and if he will make a statement on the matter. [21521/05]

Minister for Transport (Mr. Cullen): Census data published by the Central Statistics Office include the means of travel to work. According to the results of the 1991 Census, 533,292 people travelled to work by car, of which 442,293 were car drivers. According to the results of most recent Census in 2002, 995,550 travelled to work by car, of which 887,168 were car drivers. The percentage of people travelling by car to work increased from 46.9% in 1991 to 61.8% in 2002. The next Census will be carried out in 2006.

Public Transport.

212. **Mr. Durkan** asked the Minister for Transport the number of commuters currently availing of public transport on a daily basis at present; the number using such facilities ten years ago; and if he will make a statement on the matter. [21522/05]

Minister for Transport (Mr. Cullen): Census data published by the Central Statistics Office on the means of travel to work shows that the number of persons travelling to work by bus or train in 2002, the latest census data available; 1996 and 1991 is as follows.

	2002	1996	1991
Bus	107,315	98,289	87,377
Train	33,066	22,568	19,834
Total	140,381	120,857	107,211

Traffic Management.

213. **Mr. Durkan** asked the Minister for Trans-

port the way in which it is intended that HGVs from the south, south-west and west will converge on the port tunnel; if it is expected to alleviate traffic congestion; and if he will make a statement on the matter. [21523/05]

Minister for Transport (Mr. Cullen): Traffic management in the city centre and in the vicinity of Dublin Port is a matter for Dublin City Council. In parallel with the opening to traffic of the Dublin Port tunnel, Dublin City Council will be introducing a heavy goods vehicle traffic management strategy to ensure that maximum traffic benefits are secured from the Dublin Port tunnel.

My Department's formal role will be to put in place the necessary regulatory framework to support the strategy. I have asked my officials to keep in touch with Dublin City Council as the strategy is finalised so that I may be assured that maximum traffic benefits are indeed secured from it.

Road Network.

214. **Mr. Durkan** asked the Minister for Transport when the port tunnel will be opened; and if he will make a statement on the matter. [21524/05]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects, including the Dublin Port tunnel, is a matter for the National Roads Authority, NRA, and the local authorities concerned. I understand from the NRA that the primary construction work on the port tunnel is expected to be completed in December 2005 and that the tunnel will be open to traffic early in 2006, following commissioning of the tunnel's operations and safety features.

Questions Nos. 215 and 216 answered with Question No. 101.

Airport Development Projects.

217. **Mr. M. Higgins** asked the Minister for Transport if he has plans to build an airport runway near Schull in West Cork (details supplied); and if he will make a statement on the matter. [21537/05]

Minister for Transport (Mr. Cullen): There are currently no plans to develop any new regional airports. The existing network of State airports and regional airports is adequate to cater for the air transport needs of all parts of the country for the foreseeable future.

Question No. 218 answered with Question No. 199.

219. **Ms O. Mitchell** asked the Minister for Transport if he has requested the Dublin Airport Authority to increase freight handling capacity at Dublin Airport; if he is satisfied that either existing or planned capacity can handle anticipated

growth rates in cargo carrying, in particular the anticipated growth in trade with Asia. [21539/05]

Minister for Transport (Mr. Cullen): The management and operation of Dublin Airport, including the provision of freight handling facilities, is a day-to-day matter for the Dublin Airport Authority and I have no function with regard to the matter. However, for the information of the Deputy, I understand from the Dublin Airport Authority that current capacity at the airport, which comprises over 16,500 square metres of warehousing together with both dedicated and multi-user aircraft stands, is sufficient to meet anticipated demand for air cargo until the end of this decade. I also understand from the Dublin Airport Authority that any new cargo facilities can be accommodated within the airport campus and that the timing of such developments will be driven by demand growth and-or the possible need to extend facilities for passengers into the existing cargo area.

Driving Tests.

220. **Mr. Healy-Rae** asked the Minister for Transport if his attention has been drawn to the fact that the driving test centre is closed in Killarney, County Kerry; the steps he intends to take to ensure that alternative accommodation is found immediately for this centre to re-open in its entirety; and if he will make a statement on the matter. [21540/05]

Minister for Transport (Mr. Cullen): I refer the Deputy to Question No.121, which was answered on 16 June 2005. A potentially suitable site for a new Killarney driving test centre has been identified for which negotiations are ongoing between the OPW and the owner. In the meantime, driver testing will resume on Monday, 11 July 2005 and will be conducted from the Quality Inn, Killarney.

Public Transport.

221. **Mr. Durkan** asked the Minister for Transport his plans to ensure the availability of seatbelts in the public transport fleet; and if he will make a statement on the matter. [21541/05]

Minister of State at the Department of Transport (Mr. Callely): The European Union has developed proposals to extend the requirement for safety belts to be fitted to all seats in all new vehicles, except for buses used on stage stop routes. Following the approval of the proposals by the European Parliament last month, the way is now open for their early adoption as directives so that new buses, including school buses, being registered from a date to be settled will require to be fitted with safety belts.

222. **Mr. Durkan** asked the Minister for Transport if he is satisfied that adequate safety standards apply on all trains and buses; and if he will make a statement on the matter. [21542/05]

Minister for Transport (Mr. Cullen): This Government places the highest priority on the safety of our public transport systems. Iarnród Éireann has a statutory responsibility to manage its railway safely. The company has assured me that all railway services on its network operate to strict standards, which are in place to ensure the highest level of safety for its customers and staff. Any safety issues coming to the attention of inspectors of my Department are followed up with Iarnród Éireann and appropriate action taken.

I am providing unprecedented levels of funding to ensure that Iarnród Éireann can fulfil its statutory duty to operate a safe railway. Over the ten-year period from 1999 to 2008, almost €1.2 billion will be invested in the infrastructure and safety management systems of Iarnród Éireann. All significant new infrastructure works on the Iarnród Éireann railway, such as new lines, bridges, signalling systems, etc., must by law be approved by inspectors of my Department before being brought into operation. In practice, Iarnród Éireann liaises with my inspectors from the planning stage of such projects. This ensures the maximum level of public safety.

With regard to Luas, prior to the commencement of services last year, inspectors of my Department satisfied themselves, in accordance with the Transport (Railway Infrastructure) Act 2001, that the infrastructure, rolling stock and safety systems were adequate. My inspectors continue to monitor developments and take appropriate action as the need arises.

When enacted, the Railway Safety Bill 2001 will put in place more modernised and strengthened systems for the regulation of railway safety. This will include the establishment of a railway safety commission to regulate and enforce railway safety and a railway incident investigation unit to investigate railway accidents. I expect to bring this Bill back to the House in the autumn session and have it enacted before year end. As regards safety standards on buses, I refer the Deputy to my response to Question No. 26 of today's date.

Question No. 223 answered with Question No. 33.

224. **Mr. Durkan** asked the Minister for Transport his plans for a metro; the areas most likely to be served by such a service, having particular regard to the commuter towns throughout County Kildare; and if he will make a statement on the matter. [21545/05]

Minister for Transport (Mr. Cullen): The programme for Government contains a specific commitment to develop a metro for Dublin with a link to Dublin Airport. The Railway Procurement Agency has submitted to my Department a detailed business case for a metro from the city centre to Dublin Airport while Iarnród Éireann submitted proposals last July for an integrated

rail network in the greater Dublin area. The proposals from Iarnród Éireann include the electrification of the Kildare, northern and Maynooth lines and an interconnector tunnel linking Heuston Station to the Docklands to enable greater integration of rail services. While the Railway Procurement Agency has suggested a number of routes for the proposed metro, a final decision will be subject to a statutory approval process which includes a public inquiry.

In the light of the announcement by the Minister for Finance in his Budget Statement of agreement in principle to a ten-year capital investment envelope for transport, work is under way in my Department on a ten-year transport investment framework. An outline of the draft investment framework is currently under active consideration by the Cabinet committee on infrastructure, housing and PPPs. I intend to bring proposals to Government in due course once the Cabinet committee has concluded its work.

Departmental Reports.

225. **Mr. Kehoe** asked the Minister for Transport the number of reports which have been published in his Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each; and if he will make a statement on the matter. [21627/05]

Minister for Transport (Mr. Cullen): The information requested by the Deputy is being compiled and will be forwarded to him as soon as possible.

Rural Social Scheme.

226. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on the problems in respect of the rural social scheme in the Leader areas of the country associated with rural social scheme supervisors and their rates of payment; the number of rural social scheme supervisors currently being paid; the rates of salary currently being paid; if a review of the rate of pay for rural social scheme supervisors will take place; if so, when this will conclude; and if he will make a statement on the matter. [21485/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I draw the Deputy's attention to his previous question on this matter on 31 May 2005. As I stated on that date, a review of the grant paid for rural social scheme, RSS, supervisors has taken place and my Department has had contact with the Department of Finance in this regard.

There are currently 85 RSS supervisors. An increase in the grant towards employment of supervisors has been sanctioned from the current rate of €357 per week to €407.79 per week with effect from 1 July 2005. This represents an increase of over 14%. In addition, the grant for supervisors will be increased in line with general

round of increases at the same time that these are received by public service workers. The actual rate of payment of supervisors is one for the respective Leader companies and Údarás na Gaeltachta.

Departmental Reports.

227. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the number of reports which have been published in his Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each; and if he will make a statement on the matter. [21628/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Fourteen reports have been published since the establishment of my Department in June 2002. Details of the reports published — the name of each report, the estimated cost of each report, the date of publication of each report and the length of time it took to prepare each report — are given in the attached appendix. In relation to estimated costs, it should be noted that amounts quoted in respect of reports prepared by the Department reflect printing and publication costs, while those in respect of reports commissioned externally also include the costs of staff of the company commissioned to produce the report.

Reports Published since June 2002.

Name of report	Estimated cost	Date of publication	Estimate of preparation time
	€		
National drugs strategy 2001-2008 — critical implementation path	14,545.00	June 2003	12 months
National drugs strategy 2001-2008 — progress report	34,880.00	March 2005	12 months
National drugs strategy 2001-2008 — mid-term review	36,300.65	June 2005	Six months
Establishing a modern statutory framework for charities: report on the public consultation	15,000	September 2004	Three months
Review of enterprise support in rural areas	76,000	January 2005	14 months
Review of Area Development Ltd	99,558.80	April 2004	Five months
“Managing Countryside Recreation in Ireland” (conference report)	1,250	April 2005	Four months
“Report of the Consultation Group on Access to Waymarked Ways”	900 (facilitation costs only)	January 2004	Three months
“Mid-Term Review of the Leader+ Community Initiative”	100,000	December 2003	Six months
*Departmental annual report 2002	20,233.80	October 2003	—
*Departmental annual report 2003	22,958.43	September 2004	—
Review of certain subsidised ferry services to the islands	95,641.67	March 2004	Eight months
Report of the working group on the creation of employment in the Gaeltacht	In-house	December 2002	Eight months
Territorial cohesion: Meeting new challenges in an enlarged EU	19,462.85**	December 2004	Six months

*Work ongoing on such reports throughout the year.

**34% of this cost was recouped from the European Commission.

Grant Payments.

228. **Mr. Connaughton** asked the Minister for Agriculture and Food the single payment entitlement of a person (details supplied) in County Galway; and if she will make a statement on the matter. [21385/05]

Minister for Agriculture and Food (Mary Coughlan): The person named has not to date submitted an application requesting the transfer of single payment entitlements following the gift of lands from his father. An official from my Department has contacted the person named and advised him of the application procedure. Following receipt and processing of his completed application form, he will be notified of the outcome and details of his entitlements will issue to him.

Animal Welfare Bodies.

229. **Mr. Bruton** asked the Minister for Agriculture and Food the financial support provided to the various animals charities over the past five years; the way in which the growth in funding for this purpose compares to the overall growth in her Department's expenditure; and if she will make a statement on the matter. [21412/05]

Minister for Agriculture and Food (Mary Coughlan): The position as regards my Department is that its statutory responsibility relates to the welfare and protection of farmed animals. My Department has, nonetheless, in recent years made *ex gratia* payments to a number of appropriate bodies involved in the actual delivery of animal care and welfare services throughout the

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country. The funding available to any individual organisation is dependent on resources available and the level of demand and is therefore intended only as a contribution to the overall costs of the organisations. The amounts paid under this heading were £487,500 for 2001; €650,741 for 2002; €500,000 for 2003; €850,000 for 2004 and €1,000,000 for 2005.

Until 2004, these *ex gratia* payments were made from residual funds available in my Department's Vote at the end of the year. However from 2004, specific provisions for this purpose have been included in the Department's Estimates. As these are *ex gratia* payments, it would not be appropriate to relate them to the growth in the Department's overall expenditure. Nevertheless, it will be seen that the totals paid in respect of 2004 and 2005 are significantly higher than for the earlier years.

Grant Payments.

230. **Mr. N. O'Keefe** asked the Minister for Agriculture and Food if she will reconsider the outcome of an application for a person (details supplied) in County Cork under the 2004 EU special beef premium scheme. [21416/05]

Minister for Agriculture and Food (Mary Coughlan): The person named above submitted four applications under the 2004 special beef premium scheme, in respect of a total of 15 animals. The first application, in respect of five animals, was received on 30 March 2004; the second application, in respect of two animals; was received on 29 July 2004; the third application, in respect of 3 animals, was received on 1 December 2004; and the fourth application, in respect of five animals, was received on 22 December 2004.

Following computer validation, it was found that two of the animals included on the fourth application were CMMS non-compliant in that they were not recorded as being in the herd of the person named on the date of application under the 2004 special beef premium scheme, as required under the terms and conditions of the scheme. The appropriate regulatory penalty was that the animals in question be rejected, that is, not paid premium, and a subsequent reduction penalty being applied across all bovine schemes. By letter dated 19 May 2005, the person named was advised of the findings and the proposed course of action and offered the opportunity to appeal the decision. To date, the person named has not availed of this option.

Bovine Diseases.

231. **Mr. Noonan** asked the Minister for Agriculture and Food if compensation will be awarded to a person (details supplied) in County Cork for the slaughter of two reactors; if she will waive any legal costs incurred by her Department

for cases involving the first animal; and if she will make a statement on the matter. [21482/05]

Minister for Agriculture and Food (Mary Coughlan): Two reactors have been identified on the farm of the person named. One of the animals referred to was a TB reactor, discovered in 2002. The person named has been informed in writing that no compensation will be paid by my Department with regard to this animal. The case is currently the subject of legal proceedings issued by the person named and it would therefore be inappropriate for me to comment upon the issue of the costs of those proceedings.

The second of the animals referred to is a brucellosis reactor, discovered in March 2005. The local district veterinary office will process the appropriate payment as soon as the necessary documentation, which has been requested from the person concerned, is received.

Rural Environment Protection Scheme.

232. **Mr. P. Breen** asked the Minister for Agriculture and Food, further to Question No. 350 of 31 May 2005, when a person, details supplied, in County Clare will receive the REP scheme payment; and if she will make a statement on the matter. [21483/05]

Minister for Agriculture and Food (Mary Coughlan): Payment will issue within the next ten days.

Decentralisation Programme.

233. **Mr. Naughten** asked the Minister for Agriculture and Food, further to Question No. 254 of 18 May 2005, if the review has been completed; and if she will make a statement on the matter. [21549/05]

Minister for Agriculture and Food (Mary Coughlan): The review referred to by the Deputy has not been completed yet.

Departmental Reports.

234. **Mr. Kehoe** asked the Minister for Agriculture and Food the number of reports which have been published in her Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each; and if she will make a statement on the matter. [21629/05]

Minister for Agriculture and Food (Mary Coughlan): The information requested by the Deputy is contained in the Schedule below.

Schedule 1997.

Title	Estimated cost	Date of publication	Preparation time
	€		
1996 annual report	8,559	September 1997	Annual publication
Annual review and outlook 1996/1997	5,153	March 1997	Three months

1998.

Title	Estimated cost	Date of publication	Preparation time
	€		
1997 annual report	8,723	September 1998	Annual publication
Annual review and outlook 1997/1998	3,189	March 1998	Four months
2nd statement of strategy 1998-2000	14,050	May 1998	Five months
Report of the food industry development group	2,136	December 1998	Nine months
Report of the food industry development group	2,136	December 1998	Nine months

1999.

Title	Estimated cost	Date of publication	Preparation time
	€		
Annual review and outlook 1998/1999	3,189	March 1999	Four months
1998 annual report	11,262	September 1999	Annual publication
Report of the sheepmeat forum	1,200	October 1999	20 months
Report of the bovine spongiform encephalopathy, BSE, scientific advisory committee	Not available	July 1999	18 months

2000.

Title	Estimated cost	Date of publication	Preparation time
Report of the advisory group on the role of women in agriculture	Circa €31,000	September 2000	Circa one year
Annual review and outlook 1999/2000	€5,074	April 2000	Four months
Agri food 2010 — main report and plan of action costs	€26,938		
Agri food 2010 — main report	—	March 2000	Ten months
Agri Food 2010 — plan of action	—	August 2000	Five months
Report of the task force on agricultural education and training	€9,500	July 2000	Seven months
Report of the food quality assurance review group	None other than expenses paid to some members of group	December 2000	Ten months
1999 annual report	€12,715	September 2000	Five months
IT strategy 2000	£120,000	February 2000	Six months
eGovernment strategy	£28,800	February 2000	Two months
CAP rural development plan 2000-2006	€19,697.50	November 2000	Nine months

2001.

Title	Estimated cost	Date of publication	Preparation time
	€		
2000 annual report	23,274	August 2001	Annual publication
Annual review and outlook 2000/2001	5,093	April 2001	Three months
3rd statement of strategy 2001-2004	13,731	November 2001	Six months
Agri food 2010 — implementation report	6,641	December 2001	Four months

[Mary Coughlan.]

Title	Estimated cost	Date of publication	Preparation time
Strategic study of the Irish pigmeat industry	€ Commissioned by Minister for Agriculture, Food and Rural Development — paid for by Enterprise Ireland	2001	Seven months

2002.

Title	Estimated cost	Date of publication	Preparation time
Report of the food labelling group	€13,500	December 2002	Six months
Annual review and outlook 2001/2002	€14,089	April 2002	Four months
Eco-friendly farming report	€1,219	May 2002	Three months
Agri food 2010 — implementation report reprint	€2,910		
Agri food 2010 — plan of action reprint	€4,044		
2001 annual report	€28,837	August 2002	Annual publication
Report of the investigation into the presence and influence of lead in the Silvermines area of County Tipperary.	£41,500	June 2000	12 months
Economic evaluation of the impact of foot and mouth disease.	€30,734	March 2002	Six months

2003.

Title	Estimated cost	Date of publication	Preparation time
Agriculture appeals office annual report 2002, English only	€ 4,603	9 October 2003	Five months
Annual review and outlook 2002/2003	11,468	April 2003	Four months
4th statement of strategy 2003-2005	18,150.50	June 2003	Six months
CMMS statistics 2002	12,366	August 2003	Three months
1st progress report to CSPVG	Nil	October 2003	Three months
2002 annual report	40,719	August 2003	Annual publication
A study on the future of the Irish dairy industry	159,000, 1/3 of cost met by Department of Agriculture and Food — remainder borne by Enterprise Ireland and dairy industry	March 2003	
2002 annual report of the Department's consumer liaison panel	2,786	August 2003	C. six months
Mid-term evaluation of the CAP rural development plan 2000-2006	48,647	September 2003	Nine months

2004.

Title	Estimated cost	Date of publication	Preparation time
Agriculture appeals office annual report 2003, English and Irish	€ 11,076, includes printing of both English and Irish versions and cost of translation into Irish.	30 July 2004	Five months
2003 Annual report	26,122	August 2004	Annual publication
Annual review and outlook 2003/2004	11,037	April 2004	Four months
CMMS statistics 2003	13,540	June 2004	Three months
Report of mushroom task force	9,183.60	May 2004	Six months
Expenditure review of programmes in the potato sector	2,420	April 2004	16 months

Title	Estimated cost	Date of publication	Preparation time
	€		
Expenditure review on purchase for destruction scheme	2,934.25	2004	C. two years
Expenditure review on overseas development assistance	2,420.00	2004	C. two years
2nd progress report to CSPVG*	Nil	April 2004	Three months
3rd progress report to CSPVG*	Nil	September 2004	Three months
Report of the agri-vision 2015 committee	12,000	December 2004	
Report of Inter-departmental/agency committee on disposal options for meat and bone meal, MBM.	Nil	January 2004	C. 27 months
A review and appraisal of Ireland's forestry development strategy	147,620	September 2004	Six months
ICT strategy 2004	89,600	March 2004	Five months

2005.

Title	Estimated cost	Date of publication	Preparation time
	€		
Annual review and outlook 2004/2005	16,442	May 2005	Four months
Expenditure review on beef classification scheme	2,934.25	2005	C. two years
4th progress report to CSPVG	Nil	March 2005	Three months
5th statement of strategy 2005-2007	18,500	June 2005	Six months
Expenditure review of early retirement scheme 2000	3,993	April 2005	11 months

Prisoner Transfers.

235. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform if progress has been made with regard to the legal position of transferring prisoners from the Central Mental Hospital to courts and certifying such persons as sane only to be recertified when the court appearance is over; the number of prisoners to whom this has applied in the past three years; and if he will make a statement on the matter. [21417/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy will be aware that the Criminal Law (Insanity) Bill 2002 has been passed by the Seanad and is currently awaiting Second Stage in the Dáil. Detailed provisions with regard to changes in the law in the matter of certification and decertification of prisoners as raised by the Deputy were inserted in the Criminal Law (Insanity) Bill following agreement of the Seanad on Report Stage.

The following table shows the number of instances where a person was decertified and transferred from the Central Mental Hospital to prison custody and then subsequently recertified later that day and returned to the Central Mental Hospital.

Year	Number of Instances
2003	101
2004	59
2005 (to date)	5

There are a number of persons who transferred and returned to the Central Mental Hospital on more than one occasion in the same day during the time periods referred to above.

Visa Applications.

236. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform when a decision will be made on a visa for a person (details supplied); and if he will make a statement on the matter. [21340/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Visa applications are processed as speedily as possible having regard to the numbers of applications on hand and the resources available to process them. The application referred to by the Deputy is currently pending examination by a visa officer and a decision on the application should be expected in the very near future.

Garda Operations.

237. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the cost of policing at major concert events at venues such as the RDS and Croke Park; and the amount paid by the concert promoters to cover policing. [21342/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, that given the large number of events that the Garda Síochána is required to police, detailed costings are not available for all

[Mr. McDowell.]

venues. Detailed policing plans and costings are only collated for a representative sample of events. However, it is possible to provide the Deputy with the policing costs associated with two major events held in 2004 at Slane, County Meath and Marley Park, Dublin.

The Madonna concert was held in August at the Slane venue and the total policing cost amounted to some €421,000 to which the concert promoter contributed €97,000. The Dido concert was also held in August at the Marley Park venue and the total policing cost amounted to some €33,000 to which the concert promoter contributed €15,254.

The organisers of events who request the services of gardaí on a non-public duty basis are made aware of the conditions attached to this arrangement by the relevant district officers and pay for the cost of non-public duties performed by gardaí inside the event location. The cost of normal policing duties performed outside the event location such as traffic control, beat patrols and other policing duties are not paid for by the organisers of the event and fall to be paid from public funds.

Garda Stations.

238. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the deplorable and dilapidated condition of the Garda station at Ballycary, Castlebar, County Mayo and to the fact that this building constitutes an eyesore in a community in which efforts are being made to improve the visual aspect of the village; when it is proposed to provide a new Garda station; if, due to inaction by his Department, he will allow and make arrangements for the local community council to paint the exterior of the building and to clean up its grounds; and if he will make a statement on the matter. [21343/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are plans to provide a new Garda station at Ballyvary, Castlebar, County Mayo. The Commissioners of Public Works are currently considering how best to progress matters. Accordingly, it will be appreciated that it is not possible, at this stage, to say when the project to provide the new Garda station will commence.

The Gardaí occupy some 703 Garda stations throughout the country. Many of them, including Ballyvary, need to be rebuilt, updated, modernised or replaced. This is being done in a structured and systematic way. Much work has been done in recent years and more is scheduled over the next few years. In the order of €112 million will be spent between now and the end of 2007 on the overall Garda building programme. This level of investment demonstrates the high priority I and the Government afford to the programme. There has been significant recent work to improve Garda stations and build new stations

around the country. With regard to the painting of the current building by the local community council, the council should contact the Office of Public Works which has responsibility for the upkeep of State properties.

Road Traffic Offences.

239. **Ms C. Murphy** asked the Minister for Justice, Equality and Law Reform the number of fines which have been issued for speeding in 2003 and 2004; the locations of such speeding; the overall monetary value of the fines; the amount which remains uncollected; and if he will make a statement on the matter. [21344/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda annual report for 2003 gives a breakdown of the number of fixed charge notices issued for speeding by Garda region, as shown in the following table:

Region	Fixed charge notices issued for speeding
Eastern region	21,836
Dublin region	62,434
Northern region	10,106
South eastern region	20,227
Southern region	32,426
Western region	10,823
Total	157,852

Statistics in respect of 2004 are currently being compiled for publication in the Garda annual report for the year and are not yet available. The Garda authorities inform me that €13,751,333.54 was paid to the Garda Síochána in respect of on the spot and fixed charge notices for 2003 and €15,261,104.43 was paid in 2004. Motor fines collected by the courts in 2003 were to the value of €8.7 million in 2003 and €8.8 million in 2004. Statistics are not compiled in such a way as to distinguish between payments made in respect of speeding and other road traffic offences detected and the Garda authorities inform me that this information could only be obtained by the expenditure of a disproportionate amount of Garda time and resources. There are no statistics available in respect of fixed charge notices which are not paid as the options of paying or going to court are available to the person to whom the notice is issued.

Crime Levels.

240. **Mr. Allen** asked the Minister for Justice, Equality and Law Reform if he will supply the details of headline offences recorded and detailed for each of the districts within the Cork metropolitan area and Cork County areas in the years 1997, 2000, 2002 and 2004. [21345/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): With regard to crime figures, the Deputy will be aware that on becoming Mini-

ster for Justice, Equality and Law Reform, I arranged for the publication of headline crime statistics on a quarterly basis in order to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to 6 per 1,000 over the longer period of 11 quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system

by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

The following tables show the headline offences for the years 2000 to 2004 inclusive for the Garda divisions of Cork city, Cork north and Cork west by Garda district. Figures prior to 2000 are not comparable to figures provided for 2000 onwards.

Table 1

Headline Offences Recorded and Detected for Cobh Garda District from 2000 to 2004.

Year	2000		2001		2002		2003		2004	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	20	20	24	19	55	50	50	31	30	19
Sexual offences	8	8	31	28	24	16	24	11	9	1
Arson	2	1	4	1	10	0	9	1	2	0
Drugs	17	17	11	11	13	13	11	11	13	11
Thefts	147	63	210	58	249	59	277	61	194	70
Burglary	89	41	106	24	144	33	86	11	75	30
Robbery	2	2	1	1	4	0	3	1	4	2
Fraud	10	9	7	5	10	4	32	21	13	12
Other	3	2	8	6	17	14	13	9	11	10
Total	298	163	402	153	526	189	505	157	351	155

*Statistics for 2004 are provisional/operational and liable to change.

Table 2

Headline offences recorded and detected for Mayfield Garda district from 2000 to 2004.

Year	2000		2001		2002		2003		2004	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	1	0	3	3	1	1	0	0
Assault	37	35	61	56	79	68	46	43	43	36
Sexual offences	12	12	23	17	34	10	21	13	17	11
Arson	34	18	43	16	27	12	46	8	33	6
Drugs	33	33	37	37	44	44	28	28	35	34
Thefts	442	172	467	234	603	251	503	213	532	221
Burglary	250	111	261	131	258	83	202	91	245	116
Robbery	28	16	27	15	41	26	34	20	54	28
Fraud	31	23	23	19	25	15	39	28	19	14
Other	4	4	6	3	18	17	13	9	7	4
Total	871	424	949	528	1,132	529	933	454	985	470

*Statistics for 2004 are provisional/operational and liable to change.

[Mr. McDowell.]

Table 3

Headline Offences Recorded and Detected for Macroom Garda District from 2000 to 2004.

Year	2000		2001		2002		2003		2004	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	6	6	2	2	11	10	11	10	14	14
Sexual offences	4	4	2	2	2	1	6	5	6	6
Arson	1	0	4	2	2	2	2	0	4	1
Drugs	7	7	4	4	7	7	13	13	6	6
Thefts	41	8	66	28	87	27	76	21	108	47
Burglary	57	18	94	26	75	23	47	10	45	15
Robbery	2	1	1	1	2	1	0	0	0	0
Fraud	2	0	23	17	7	6	47	46	4	2
Other	1	1	0	0	1	1	2	2	2	1
Total	121	45	196	82	194	78	204	107	189	92

*Statistics for 2004 are provisional/operational and liable to change.

Table 4

Headline Offences Recorded and Detected for Gurrabrathar Garda District from 2000 to 2004.

Year	2000		2001		2002		2003		2004	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	2	2	1	1	3	3	1	0	1	1
Assault	25	20	47	27	73	57	59	40	49	35
Sexual offences	10	8	13	4	30	13	16	11	23	15
Arson	32	10	10	2	30	7	31	3	32	3
Drugs	18	18	16	16	21	21	24	23	25	25
Thefts	267	87	301	86	313	82	268	78	414	109
Burglary	214	83	230	41	235	48	150	30	186	43
Robbery	11	8	16	8	10	1	19	4	14	9
Fraud	32	29	10	8	8	5	19	14	44	40
Other	0	0	7	4	24	21	13	11	8	5
Total	611	265	651	197	747	258	600	214	796	285

*Statistics for 2004 are provisional/operational and liable to change.

Table 5

Headline Offences Recorded and Detected for Anglesea Garda District from 2000 to 2004.

Year	2000		2001		2002		2003		2004	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	2	2	1	1	11	11	0	0	0	0
Assault	64	46	77	66	179	132	111	89	113	78
Sexual Offences	13	7	13	8	35	20	36	23	44	35
Arson	21	2	26	2	40	10	29	3	38	3
Drugs	91	91	73	73	53	53	46	46	27	27
Thefts	1,072	611	1,366	767	1,987	1,082	1,962	1,102	1,847	1,138
Burglary	323	158	381	152	386	115	296	112	280	123
Robbery	61	26	87	48	51	30	86	51	54	37
Fraud	113	98	51	42	145	116	135	98	100	82
Other	6	5	12	10	34	29	20	15	23	17
Total	1,766	1,046	2,087	1,169	2,921	1,598	2,721	1,539	2,526	1,540

*Statistics for 2004 are provisional/operational and liable to change.

Table 6

Headline Offences Recorded and Detected for Toghher Garda District from 2000 to 2004.

Year	2000		2001		2002		2003		2004	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	1	1	4	4	2	1	0	0
Assault	10	7	29	25	76	59	69	44	49	37
Sexual Offences	16	12	23	16	37	23	28	17	30	18
Arson	14	4	26	9	22	5	27	6	39	7
Drugs	27	27	22	22	41	40	28	28	32	32
Thefts	477	198	513	196	648	306	713	297	708	309
Burglary	300	82	429	135	306	64	297	59	315	55
Robbery	18	8	32	19	22	4	32	21	35	15
Fraud	52	47	50	38	55	44	50	34	57	46
Other	5	5	3	3	15	10	6	6	9	5
Total	919	390	1,128	464	1,226	559	1,252	513	1,274	524

*Statistics for 2004 are provisional/operational and liable to change.

Table 7

Headline Offences Recorded and Detected for Fermoy Garda District from 2000 to 2004.

Year	2000		2001		2002		2003		2004	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	10	10	24	21	37	28	34	27	18	17
Sexual Offences	3	3	4	1	26	21	17	7	6	3
Arson	0	0	1	0	4	1	6	0	6	5
Drugs	7	7	12	12	18	17	13	12	14	13
Thefts	127	54	170	64	223	66	209	44	170	55
Burglary	68	19	88	15	133	28	138	10	101	14
Robbery	1	1	0	0	2	0	4	0	1	0
Fraud	25	24	14	9	22	8	19	14	26	21
Other	1	1	2	2	7	5	2	0	5	4
Total	242	119	315	124	472	174	442	114	347	132

*Statistics for 2004 are provisional/operational and liable to change.

Table 8

Headline Offences Recorded and Detected for Mallow Garda District from 2000 to 2004.

Year	2000		2001		2002		2003		2004	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	10	10	14	10	36	31	22	16	23	16
Sexual Offences	2	2	9	3	6	3	4	3	1	1
Arson	4	2	1	0	2	0	8	3	3	0
Drugs	6	6	3	3	7	7	4	4	15	13
Thefts	154	87	147	48	205	51	275	85	187	76
Burglary	83	25	104	26	103	14	112	16	91	18
Robbery	0	0	3	2	6	1	4	1	4	0
Fraud	7	7	13	12	24	18	34	26	29	27
Other	1	1	3	3	6	6	9	5	10	6
Total	267	140	297	107	395	131	472	159	363	157

*Statistics for 2004 are provisional/operational and liable to change.

Garda Strength.

241. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the Garda personnel numbers in each Garda district in the Roscommon-east Galway and Sligo-Leitrim Garda divisions; the corresponding figure for the years 2002 and 1997; and if he will make a statement on the matter. [21360/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): 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 district in the Roscommon-Galway east and Sligo-Leitrim divisions, as at 31 December 1997, 31 December 2002 and 21 June 2005 was as set out below.

Roscommon/Galway East.

District	31/12/97	31/12/02	21/06/05
Ballinasloe	50	55	51
Boyle	32	38	38
Castlerea	36	41	41
Roscommon	65	62	63
Tuam	48	55	56

Anti-Social Behaviour.

242. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if additional resources will be given to the Garda Síochána to allow for special attention to be given to a parish, details supplied, in Dublin 24; if particular support will be given to deal with anti-social behaviour through high visibility community policing; and if he will make a statement on the matter. [21361/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the area referred to is policed by gardaí attached to Tallaght Garda station. The personnel strength of Tallaght Garda station as at 21 June 2005 was 176, all ranks. Local Garda management report that there are currently two full time community gardaí working different hours of duty to cover areas subject to anti-social behaviour. In addition, the area is also patrolled by regular policing units, public order units, detective units, divisional traffic units and the divisional task force.

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 be drawing up plans on how best to distribute and manage these additional resources. In this context, the needs of the area referred to by the Deputy will be fully considered within the context of the needs of areas throughout the country. Clearly the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies in particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. One thing I have already promised is that the additional gardaí will not be put on administrative duties. They will be put directly into front-line, operational, high-visibility policing. They will have a real impact.

Crime Levels.

243. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform if he will provide crime statistics for County Leitrim, by garda district and by station; and if he will make a statement on the matter. [21479/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): With regard to crime figures, the Deputy will be aware that on becoming Minister for Justice, Equality and Law Reform, I arranged for the first time in the history of the state for the publication of headline crime statistics on a quarterly basis in order to improve the quality of information available to the public. While caution should be exercised in interpreting levels of crime between quarters, I am pleased to note that during my term of office as Minister, the quarterly crime rate has decreased from 6.7 per 1,000 population to 6 per 1,000 over the longer period of 11 quarters for which figures are available. This trend is reflected throughout most Garda districts in the country. In interpreting these figures, account has also to be taken of the introduction of the new PULSE computer system by the Garda Síochána in 1999, which led to more complete and comprehensive recording of crimes reported than was previously the case. The Deputy will also wish to be aware that, taking into account the significant increase in our population since 1995, the headline crime rate has fallen from 29 per 1,000 population in 1995 to 25 per 1,000 population in 2004.

The following tables show the headline offences, for the years 2000 to 2004 inclusive, by Garda district in the Sligo-Leitrim division.

Headline Offences Recorded and Detected for Sligo Garda District from 2000 to 2004*.

Year	2004*		2003		2002		2001		2000	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	1	1	1	1	3	3	0	0	0	0
Assault	39	28	56	37	82	60	30	23	12	9
Sexual offences	26	11	43	34	25	14	9	4	11	11
Arson	58	1	70	12	43	2	33	7	15	0
Drugs	19	19	27	27	28	27	20	20	36	36
Thefts	563	175	665	235	577	176	426	180	428	236
Burglary	224	48	282	87	217	34	305	77	267	83
Robbery	17	9	10	6	5	4	9	4	6	4
Fraud	58	40	45	12	31	13	35	24	37	33
Other	10	4	11	5	12	11	4	3	2	2
Total	1,015	336	1,210	456	1,023	344	871	342	814	414

*Statistics for 2004 are provisional/operational and liable to change.

Headline Offences Recorded and Detected for Carrick-on-shannon Garda District from 2000 to 2004*.

Year	2004*		2003		2002		2001		2000	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	1	1	0	0	0	0	0	0
Assault	22	15	15	7	21	15	7	6	5	4
Sexual Offences	3	2	2	1	2	1	4	2	1	1
Arson	5	0	1	0	3	3	5	4	5	3
Drugs	6	6	3	3	3	3	1	1	1	1
Thefts	118	26	100	16	100	15	47	9	51	8
Burglary	57	11	73	9	46	4	50	7	56	14
Robbery	1	0	0	0	0	0	0	0	1	1
Fraud	12	6	9	4	7	3	13	8	5	3
Other	5	3	5	2	2	2	3	2	0	0
Total	229	69	209	43	184	46	130	39	125	35

*Statistics for 2004 are provisional/operational and liable to change.

Headline Offences Recorded and Detected for Manorhamilton Garda District from 2000 to 2004*.

Year	2004*		2003		2002		2001		2000	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	8	4	5	5	11	8	8	7	4	2
Sexual Offences	5	2	3	3	4	4	2	1	2	2
Arson	1	0	4	2	0	0	2	2	0	0
Drugs	2	2	6	6	1	1	2	2	1	1
Thefts	66	8	85	10	60	9	27	2	30	6
Burglary	19	3	22	2	23	1	16	4	28	8
Robbery	0	0	0	0	0	0	0	0	0	0
Fraud	1	1	4	1	4	4	8	6	2	0
Other	23	2	22	13	9	8	2	1	1	1
Total	125	22	151	42	112	35	67	25	68	20

*Statistics for 2004 are provisional/operational and liable to change.

[Mr. McDowell.]

Headline Offences Recorded and Detected for Ballymote Garda District from 2000 to 2004*.

Year	2004*		2003		2002		2001		2000	
	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec	Rec	Dec
Homicide	0	0	0	0	0	0	0	0	0	0
Assault	3	3	2	2	7	7	3	3	3	3
Sexual Offences	1	0	3	2	6	6	3	1	2	1
Arson	3	0	1	0	1	0	3	2	2	2
Drugs	0	0	1	1	3	3	0	0	0	0
Thefts	37	2	50	9	55	11	47	17	38	10
Burglary	26	4	24	2	34	4	48	12	43	13
Robbery	2	1	1	0	2	1	1	1	1	1
Fraud	3	1	4	2	14	13	3	2	11	6
Other	6	5	3	0	0	0	2	2	0	0
Total	81	16	89	18	122	45	110	40	100	36

*Statistics for 2004 are provisional/operational and liable to change.

Registration of Title.

244. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a dealing in the Land Registry Office will be completed for a person (details supplied) in County Mayo. [21481/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that the applications referred to by the Deputy are associated and comprise: an application for transfer order which was lodged on 23 August 2004, dealing number D2004SM006350T refers; and an application for charge which was lodged on 13 October 2004, dealing number D2004SM008627Q refers.

I am also informed that a query issued to the lodging solicitor on 24 May 2005 in respect of dealing number D2004SM006350T and that neither of the applications concerned can proceed until this query has been satisfactorily resolved. However, I can assure the Deputy that on receipt of a satisfactory reply, both applications will receive further attention in the Land Registry and will be completed as soon as possible.

Citizenship Applications.

245. **Mr. Kenny** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation by a person, details supplied; and if he will make a statement on the matter. [21498/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 28 August 2003. In the normal course, it would fall due to be processed in the next few months. My officials will communicate directly with the applicant and the Deputy in the near future regarding the application.

Drug Seizures.

246. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if drugs, details supplied, have come to the attention of the relevant authorities; if they are listed as illegal drugs; and if he will make a statement on the matter. [21502/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are aware of the drugs referred to by the Deputy and I understand there have been small quantity seizures. I am informed by the Department of Health and Children that crystal meth is a form of methamphetamine and is a controlled drug under schedule 2 of the Misuse of Drugs Acts 1977 and 1984. As such, it is subject to stringent controls. I am further informed by the Department of Health and Children that ketamine is a legal drug subject to control under the Medicinal Products (Prescription and Control of Supply) Regulations 1996. It is used for the induction and maintenance of anaesthesia. It is also used in veterinary medicine. However, because of its potential for abuse, it is intended to apply controls under the Misuse of Drugs Acts to it. I understand that regulations giving effect to this change are currently being drafted.

Garda Operations.

247. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of gardai on duty in 2004 for the All-Ireland football final in Croke Park, in the environs of Croke Park and elsewhere related to the influx of people attending the match; the overall cost involved; and the amount contributed by the GAA. [21504/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that given the large number of sporting, concert and other public events that the Garda Síochána is required to police, detailed

policing plans and costings are only collated for a representative sample of events. The 2004 All-Ireland hurling final required 94 gardaí of various ranks to be deployed within Croke Park. In addition, 188 gardaí of various ranks were on duty in the environs of Croke Park related to the influx of people attending the match. The total cost of policing the 2004 All-Ireland hurling final amounted to some €101,000 to which the GAA contributed the sum of €61,139. The policing plan for this event was very similar to that for the All-Ireland football final and consequently the respective details are equally comparable.

Registration of Title.

248. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if the Land Registry Office will expedite a dealing for a person, details supplied, in County Clare; and if he will make a statement on the matter. [21505/05]

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, that is, acquisition of title by virtue of long possession, of the Registration of Title Act, 1964, which was lodged on 5 March 2004. Dealing number D2004CR002695J 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 date of completion at this stage. I am further informed that queries issued to the lodging solicitor on 20 June 2005 and that the application cannot proceed until these queries have 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.

249. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform if the Land Registry Office will expedite a dealing for a person, details supplied, in County Clare; and if he will make a statement on the matter. [21506/05]

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, i.e., acquisition of title by virtue of long possession, of the Registration of Title Act, 1964, which was lodged on 25 February 2003. Dealing number D2003CR001976A refers. I am further informed that this application was completed on 18 May 2005.

Garda Complaints Procedures.

250. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the reason no action was taken in relation to an incident, details supplied, in County Kerry; and if he will make a statement on the matter. [21530/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I do not accept the Deputy's contention. The Garda Síochána Complaints Board investigated a complaint made by the person in question with regard to the matter. The complaints board found that neither an offence nor a breach of discipline on the part of any member of the Garda Síochána had been disclosed.

Criminal Justice Legislation.

251. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if he will list each of the Criminal Justice Acts enacted over the past 20 years; the main provisions of each of the Acts; and if he will make a statement on the matter. [21615/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will appreciate, a substantial body of criminal justice legislation has been enacted over the past 20 years. I refer the Deputy to the Irish Statute Book 1922-2003, which is available on the website of the Office of the Attorney General at <http://www.attorneygeneral.ie>, and to the legislation enacted 1997-2005, which is available on the website of the Oireachtas at <http://www.oireachtas.ie>. For the purpose of assisting the Deputy I have set out below an indicative list of criminal justice legislation enacted since 1985.

Criminal Justice Legislation enacted since 1985 — indicative list.

	Year
1985	Offences against the State (Amendment) Act 1985 [19 Feb No. 3]
1986	Malicious Injuries (Amendment) Act 1986 [15 July No. 27], Garda Síochána (Complaints) Act 1986 [15 July No. 29]
1987	Extradition (European Convention on the Suppression of Terrorism) Act 1987 [21 Jan No. 1], Extradition (Amendment) Act 1987 [14 Dec No. 25]
1988	
1989	Garda Síochána Act 1989 [26 Feb No. 1] Prohibition of Incitement to Hatred Act 1989 [29 Nov No. 19]
1990	Larceny Act 1990 [22 May No. 9] Firearms and Offensive Weapons Act 1990 [12 June No. 12]

	Year
	Criminal Justice Act 1990 [11 July No. 16] Criminal Law (Rape) (Amendment) Act 1990 [18 Dec No. 32] Criminal Justice Forensic Evidence Act 1990 [24 Dec No. 34]
1991	Criminal Damage Act 1991 [27 Dec No. 31]
1992	Criminal Evidence Act 1992 [7 July No. 12]
1993	Criminal Justice Act 1993 [3 April No. 6] Interception of Postal Packets and Telecommunications Messages (Regulation) Act 1993 [6 June No.10] Criminal Law (Suicide) Act 1993 [9 June No. 11] Criminal Law (Sexual Offences) Act 1993 [7 July No. 20] Criminal Procedure Act 1993 [29 Dec No. 40]
1994	Criminal Justice (Public Order) Act 1994 [3 March No. 2] Extradition (Amendment) Act 1994 [5 April No. 6] Criminal Justice Act 1994 [30 June No. 15]
1995	Criminal Law (Incest Proceedings) Act 1995 [5 July No. 12] Transfer of Sentenced Persons Act 1995 [17 July No. 16]
1996	Criminal Justice (Drug Trafficking) Act 1996 [31 July No. 29] Proceeds of Crime Act 1996** [4 Aug No. 30]
1997	Decommissioning Act 1997 [26 Feb No. 3] Criminal Justice (Miscellaneous Provisions) Act 1997 [4 March No. 4] Criminal Law Act 1997 [22 April No. 14] Bail Act 1997 [5 May No. 16] Non-Fatal Offences against the Person Act 1997 [19 May No. 26] Europol Act 1997 [24 Nov No. 38] Transfer of Sentenced Persons (Amendment) Act 1997 [17 Dec No. 41]
1998	Child Trafficking and Pornography Act 1998 [29 June No. 22] Firearms (Temporary Provisions) Act 1998 [13 July No. 32] Criminal Justice Release of Prisoners Act 1998 [13 July No. 36] Offences against the State (Amendment) Act 1998 [3 Sept No. 39] International War Crimes Tribunals Act 1998 [10 Nov No. 40]
1999	Criminal Justice (Location of Victims' Remains) Act 1999 [19 May No. 9] Criminal Justice Act 1999 [26 May No. 10]
2000	Criminal Justice (United Nations Convention against Torture) Act 2000 [14 June No. 11] Criminal Justice (Safety of United Nation Workers) Act 2000 [28 June No. 16] Firearms (Firearm Certificates for Non-Residents) Act 2000 [5 July No. 20] Illegal Immigrants (Trafficking) Act 2000 [28 Aug No. 29]
2001	Sex Offenders Act 2001 [30 June No. 18] Children Act 2001 [8 July No. 24] Prevention of Corruption (Amendment) Act 2001 [9 July No. 27] Extradition (European Union Conventions) Act 2001 [19 Dec No. 49] Criminal Justice (Theft and Fraud Offences) Act 2001 [19 Dec No. 50]
2002	
2003	Criminal Justice (Public Order) Act 2003 [28 May No. 16] Criminal Justice (Illicit Traffic by Sea) Act 2003 [23 June No. 18] Garda Síochána (Police Co-operation) Act 2003 [24 June No. 19] Criminal Justice (Temporary Release of Prisoners) Act 2003 [29 Oct No. 34] European Arrest Warrant Act 2003 [28 Dec No. 45]
2004	Child Trafficking and Pornography (Amendment) Act 2004 [2 June No. 17] Criminal Justice (Joint Investigation Teams) Act 2004 [30 June No. 20]
2005	Proceeds of Crime (Amendment) Act 2005 [12 February No. 1 of 2005] Criminal Justice (Terrorist Offences) Act 2005 [8 March, No. 2 of 2005]

Departmental Reports.

252. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the number of reports which have been published in his Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each; and if he will make a statement on the matter. [21630/05]

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.

Early Childhood Education.

253. **Ms Burton** asked the Minister for Education and Science if she will provide a full year's early childhood education in view of the recommendations of the report by the National Economic and Social Forum which found that children who attend full-day early education programmes are better prepared intellectually and socially for future life. [21331/05]

Minister for Education and Science (Ms Hanafin): Early childhood education in Ireland covers the period from birth to six years. At present, almost all five-year-olds and half of four-year-olds attend junior infant and senior infant classes in primary schools. Provision for children below the age of four is targeted at specific groups. Outside of junior classes in primary schools, my Department's main role in the area of early childhood education encompasses pre-school provision for children from disadvantaged areas, for Traveller children and those with special needs.

The new action plan for educational inclusion, DEIS — which stands for Delivering Equality of Opportunity in Schools — which I launched on 30 May provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP, which will bring together and build upon a number of existing interventions for schools with a concentrated level of disadvantage. The action plan aims to concentrate early childhood education actions on those children, aged from three up to school enrolment, who will subsequently attend the 150 urban-town primary schools, participating in the new school support programme and identified as serving the most disadvantaged communities. The early childhood actions under the new plan will be well targeted and my Department will work in partnership with other Departments and agencies with a view to meeting the overall care and education needs of the children involved in an integrated way. A strong emphasis will be placed on adding value to the work of other providers by embedding quality early learning within child care provision.

A survey to assess levels of disadvantage in primary schools is currently being carried out with the assistance of the Educational Research Centre and this will assist my Department in identifying the primary school communities to be targeted for early education support under the action plan. The plan will be implemented on a phased basis, starting in the next school year.

My Department currently funds 48 pre-school classes for Traveller children. In the special needs sector, there are currently 14 pre-school classes for children with autism located throughout the country. In addition, ten stand-alone autism facilities that provide an applied behavioural analysis, ABA, model of response to children with autism cater for a number of children of preschool age. My Department has also sanctioned the establishment of a pre-school for six children with hearing impairment on a pilot basis. A draft of the NESF report on early childhood care and education was discussed at a plenary session of the forum on 15 June. As soon as the final report is available, it will be given careful consideration within my Department.

254. **Ms Burton** asked the Minister for Education and Science the number of children who have benefited from Early Start from 1998 to date; the number of schools involved; the cost per child; and the cost for each school using the scheme for each year from 1998 to date. [21332/05]

255. **Ms Burton** asked the Minister for Education and Science if her attention has been drawn to the international research showing that preschool education such as Early Start is a significant, continuing benefit for children attending in preparing them for primary school; and if her Department has made an evaluation. [21333/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 252 and 253 together.

The Early Start preschool project was established in 40 primary schools in designated areas of urban disadvantage in Dublin, Cork, Limerick, Waterford, Galway, Drogheda and Dundalk during 1994 and 1995. The aims of Early Start are to expose young children to an educational programme which will enhance their overall development, prevent school failure and offset the effects of social disadvantage. The total number of places available in Early Start centres has been 1,680 in each year since 1996, the first full year of operation, with the funding provided supporting this number of places on a year-to-year basis. The provision involved for 2005 is €5 million.

I recognise that high-quality early education prior to entry into formal schooling can lead to lasting social benefits that persist throughout life both for the individual and for society.

[Ms Hanafin.]

Research also indicates that early childhood education is particularly beneficial for children who are disadvantaged and for children with special needs. Parents too can benefit very significantly from involvement in early education through improved self-confidence and better relationships with their children. For instance, the OECD's thematic review of early childhood education and care in Ireland, published in September, 2004, concludes that in disadvantaged areas, early childhood services need to be intensive, multi-functional and co-ordinated across services and agencies.

Early childhood education and care is a horizontal policy issue involving several Departments and agencies. The policy implications of the recommendations arising from the OECD review of early childhood education and care are under active consideration within my own Department and also by the inter-departmental high level group on childcare and early education, which is chaired by the National Children's Office.

The new action plan for educational inclusion, DEIS — which stands for Delivering Equality Of Opportunity In Schools — which I launched recently, aims to concentrate early childhood education actions on those children aged from three up to school enrolment who will subsequently attend the 150 urban-town primary schools participating in the new school support programme and identified as serving the most disadvantaged communities. The early childhood education actions under the new plan will be well targeted and my Department will work in partnership with other Departments and agencies with a view to meeting the overall care and education needs of the children involved in an integrated way. A strong emphasis will be placed on adding value to the work of other providers by embedding quality early learning within child care provision.

The Centre for Early Childhood Development and Education will make recommendations on the future development and direction of existing preschool measures for children in disadvantaged communities funded by my Department. The findings of a number of evaluation reports on Early Start prepared by the Educational Research Centre, Drumcondra on behalf of my Department will be taken into account in this regard. The future direction of the Early Start programme will be considered in rolling out the new action plan.

Higher Education Grants.

256. **Dr. Upton** asked the Minister for Education and Science if the circumstances of a person (details supplied) in Dublin 12 will be reviewed. [21334/05]

Minister for Education and Science (Ms Hanafin): My Department funds three means-tested maintenance grant schemes for third level

education students in respect of attendance on approved courses in approved third level institutions and one maintenance grant scheme in respect of students attending approved post-leaving certificate — PLC — courses in approved PLC centres: the higher education grants scheme; the vocational education committees' scholarship scheme; the third level maintenance grants scheme for trainees; and the maintenance grant scheme for students attending post-leaving certificate courses.

Under the terms of the maintenance grants scheme for post-leaving certificate courses 2005, grants are available to eligible candidates who are entering approved PLC courses for the first time in the 2005-06 academic year. Candidates are ineligible if they already hold a FETAC level five qualification, formerly known as a FETAC, NCVA, level two qualification; or FETAC level six qualification, formerly known as a FETAC, NCVA, level three qualification or a third level qualification at level six or higher. However, notwithstanding this condition, candidates who already hold a FETAC level five qualification, formerly known as a FETAC, NCVA, level two qualification, and are now pursuing a course that offers progression may be deemed eligible for grant aid.

The candidate, to whom the Deputy refers, already holds a higher national diploma qualification. As outlined above, students who already hold a third level qualification are ineligible for grant assistance under this scheme. I regret the news is not better with regard to this student, but the Deputy will appreciate that the terms of the schemes are of general application and it is not open to me to make exceptions in individual cases instead of the final line which currently reads as follows "It is not open to me or my Department to depart from the terms of the Scheme in individual cases."

Pupil-Teacher Ratio.

257. **Mr. Allen** asked the Minister for Education and Science if she will provide the information which she refused to give on 25 May 2005; and the schools which have 30 children or more in their classes in Cork City and County for 2003, 2004 and 2005. [21335/05]

277. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21577/05]

278. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21578/05]

279. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in Cork in 2000, 2003, 2004 and 2005. [21579/05]

280. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21580/05]

281. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21581/05]

282. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21582/05]

283. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21583/05]

284. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21584/05]

285. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21585/05]

286. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21586/05]

287. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21587/05]

288. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21588/05]

289. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21589/05]

290. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21590/05]

291. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21591/05]

292. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21592/05]

293. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school,

details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21593/05]

294. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21594/05]

295. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21595/05]

296. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21596/05]

297. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21597/05]

298. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21598/05]

299. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21599/05]

300. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21600/05]

301. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21601/05]

302. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21602/05]

303. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21603/05]

304. **Mr. Allen** asked the Minister for Education and Science the class sizes in a school, details supplied, in County Cork in 2000, 2003, 2004 and 2005. [21604/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 257 and 277 to 304, inclusive, together.

There was never any question of a refusal to provide information to the Deputy. The information requested by the Deputy in respect of the 2004-05 school year is now finalised and the following table sets out this information together with information for the years 2000-01 and 2003-04 as now sought by the Deputy. The information refers to ordinary classes only.

County	Roll No.	School	Address	No. Classes by Class Size						
				0-9	10-19	20-24	25-29	30-34	35-39	40 & Over
CORK CITY	01197D	STRAWBERRY HILL B N S	SUNDAYS WELL	—	—	4	1	2	—	—
CORK CITY	02707F	SUNDAYS WELL G N S	CORK	—	3	2	—	—	2	—
CORK CITY	05940D	SCOIL URSULA	BLACKROCK	—	4	3	4	—	—	—
CORK CITY	06153I	ST FINBARS G AND INFNT B	DOUGLAS STREET	—	2	1	1	—	—	—
CORK CITY	12203G	S N NAOMH ANTAINÉ	BALLINLOUGH	—	1	1	4	14	6	—
CORK CITY	12473M	GREENMOUNT MONASTERY NS	SCOIL MUIRE NA NGRAS	—	—	6	1	3	—	—
CORK CITY	13648D	ST LUKES MXD N S	MAHONYS AVE	—	—	3	1	—	—	—
CORK CITY	13696O	ST VINCENTS CONVENT N S	ST MARYS ROAD	—	1	7	4	7	3	—
CORK CITY	13980L	S N B TOGHER CORK	TOGHER	—	1	4	4	4	—	—
CORK CITY	14000C	SCOIL NAOMH MHUIRE	N MHUIRE AN OILEAIN	—	1	2	1	2	—	—
CORK CITY	14198D	NAOMH EOIN EASPAL	MAYFIELD	—	2	—	9	—	—	—
CORK CITY	15781P	BALLINTEMPLE N S	BALLINTEMPLE N S	—	—	2	1	3	—	—
CORK CITY	16339F	S N IOSEF NAOFA	MARDYKE	—	1	2	4	1	1	—
CORK CITY	16680O	SCOIL COLMCILLE	BLARNEY ST	—	3	—	2	—	—	—
CORK CITY	16996S	SCOIL NEASAIN NAOFA	SULLIVANS QUAY	—	1	1	1	—	—	—
CORK CITY	17024I	SCOIL NA CROISE NAOFA	MAHON	—	3	5	3	—	—	—
CORK CITY	17045Q	SCOIL NA PATRICKS B N S	BALLYHOOLEY ROAD	—	1	5	4	—	1	—
CORK CITY	17066B	CHRIST KING MON	TURNERS CROSS	—	—	1	11	9	3	—
CORK CITY	17067D	CHRIST KING CONVENT	TURNERS CROSS	—	—	2	7	4	—	—
CORK CITY	17105I	MUIRE GAN SMAL C	GLASHEEN	—	—	3	2	3	—	—
CORK CITY	17313P	OUR LADY OF LOURDES	BALLINLOUGH	—	—	2	2	2	2	1
CORK CITY	17778N	SCOIL MHUIRE FATIMA B PRIMARY SCH	NORTH MONASTERY	1	—	4	4	2	—	—
CORK CITY	17918D	SCOIL MHUIRE FATIMA A PRIMARY SCH	NORTH MONASTERY,	—	3	1	2	—	—	—
CORK CITY	17993R	SCOIL MHUIRE GAN SMAL B	GLASHEEN	—	—	3	2	2	2	—
CORK CITY	18153B	S N PADRAIG NAOFA C	DILLONS CROSS	—	—	7	2	1	—	—
CORK CITY	18154D	S N PADRAIG NAOFA	DILLONS CROSS	—	—	3	4	—	—	—
CORK CITY	18217B	SCOIL PADRE PIO N S	CHURCHFIELD	1	7	1	—	—	—	—
CORK CITY	18237H	MARIA ASSUMPTA G N S	BALLYPHEHANE	—	1	3	3	1	—	—
CORK CITY	18238J	MARIA ASSUMPTA JNR INFNT	BALLYPHEHANE	—	2	3	—	—	—	—
CORK CITY	18253F	SCOIL NAOMH CAITRIONA	MODEL FARM ROAD	—	—	6	8	3	—	—
CORK CITY	18292P	GAELSCOIL AN TEAGHLAIGH NAOFA	BAILE FEITHEAN	—	1	5	2	2	—	—
CORK CITY	18356P	S N BARRA NAOFA	SCOIL BHARRA	—	—	2	1	—	—	—
CORK CITY	18388F	SCOIL NAOMH MICHEAL	CHURCH ROAD	—	1	1	—	—	—	—

County	Roll No.	School	Address	No. Classes by Class Size						
				0-9	10-19	20-24	25-29	30-34	35-39	40 & Over
CORK CITY	18563U	SCOIL NAOMH BRID C	EGLANTINE HOUSE	—	—	—	6	18	—	—
CORK CITY	18566D	S N ATHAIR MAITIU C	AN TOCHAIR	—	4	4	3	1	—	—
CORK CITY	18587L	SCOIL MHUIRE BANRION	MAYFIELD	—	1	8	4	—	—	—
CORK CITY	18734V	REALT NA MAIDINE	BALLYPHEHANE	—	3	2	3	—	—	—
CORK CITY	18786R	SCOIL IOSAGAIN	FARRANREE	—	16	1	7	—	—	—
CORK CITY	19000E	S N AN SPIORAID NAOMH C	CURRAHEEN RD	—	3	1	1	2	2	—
CORK CITY	19231A	S N BARRA NAOFA BHUACH	BEAUMOUNT	—	1	1	2	5	—	—
CORK CITY	19232C	S N BARRA NAOFA CAILINI	BEAUMONT	—	—	2	6	4	—	—
CORK CITY	19426P	S N MHARCUIS B	AN GLEANN	—	5	—	—	—	—	—
CORK CITY	19427R	S N BHREANNDAIN C	AN GHLEANN	1	5	—	—	—	—	—
CORK CITY	19588S	SCOIL NAOMH THERESE	BISHOPSTOWN	—	3	—	—	—	—	—
CORK CITY	19714U	MHUIRE AR CHNOC HAoine	KNOCKNAHEENY	—	9	10	1	1	—	—
CORK CITY	19730S	SCOIL OILIBHEIR	BALLINCOLLIE ROAD	—	—	—	7	18	—	—
CORK CITY	19852J	GAELSCOIL UI RIADA	BAILLE AN EASPAIG	—	—	2	1	5	2	—
CORK CITY	19882S	SCOIL AN ATHAIR TADHG O MURCHU	DUGLAS	—	1	5	2	3	—	—
CORK CITY	19906G	CORK N SCHOOL PROJECT	GRATTAN STREET	—	—	—	2	6	—	—
CORK CITY	19908K	GAELSCOIL MHACHAN	CARRAIG DUBH	—	1	2	3	2	—	—
CORK CITY	19909M	GAELSCOIL PEIG SAYERS	C/O NA PIARSAIGH C.L.G.	—	4	—	—	—	—	—
CORK CITY	19993E	GAELSCOIL AN GHOIRT ALAINN	AIBHINNE MURMONT	—	1	—	4	2	1	—
CORK CITY	20036J	NORTH PRESENTATION PRIMARY SCHOOL	GERALD GRIFFIN STREET	—	10	2	2	—	—	—
CORK CITY	20038N	SCOIL AISEIRI CHRIOST	FARRANREE,	—	14	3	4	—	—	—
CORK CITY	20077A	SCOIL AN SPORAID NAOMH (BOYS)	BISHOPSTOWN	—	6	4	4	2	—	—
CORK CITY	20106E	SCOIL NIOCLAIS	FRANKFIELD	—	2	—	—	—	—	—
CORK COUNTY	00467B	BALLINSPIITTE N S	KINSALE	—	1	—	3	1	—	—
CORK COUNTY	00512D	MIDLETON CONVENT N S	MIDLETON	—	4	11	3	—	—	—
CORK COUNTY	01132V	S N BAILE GUAIRNE	CLOYNE	—	2	—	—	—	—	—
CORK COUNTY	01272O	S N CHUAN DOIR	CHUAN DOIR	—	1	1	—	—	—	—
CORK COUNTY	01687U	DROMLEIGH N S	MACROOM	—	—	—	3	—	—	—
CORK COUNTY	01692N	FIRMOUNT MIXED N S	DONOUGHMORE	—	—	—	1	1	2	—
CORK COUNTY	01867W	CASTLELYONS B N S	FERMOY	—	—	—	4	1	—	—
CORK COUNTY	01874T	ST. MARTINS SENIOR N.S.	KILWORTH	—	—	3	1	—	—	—
CORK COUNTY	02114B	S N BAILE UI GHIBLIN	MITCHELSTOWN	—	1	2	2	—	—	—
CORK COUNTY	02278I	MILLSTREET CONVENT N S	MILLSTREET	—	—	2	3	—	1	—
CORK COUNTY	02452V	CLOYNE B N S	CLOYNE	—	—	—	3	1	—	—

[Ms Hanafin.]

County	Roll No.	School	Address	No. Classes by Class Size						
				0-9	10-19	20-24	25-29	30-34	35-39	40 & Over
CORK COUNTY	02803B	BANTEER N S	BANTEER	—	—	1	3	1	—	—
CORK COUNTY	03704E	S N SEAN BAILE MOR	MALLOW	—	—	1	1	1	—	—
CORK COUNTY	03993O	S N BREAC MAIGH	CASTLELYONS	—	2	—	—	—	—	—
CORK COUNTY	04054T	BALLINDANGAN MIXED N S	MITCHELSTOWN	—	—	3	—	—	—	—
CORK COUNTY	04118T	LEAMLARA MIXED N S	LEAMLARA	—	2	1	—	—	—	—
CORK COUNTY	04152T	S N CNOG AN BHILE	UPTON	—	1	2	—	—	—	—
CORK COUNTY	04186N	S N BHIORAINN	BERRINGS	—	2	—	1	1	1	—
CORK COUNTY	04230N	SCOIL NAOMH EOIN	BALLINCURRIG	—	1	1	2	—	—	—
CORK COUNTY	04268P	CLOCHAR NA TOIRBHIRTE	DONERAILE	—	—	2	3	—	—	—
CORK COUNTY	04442F	KYLE N S	YOUGHAL	—	1	1	—	—	—	—
CORK COUNTY	04572S	ST JOSEPHS N.S.	KINSALE	—	1	—	3	—	1	—
CORK COUNTY	04578H	BALLYVONGANE MIXED N S	AGHINA	—	2	—	—	—	—	—
CORK COUNTY	04953H	BALLYHASS MIXED N S	CECILSTOWN	—	2	—	1	1	—	—
CORK COUNTY	05257P	PRESENTATION CONVENT	BANDON	—	1	3	4	—	—	—
CORK COUNTY	05477G	LARAGH N S	BANDON	—	—	1	1	1	—	—
CORK COUNTY	05508O	ST COLUMBAS N.S	WITH FACILITY FOR DEAF CHILDREN	—	—	3	11	7	2	—
CORK COUNTY	05565D	TRAFRASK MIXED N S	BANTRY	—	2	—	—	—	—	—
CORK COUNTY	05636A	DUNMANWAY MODEL N S	DUNMANWAY	—	2	—	1	—	—	—
CORK COUNTY	05656G	S N AN GHOILIN	SCIOBAIRIN	—	1	1	—	—	—	—
CORK COUNTY	06295F	FREEMOUNT MIXED N S	RATHLUIRC	—	2	—	1	—	—	—
CORK COUNTY	06342L	VICARSTOWN MIXED N S	VICARSTOWN	—	2	—	—	—	—	—
CORK COUNTY	06824G	S N CUIL AODHA	CUIL AODHA	2	—	—	—	—	—	—
CORK COUNTY	07006A	BALLYCLOUGH MIXED N S	MALLOW	—	1	2	—	1	—	—
CORK COUNTY	07101R	INCHCLOUGH N S	BANTRY	—	2	—	—	—	—	—
CORK COUNTY	07242M	CLOGHROE MIXED N S	BLARNEY	—	—	—	11	4	1	—
CORK COUNTY	07651G	CONVENT OF MERCY	CLONAKILTY	—	—	1	4	3	—	—
CORK COUNTY	08393P	S N RATH DUBH	GRENAGH	—	—	1	3	—	—	—
CORK COUNTY	08430S	SCOIL NAOMH SEOSAMH	SKIBBEREEN	—	—	1	—	5	—	—
CORK COUNTY	08828B	KILCORNEY MIXED N S	RATHCOOLE	—	2	—	—	—	—	—
CORK COUNTY	08972I	CASTLEALACK N S	CHAISLEAN NA LEACHT	1	1	—	—	—	—	—
CORK COUNTY	09161W	CONVENT OF MERCY	BANTRY	—	—	2	3	4	—	—
CORK COUNTY	09385V	RATHDUANE N S	RATHMORE	—	1	1	—	—	—	—
CORK COUNTY	09537S	BALLINADEE N S	BANDON	—	—	1	2	—	—	—
CORK COUNTY	09815U	TULLASLEASE MIXED N S	RATHLUIRC	—	2	—	—	—	—	—

County	Roll No.	School	Address	No. Classes by Class Size						
				0-9	10-19	20-24	25-29	30-34	35-39	40 & Over
CORK COUNTY	09872J	CLOGHOOLA MIXED N S	MILLSTREET	2	—	—	—	—	—	—
CORK COUNTY	10047I	MACROOM CONVENT N S	MACROOM	—	2	4	—	3	—	—
CORK COUNTY	10243I	S N ACHADH ECHAILLE	ENNISKEAN	—	—	2	—	—	—	—
CORK COUNTY	10499U	KILGARIFFE N S	CLONAKILTY	1	1	—	—	—	—	—
CORK COUNTY	10523O	FERMOY ADAIR N S	FERMOY	—	1	—	—	—	—	—
CORK COUNTY	10548H	ST BRENDANS NATIONAL SCHOOL	BANTRY	—	2	—	—	—	—	—
CORK COUNTY	10724B	SOUTH ABBEY NS	YOUGHAL	—	1	—	—	—	—	—
CORK COUNTY	10739O	BALLINCARRIGA MXD N S	BALLINCARRIGA MXD	—	1	1	—	—	—	—
CORK COUNTY	10771K	COBH N S	BELLEVUE	—	2	—	—	—	—	—
CORK COUNTY	11236Q	NEWMARKET B N S	NEWMARKET	—	—	2	3	—	—	—
CORK COUNTY	11245R	SN CILL MHIC ABHAIDH	LEAP	—	2	2	—	—	—	—
CORK COUNTY	11249C	BURNFORT N S	MALLOW	—	1	1	1	—	—	—
CORK COUNTY	11262R	DRUIMNE N S	RATHUIRC	—	1	1	—	—	—	—
CORK COUNTY	11337W	KILMAGNER N S	FERMOY	—	—	1	1	—	—	—
CORK COUNTY	11496T	SEANDROMA B N S	RATHUIRC	—	1	1	—	3	—	—
CORK COUNTY	11931L	S N IOSEPH	DRINAGH	—	1	1	—	—	—	—
CORK COUNTY	11992I	WHITEGATE MIXED N S	MIDLETON	—	—	1	3	—	—	—
CORK COUNTY	12004A	MALLOW NO 1 N S	SHORTCASTLE	1	—	—	—	—	—	—
CORK COUNTY	12012W	ST LUKES N S DOUGLAS	CORK	—	—	1	2	3	1	—
CORK COUNTY	12015F	LISCARROL N S	MALLOW	—	—	3	1	—	—	—
CORK COUNTY	12041G	ST JOHN THE BAPTIST N S	MIDLETON	—	—	—	3	2	—	—
CORK COUNTY	12147W	S N AN AIRD	CLONAKILTY	—	—	1	1	1	—	—
CORK COUNTY	12169J	TEMPLEBRADY N S	CROSSHAVEN	—	—	—	2	—	—	—
CORK COUNTY	12259K	S N OIR CHEANN	EYERIES	—	2	—	—	—	—	—
CORK COUNTY	12263B	GOGGINSHILL N S	BALLINHASSIG	—	1	1	4	—	—	—
CORK COUNTY	12281D	WALTERSTOWN N S	COBH	—	1	—	3	—	—	—
CORK COUNTY	12292I	CANOVEE MIXED N S	CARRIGADROHID	—	—	3	—	1	—	—
CORK COUNTY	12382J	CURRIGLASS NS	CURRIGLASS	—	1	1	—	—	—	—
CORK COUNTY	12383L	UNION HALL MIXED N S	CORK	—	1	2	1	—	—	—
CORK COUNTY	12395S	RUSHEEN NS	COACHFORD	—	1	1	—	—	—	—
CORK COUNTY	12399D	S N BARR DINSE	BARR D'INSE	—	1	—	—	—	—	—
CORK COUNTY	12446J	S N GLEANN NA HULADH	MITCHELSTOWN	—	1	1	1	—	—	—
CORK COUNTY	12447L	BALTYDANIEL N S	MALLOW	—	—	—	2	1	1	—

[Ms Hanafin.]

County	Roll No.	School	Address	No. Classes by Class Size						
				0-9	10-19	20-24	25-29	30-34	35-39	40 & Over
CORK COUNTY	12456M	TIMOLEAGUE N S	BANDON	—	—	2	2	—	—	—
CORK COUNTY	12505W	KILBARRY N S	MACROOM	—	2	1	—	—	—	—
CORK COUNTY	12598J	ARDAGH BOYS N S	ROSCARBERY	—	2	—	1	—	—	—
CORK COUNTY	12676D	CLOGHEEN MXD N S	CARRIGROHANE	—	—	2	3	—	—	—
CORK COUNTY	12685E	RUSHNACAHARA N S	DURRNS	1	1	—	—	—	—	—
CORK COUNTY	12967O	INCHIGEELA N S	INCHIGEELA	—	1	—	2	—	—	—
CORK COUNTY	13031I	ST JOSEPHS CONVENT N S	RATHUIRC	—	—	3	3	—	—	—
CORK COUNTY	13095L	S N AN DROMA MHOIR	AGHAVILLE	—	—	2	—	—	—	—
CORK COUNTY	13125R	SCOIL DHAIRBHRE	CLONAKILTY	—	2	1	—	—	—	—
CORK COUNTY	13193L	KILHANNA N S	JOHNSTOWN	1	1	—	—	—	—	—
CORK COUNTY	13234W	CLOUGHDUV N S	CLOUGHDUV	—	—	3	1	—	—	—
CORK COUNTY	13286S	TIRELTON N S MXD	MACROOM	—	—	2	—	—	—	—
CORK COUNTY	13375R	SCOIL BHRIDE	CROS MHATHUNA	—	1	2	2	—	—	—
CORK COUNTY	13402R	KNOCKRAHA N S	GLANTAUN	—	1	1	1	—	—	—
CORK COUNTY	13450F	RUSHBROOK CON MERCY N S	COBH	—	—	2	7	4	—	—
CORK COUNTY	13483U	S N ATH NA LIONTA	MALLOW	—	1	1	—	—	—	—
CORK COUNTY	13512B	SCOIL MHIURE LOURDES 13512B	CARRIGALINE	—	—	6	10	—	—	—
CORK COUNTY	13543M	DERRINACAHARA N S	DUNMANWAY	—	1	1	—	—	—	—
CORK COUNTY	13647B	CASTLEMARTYR N S	CASTLEMARTYR	—	1	—	3	—	—	—
CORK COUNTY	13661S	DUNMANWAY CONVENT N S	DUNMANWAY	—	1	—	1	2	—	—
CORK COUNTY	13662U	DUNMANWAY CONVENT INF	DUNMANWAY	—	—	—	2	2	—	—
CORK COUNTY	13663W	LOWER GLANMIRE N S	GLANMIRE	—	—	2	2	1	1	—
CORK COUNTY	13728B	CASTLETOWNSEND MXD N S	SKIBBEREEN	—	2	1	—	—	—	—
CORK COUNTY	13747F	RIVERSTOWN N S	GLANMIRE	—	—	3	6	8	1	—
CORK COUNTY	13779S	S N DHIROM ATHAIN	MALLOW	—	—	2	—	2	—	—
CORK COUNTY	13828F	DOUGLAS B N S	DOUGLAS	—	—	3	6	8	1	—
CORK COUNTY	13889C	SHANBALLY N S	RINN SCIDE	—	1	—	3	1	—	—
CORK COUNTY	13910N	S N BUN AN TSABHAIRNE	CROSSHAVEN	—	—	3	1	1	—	—
CORK COUNTY	13976U	ST MATTHIAS N S	CHURCH ROAD	—	1	1	—	—	—	—
CORK COUNTY	14002G	KNOCKACLARIG MXD N S	BROSNA	—	2	—	—	—	—	—
CORK COUNTY	14014N	S N BAILE DEASMUMHAN	MALLOW	—	2	—	1	—	—	—
CORK COUNTY	14022M	COACHFORD N S	COACHFORD	—	2	2	1	2	—	—
CORK COUNTY	14052V	KANTURK B N S	KANTURK	—	—	2	2	—	—	—

County	Roll No.	School	Address	No. Classes by Class Size						
				0-9	10-19	20-24	25-29	30-34	35-39	40 & Over
CORK COUNTY	14059M	BEHAGH N S	DUNMANWAY	1	1	—	—	—	—	—
CORK COUNTY	14065H	SHERKIN ISLAND N S	BALTIMORE	—	1	—	—	—	—	—
CORK COUNTY	14107U	CASTLETOWNROCHE N S	CASTLETOWNROCHE	—	2	1	—	—	—	—
CORK COUNTY	14116V	KILBRITTAIN MIXED N S	KILBRITTAIN	—	—	2	4	—	—	—
CORK COUNTY	14225D	SCOIL BHRIDE	BALLYDEHOB	—	—	1	1	2	—	—
CORK COUNTY	14227H	KILCOE NS	SKIBBEREEN	—	—	1	2	—	—	—
CORK COUNTY	14303U	S N CLEIRE	OILEAN CHLEIRE	2	—	—	—	—	—	—
CORK COUNTY	14403B	ST JOHNS N S	KINSALE	—	2	1	—	—	—	—
CORK COUNTY	14430E	DERRYCREHAN S	BANTRY	—	—	—	1	1	—	—
CORK COUNTY	14433K	ABBEYSTREWRY N S	SKIBBEREEN	—	2	—	1	—	—	—
CORK COUNTY	14726C	KINSALE N S	KINSALE	—	1	1	—	—	—	—
CORK COUNTY	14784Q	DUNMANWAY B N S	DUNMANWAY	—	—	1	2	1	—	—
CORK COUNTY	14813U	ROSCARBERY CON N S	ROSCARBERY	—	1	2	1	1	—	—
CORK COUNTY	14816D	SCOIL LACHTAIN NAOFA	CILL NA MARTRA	—	—	—	3	—	—	—
CORK COUNTY	14839P	CLONDROHID N S	CLONDROHID	—	2	1	1	—	—	—
CORK COUNTY	14993C	S N RAE NA NDOIRI	RAE NA NDOIRI	—	2	—	—	—	—	—
CORK COUNTY	15010K	SCOIL AN CHROI RO NAOFA	ST ANNE'S ROAD	—	1	1	3	1	—	—
CORK COUNTY	15011M	S N C BHLARNA	IOSAGAIN	—	—	3	—	2	1	—
CORK COUNTY	15135H	BANTRY BOYS N S	BANTRY	—	2	1	1	1	—	—
CORK COUNTY	15140A	BALLINGREE MXD N S	MACROOM	1	1	—	—	—	—	—
CORK COUNTY	15165Q	BALLINTOTAS N S	CASTLEMARTYR	—	1	2	—	—	—	—
CORK COUNTY	15346U	S N BAILE AN MUIRNE	CARRIG AN ADHMAID	—	1	3	2	—	—	—
CORK COUNTY	15380U	DROMAGH MIXED N S	DROMAGH	—	1	—	1	—	—	—
CORK COUNTY	15410D	KILCROHANE N S	DURRUS	—	2	—	—	—	—	—
CORK COUNTY	15484J	GLUNTHAUNE MIXED N.S.	GLUNTHAUNE	—	—	2	1	4	2	—
CORK COUNTY	15516T	CLONPRIEST N S	YOUGHAL	—	1	2	1	—	—	—
CORK COUNTY	15550T	BALLYHEEDA N S	BALLINHASSIG	—	—	1	4	—	—	—
CORK COUNTY	15563F	LISHEEN MIXED N S	SKIBBEREEN	—	1	1	—	—	—	—

[Ms Hanafin.]

County	Roll No.	School	Address	No. Classes by Class Size						
				0-9	10-19	20-24	25-29	30-34	35-39	40 & Over
CORK COUNTY	15594Q	GRANGE FERMOY N S	FERMOY	—	—	—	1	2	—	—
CORK COUNTY	15597W	MACROOM B N S	MACROOM	—	—	1	4	—	—	—
CORK COUNTY	15646J	COOMHOLA N S	BANTRY	—	1	1	1	—	—	—
CORK COUNTY	15701O	BARTLEMY N S	RATHCORMAC	—	—	3	—	—	—	—
CORK COUNTY	15718I	S N SEOSAMH COBH	COBH	—	—	2	7	2	—	—
CORK COUNTY	15792U	UPPER GLANNMIRE N S	SCOIL NAOMH MICHEAL	—	2	—	2	5	—	—
CORK COUNTY	15903D	KILLAVULLEN N S	MALLOW	—	—	1	3	—	—	—
CORK COUNTY	16087E	KEALKIL N S	BANTRY	—	—	—	3	—	—	—
CORK COUNTY	16109L	SCOIL REALT NA MARA	BALLYCOTTON	—	—	2	—	—	1	—
CORK COUNTY	16128P	MITCHELSTOWN CON N S	MITCHELSTOWN	—	—	—	5	4	1	—
CORK COUNTY	16159D	MALLOW CON N S	MALLOW	—	3	3	3	—	—	—
CORK COUNTY	16246V	DRUMCLUGH N S	BANTRY	—	2	—	—	—	—	—
CORK COUNTY	16253S	AGHINA N S	CAUM	—	2	—	—	—	—	—
CORK COUNTY	16254U	S N CILL NA DTOR	DUNMANWAY	—	2	—	—	—	—	—
CORK COUNTY	16259H	KILCOLMAN N S	ENNISKEAN	—	2	—	—	—	—	—
CORK COUNTY	16271U	WATERGRASSHILL N S	WATERGRASSHILL	—	1	—	2	2	—	—
CORK COUNTY	16286K	CARRIGBOY N S	DURRUS	—	—	1	2	1	—	—
CORK COUNTY	16335U	RYLANE N S	CORK	—	1	2	—	—	—	—
CORK COUNTY	16377N	COBH CONVENT	COBH	—	—	2	9	4	1	—
CORK COUNTY	16396R	BOHERBUE N S	BOHERBUE	—	2	4	1	1	—	—
CORK COUNTY	16497A	KILWORTH JUNIOR N S	KILWORTH	—	2	1	1	—	—	—
CORK COUNTY	16648S	ATH TREASNA G N S	ATH TREASNA	—	1	2	1	—	—	—
CORK COUNTY	16681Q	SCOIL NA MBRAITHRE	RATHLUIRC	—	—	5	—	—	—	—
CORK COUNTY	16683U	BISHOP MURPHY MEMORIAL SCHOOL	FERMOY	—	—	2	2	—	—	—
CORK COUNTY	16684W	SCOIL NA MBRAITHRE	MIDDLETON	—	—	4	4	3	—	—
CORK COUNTY	16746S	BALLYGARVAN N S	BALLYGARVAN	—	—	2	1	1	1	—
CORK COUNTY	16863W	DESERTSERGES N S	ENNISKEAN	—	2	—	—	—	—	—
CORK COUNTY	16876I	S N CAIPIN	INISCEIN	—	—	2	—	—	—	—
CORK COUNTY	16885J	ADRIGOLE N S	ADRIGOLE	1	1	—	—	—	—	—
CORK COUNTY	16900C	S N PADRAIG NAOFA B	SKIBBEREEN	—	3	—	—	1	—	—
CORK COUNTY	16901E	S N PADRAIG NAOFA N B	SKIBBEREEN	—	1	—	—	—	1	—

County	Roll No.	School	Address	No. Classes by Class Size						
				0-9	10-19	20-24	25-29	30-34	35-39	40 & Over
CORK COUNTY	169400	DUNDAR MHUIGHE N S	KINSALE	—	—	1	1	1	—	—
CORK COUNTY	16945B	LISGRIFFIN N S	BUTTEVANT	—	1	1	—	—	—	—
CORK COUNTY	16955E	S N NA MONA FLICHE	MACROOM	—	2	—	—	—	—	—
CORK COUNTY	17011W	MOCOMHOG N S	CAPPABOY	—	2	—	—	—	—	—
CORK COUNTY	17050J	S N NAOMH SHEAMUIS	DURRUS	—	2	—	—	—	—	—
CORK COUNTY	17079K	S N CARRAIG AN IME	MACROOM	1	1	—	—	—	—	—
CORK COUNTY	17087J	S N AN CHLOCHAIR	KANTURK	—	1	1	2	2	—	—
CORK COUNTY	17103E	ST MARYS CONVENT G	CARRIGTWOHILL	—	3	2	1	—	2	—
CORK COUNTY	17112F	BALLYHEA N S	BALLYHEA	—	—	3	1	—	—	—
CORK COUNTY	17152R	S N CNOC SCEACH	CLANNA CAOILTE	—	1	—	2	1	—	—
CORK COUNTY	17156C	SCOIL NAOMH AINE	CHARLEVILLE	—	3	2	1	—	—	—
CORK COUNTY	17168J	S N INIS EOGHANAIN	INIS EOGHANAIN	—	—	1	3	4	1	—
CORK COUNTY	17171V	S N CUILINN UI CAOIMH	MALA	—	1	—	1	—	—	—
CORK COUNTY	17245B	DRIPSEY N S	DRIPSEY	—	—	—	4	—	—	—
CORK COUNTY	17251T	OVENS N S	OVENS	—	1	1	1	5	1	—
CORK COUNTY	17281F	TOGHER N S	DUNMANWAY	—	—	1	—	2	—	—
CORK COUNTY	17297U	S N FEARGHAIL NAOFA	KILLEAGH	—	—	1	2	—	—	—
CORK COUNTY	17300G	LIOS MAIGHIR	NEWMARKET	—	—	—	1	2	—	—
CORK COUNTY	17323S	MONKSTOWN N S	MONKSTOWN	—	—	—	6	2	—	—
CORK COUNTY	17324U	SCOIL NAOMH BREANDAN	CNOC AN CHULINN	—	2	—	—	—	—	—
CORK COUNTY	17338I	S N CILL BONAIN	ATHARLACH	—	2	—	—	—	—	—
CORK COUNTY	17360B	S N MHUIRE	RATH PEACAIN	—	—	—	2	2	1	—
CORK COUNTY	17361D	S N NA GRAIGE	KILDORRERY	1	1	—	—	—	—	—
CORK COUNTY	17362F	S N BREANDAN NAOFA	RATHCOOL	—	1	—	2	1	—	—
CORK COUNTY	17363H	S N CROS TSEAIN	BUN AN TABHAIRNE	—	1	1	—	2	1	—
CORK COUNTY	17505B	S N CILL RUADHAIN	GLANMIRE	—	—	—	1	6	—	—
CORK COUNTY	17515E	S N ACHADH BOLG	ACHADH AN CHRIOSTE	—	3	—	—	—	—	—
CORK COUNTY	17527L	SCOIL BHRUGH THUINNE	CHURCHTOWN	—	—	2	—	—	—	—
CORK COUNTY	17528N	S N NAOMH CAITRIONA	CONNAITHE CONNA	—	1	1	1	1	—	—
CORK COUNTY	17533G	S N RATHAIN	MALLOW	—	1	3	—	—	—	—
CORK COUNTY	17579H	S N ATH FHADA	ROSTIALLAIN	—	2	1	—	—	1	—
CORK COUNTY	17600S	S N NA SCAIRTE LEITHE	SALEEN CLOYNE	—	—	1	2	1	—	—

[Ms Hanafin.]

County	Roll No.	School	Address	No. Classes by Class Size						
				0-9	10-19	20-24	25-29	30-34	35-39	40 & Over
CORK COUNTY	17602W	S N NAOMH LACHTIN	DOMHNACH MOR	—	—	2	3	1	—	—
CORK COUNTY	17609N	RATHCORMAC N S	RATHCORMAC	—	—	—	2	2	—	—
CORK COUNTY	17639W	SCOIL NA MBRAITHRE	MITCHELSTOWN	—	1	2	2	1	—	—
CORK COUNTY	17667E	S N PADRAIG NA OFA	WHITECHURCH	—	4	—	1	3	2	—
CORK COUNTY	17706L	S N AN MHAOILINN	NEWMARKET	—	3	—	—	—	—	—
CORK COUNTY	17715M	S N RATH A BHARRAIGH	CLONAKILTY	1	1	—	—	—	—	—
CORK COUNTY	17754W	S N NAOMH EOIN B	BALLINCOLLIG	—	—	4	8	4	—	—
CORK COUNTY	17755B	SCOIL NAOMH MHUIRE C	BALLINCOLLIG	—	—	5	6	6	—	—
CORK COUNTY	17761T	S N MHUIRE	ARAGLINN	—	1	1	—	—	—	—
CORK COUNTY	17763A	ROCKCHAPEL N S	ROCKCHAPEL NS	—	—	1	1	—	—	—
CORK COUNTY	17765E	S N RE NA SCRINE	ROSCARBERY	—	2	1	—	—	—	—
CORK COUNTY	17790D	CURRAGHAGALLA N S	KILWORTH	—	2	—	—	—	—	—
CORK COUNTY	17794L	S N AN PHAIRC	YOUGHAL	1	1	—	—	—	—	—
CORK COUNTY	17804L	S N CNOC NA MANACH	MINANE BRIDGE	—	—	1	2	2	—	—
CORK COUNTY	17823P	GLANTANE B N S	GLANTANE	—	—	1	1	1	—	—
CORK COUNTY	17829E	S N ATH AN MHUILLINN	RATHLUIRC	—	2	—	—	1	1	—
CORK COUNTY	17848I	S N MHUIRE	GLEANN AN PHREACHAIN	—	—	2	2	—	—	—
CORK COUNTY	17868O	SCOIL FREASTOGAIL MUIRE	FERMOY	—	2	2	3	2	—	—
CORK COUNTY	17887S	S N NAOMH PADRAIG	MALLOW	—	—	1	2	3	—	—
CORK COUNTY	17888U	S N NA TRIONOIDE	BEALAD ROSSMORE	—	—	—	—	—	—	—
CORK COUNTY	17921P	S N MOING NA MIOL	CLASHBEE	1	1	—	—	—	—	—
CORK COUNTY	17950W	SHANAGARRY N S	SHANAGARRY	—	1	1	—	1	—	—
CORK COUNTY	17955J	MUIRE GAN SMAL	CLUAIN DILLEAIN	2	—	—	—	—	—	—
CORK COUNTY	17972J	S N CILL MHUIRE B	LISARDAGH	—	—	2	4	—	—	—
CORK COUNTY	18000W	NAOMH MHUIRE B	CARRIGTWOHILL	—	—	3	3	—	—	—
CORK COUNTY	18020F	S N AN GHARRAIN	UPTON	—	1	2	—	—	—	—
CORK COUNTY	18100D	LISGRUFFIN N S	GOLEEN	—	2	—	—	—	—	—
CORK COUNTY	18128C	S N MHUIRE MXD	COISCEIM	—	1	1	—	1	—	—
CORK COUNTY	18196T	S N GLEANNAMHAIN	GLANWORTH	—	—	—	4	—	—	—
CORK COUNTY	18246I	S N BAILE MUINE	BALLINEEN	1	1	—	—	—	—	—
CORK COUNTY	18266O	BALLYGOWN NS	BALLYGOWN	—	—	2	1	—	—	—
CORK COUNTY	18278V	S N FAIL O GCOBHTHAIGH	BALLYDESMOND	1	1	—	—	—	—	—
CORK COUNTY	18279A	CARRIGALINE 3 N S	CARRIGALINE NO.3	—	—	2	2	3	—	—

County	Roll No.	School	Address	No. Classes by Class Size							
				0-9	10-19	20-24	25-29	30-34	35-39	40 & Over	
CORK COUNTY	18296A	DROMDHALLAGH N S	DRIMOLEAGUE	—	2	1	—	—	—	—	—
CORK COUNTY	18301N	S N MHUIRE B	MILLSTREET	—	—	—	2	—	—	1	—
CORK COUNTY	18316D	S N FHURSA	LADHAR	—	2	1	—	—	—	—	—
CORK COUNTY	18377A	IOSEF NA OFA	FERMOY	—	1	1	—	—	—	—	—
CORK COUNTY	18422C	SCOIL NA NOG	GLEANN MAGHAIR	—	—	—	2	—	—	—	—
CORK COUNTY	18428O	S N BAILE NORA	BAILE NORA	—	2	1	2	3	1	—	—
CORK COUNTY	18431D	SN DROICHEAD NA BANDAN	BANDON	—	—	2	4	—	—	—	—
CORK COUNTY	18444M	S N CLOGACH	CLOGLACH	—	1	—	2	—	—	—	—
CORK COUNTY	18461M	S N MUIRE NA DOIRINI	SKIBBEREEN	—	2	—	—	—	—	—	—
CORK COUNTY	18468D	SCOIL MHUIRE	CAISLEAN UI DHONNABHAIN	—	2	—	—	—	—	—	—
CORK COUNTY	18472R	SCOIL CHAITRIONA	BALLYNOE	—	1	2	—	—	—	—	—
CORK COUNTY	18475A	S N BAILE UI CHROININ	CLOYNE	—	—	1	1	—	—	—	—
CORK COUNTY	18487H	S N NAOMH MHUIRE	FEARANN	—	1	2	2	—	—	—	—
CORK COUNTY	18491V	S N GARRAN AN EASAIGH	KILLBRITTAIN	—	—	2	—	—	—	—	—
CORK COUNTY	18497K	LITTLE ISLAND NS	LITTLE ISLAND	—	2	1	1	—	—	—	—
CORK COUNTY	18535P	ST. JOHNS GIRLS N S	BALLEA RD	—	—	1	11	5	—	—	—
CORK COUNTY	18549D	S N CNOC NA CROIGHE	CNOC NA GROIGHE	—	2	1	—	1	—	—	—
CORK COUNTY	18567F	S N INIS	KILLEAGH	—	—	2	1	1	—	—	—
CORK COUNTY	18657G	SCOIL NA MBRAITHRE	DONERAILE	—	—	1	1	1	—	—	—
CORK COUNTY	18659K	LISAVAIRD MXD N S	CLONAKILTY	—	2	1	—	—	—	—	—
CORK COUNTY	18713N	S N FIONAN NA REANNA	NOHOVAL	—	1	1	—	—	—	—	—
CORK COUNTY	18829J	S N CHOBH CHIONN TSAILE	CIONN TSAILE	—	—	—	1	3	1	—	—
CORK COUNTY	18883P	S N IOSAGAIN	MALA	—	3	—	2	—	—	—	—
CORK COUNTY	19224D	S N CILLMIN	CILLMIN	—	—	—	1	1	1	—	—
CORK COUNTY	19249T	BARRYROE NS	LISLEVANE	—	—	2	2	1	—	—	—
CORK COUNTY	19256Q	SCOIL GHOBNATAN	MALLOW	—	—	2	7	5	—	—	—
CORK COUNTY	19307H	DERRINAGREE N S	DERRINAGREE	—	—	3	—	—	—	—	—
CORK COUNTY	19342J	SCOIL NAOMH EOIN BAISTE	KILBRIN	—	1	1	2	—	—	—	—
CORK COUNTY	19348V	NEWCESTOWN N S	NEWCESTOWN	—	—	5	—	—	—	1	—
CORK COUNTY	19351K	S N CILL CRIODAIN	LADYSBRIDGE	—	—	2	2	1	2	—	—
CORK COUNTY	19381T	RATHMORE N S	BALTIMORE	—	—	1	1	1	1	1	—
CORK COUNTY	19404F	SN MHUIRE	BALLYHOOLEY	—	—	2	2	—	—	—	—

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County	Roll No.	School	Address	No. Classes by Class Size						
				0-9	10-19	20-24	25-29	30-34	35-39	40 & Over
CORK COUNTY	19415K	SCOIL AN ATHAR TADHG	SCOIL AN ATHAR TADHG	—	—	2	3	3	—	—
CORK COUNTY	19420D	SN FHIACHNA	GLEANN GARBH	—	—	3	—	—	—	—
CORK COUNTY	19501D	CAHERMORE NEW CENTRAL S	CAHERMORE	—	1	2	—	—	—	—
CORK COUNTY	19507P	SCOIL CHAITIGHEIRN	NA HAORAI	—	—	1	2	1	—	—
CORK COUNTY	19525R	MHICHIL NAOFA	BALLINAKILLA	—	2	—	—	—	—	—
CORK COUNTY	19526T	SN CILL DAIRBHRE	KILDORRERY	—	1	—	2	1	—	—
CORK COUNTY	19557H	CAHERAGH NS	CAHERAGH	—	1	1	2	—	—	—
CORK COUNTY	19595P	ST MARYS CENTRAL SCHOOL	ENNISKEANE	—	1	1	3	2	—	—
CORK COUNTY	19637F	SCOIL FIONNBARRA	BEAL ATHA GHAORTHADH	—	1	1	2	—	—	—
CORK COUNTY	19672H	SCOIL MUIRE NA NGRAST	BEAL GUALA	—	—	3	—	4	—	—
CORK COUNTY	19761G	DUNGOURNEY CENTRAL N SC	DUNGOURNEY	—	1	2	1	—	—	—
CORK COUNTY	19771J	SCOIL BARRA	INNISHMORE	—	2	3	7	7	—	—
CORK COUNTY	19801P	DRIMOLEAGUE JUNIOR SCH	DRIMOLEAGUE	—	2	—	1	—	—	—
CORK COUNTY	19833F	GAELSCOIL CHORAIN,	SRAID NA TRA,	—	2	—	1	5	1	—
CORK COUNTY	19839R	GAEL SCOIL UI RIORDAIN	CUL RUA	—	—	3	5	2	1	—
CORK COUNTY	19851H	GAELSCOIL DE HIDE	MAINISTR FHEARMAI	—	1	2	3	4	—	—
CORK COUNTY	19881Q	GAELSCOIL CARRIG UI LEIGHINN	CARRIG UI LEIGHINN	—	—	1	3	3	1	—
CORK COUNTY	19886D	GAEL SCOIL THOMAS DAIBHIS	MAGH EALLA	—	3	4	2	—	—	—
CORK COUNTY	19899M	GAELSCOILE COBH	COBH	—	3	—	2	—	—	—
CORK COUNTY	19918N	DRINAGH MIXED NS	DUNMANWAY	—	—	3	—	—	—	—
CORK COUNTY	19977G	BANDON BOYS NS	BANDON	—	2	2	1	2	—	—
CORK COUNTY	19978I	MAULATRAHANE CENTRAL NS	LEAP	—	1	2	—	—	—	—
CORK COUNTY	19989N	SCOIL MHUIRE NA TROCAIRE	CILL NA MULLACH	—	—	2	4	1	—	—
CORK COUNTY	20001N	GAELSCOIL BHEANNTRAI	TIGH WARNER,	—	2	4	1	—	—	—
CORK COUNTY	20004T	SCOIL AN CROI RO NAOFA	CASTLETOWNBERE,	—	1	2	1	2	1	—
CORK COUNTY	20006A	GAELSCOIL CHLOICH NA COILLTE	SRAID NA SCOILE,	—	3	1	1	3	—	—
CORK COUNTY	20009G	GAELSCOIL DR M UI SHUILLEABHAIN	AN SCIOBAIRIN	—	1	1	2	—	—	—
CORK COUNTY	20022V	SCOIL NA MBUACHAILLI	CLOICH NA COILLTE,	—	—	3	3	2	—	—
CORK COUNTY	20024C	BUN SCOIL MUIRE	O'BRIEN'S PLACE	—	—	6	10	2	—	—
CORK COUNTY	20025E	GAELSCOIL DROICHEAD NA BANDAN	C/O G.A.A. PAVILION,	—	1	3	2	2	—	—
CORK COUNTY	20049S	RINGASKIDDY LOWER HARBOUR N S	RINGASKIDDY	—	1	3	—	—	—	—
CORK COUNTY	20088F	SCOIL MHUIRE N.S.,	SCHULL	—	—	4	2	—	1	—
CORK COUNTY	20105C	STAR OF THE SEA PRIMARY SCHOOL	PASSAGE WEST	—	5	5	2	—	—	—
CORK COUNTY	20107G	GAELSCOIL MHAINISTR NA CORANN	IONAD AN PHOBAIL	—	1	—	1	—	—	—

Higher Education Grants.

258. **Mr. Perry** asked the Minister for Education and Science if her attention has been drawn to the fact that a person, details supplied, in County Sligo was unable to receive a grant from their local authority to study for a H.Dip in Galway; the options open to this person for funding in order to continue the H.Dip course; and if she will make a statement on the matter. [21341/05]

Minister for Education and Science (Ms Hanafin): Under the terms of the third level student support schemes, administered by the local authorities and vocational education committees on behalf of my Department, a student is not eligible for grant assistance in respect of a second period of study at the same level, irrespective of whether or not, a grant was paid previously. The schemes also provide that grants may not be paid to candidates who already hold a postgraduate qualification and are pursuing a second postgraduate qualification.

However, in December 2000, clause 7.7 of the higher education grants scheme 2000 was amended to provide financial assistance to eligible candidates who already hold a postgraduate qualification and who wish to enter a further postgraduate course, which represents progression from the first postgraduate qualification attained. I understand the student to which the Deputy refers already holds a masters degree. I regret that as the higher diploma course the student pursued in the 2004-05 academic year did not represent progression from a masters degree, as defined in clause 7.7 of the scheme, the student the Deputy refers to is not eligible for grant assistance.

Notwithstanding the provision for progression at undergraduate and postgraduate level, the objective of the schemes of student support is to assist as many students as possible in obtaining at least one undergraduate and one postgraduate degree. I regret the news is not better with regard to this student, but the Deputy will appreciate that the terms of the schemes are of general application and it is not open to me to make exceptions in individual cases. Section 21 of the Finance Act 2000 provided for the introduction of tax relief for postgraduate fees paid in publicly funded colleges here and in other EU member states, as well as in private colleges in the State. This tax relief applies at the standard rate of tax and is available to full-time and part-time postgraduate students. Further details and conditions in relation to tax relief are available from local tax offices.

School Management.

259. **Mr. Crowe** asked the Minister for Education and Science if she will investigate the request of the family of a person, details supplied, in Dublin 12. [21364/05]

Minister for Education and Science (Ms Hanafin): The primary school curriculum is designed as an eight-year course, including a two-year infant cycle followed by six years in standards from first to sixth, with children progressing to the next grade at the end of each school year. The allocation of a child to a particular class in a school is a matter for the authorities of the school and the child's parents. A decision to allocate a child to a class out of normal sequence may be made by the school following detailed consultation with the parents and following careful consideration of the educational and social needs of the child.

The parents of the child referred to by the Deputy should discuss the matter fully with the school concerned. It should also be noted that the following conditions are set down in the Rules and Programmes for Secondary Schools regarding the criteria for the recognition of pupils at second level. They state: "A recognised pupil means a pupil: 1. who is not less than 12 years of age on the 1st day of January of the school year; 2. who, as a rule, has completed a full course of primary education; and 3. who is following an approved course." If any part of the criteria for entry to post-primary school is not met, for example, a full eight-year primary cycle is not completed, the matter would be referred to the inspectorate for investigation and recommendation. Issues which would be considered by the inspectorate would include the age of the pupil, the circumstances on which the decision was made to allow the pupil to skip a class out of sequence at primary level and the social development of the pupil.

School Staffing.

260. **Mr. Naughten** asked the Minister for Education and Science if she will review the decision of the appeals committee to remove a teacher from a school (details supplied) in County Roscommon; and if she will make a statement on the matter. [21371/05]

Minister for Education and Science (Ms Hanafin): An independent appeals board was established to adjudicate on appeals from boards of management on mainstream staffing teacher allocations in primary schools. The appeals board operates independently of the Minister and the Department and its decision is final. A circular outlining these procedures issued to all primary schools.

I understand that the staffing of the school referred to by the Deputy for the 2005-06 school year was considered by the appeals board on 14 June 2005 and that the board of management of the school was notified in writing of the decision of the appeals board on 16 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.

School Transport.

261. **Mr. Perry** asked the Minister for Education and Science if the charges for school transport will be waived for persons, details supplied, in County Leitrim; if a decision will be expedited; and if she will make a statement on the matter. [21386/05]

Minister for Education and Science (Ms Hanafin): In December 2004, the school transport appeals board considered an appeal against my Department's decision not to approve free transport in this case. The board having considered the case was satisfied that the terms of the school transport scheme had been properly and appropriately applied and therefore the appeal was not allowed.

Institutes of Technology.

262. **Ms O'Sullivan** asked the Minister for Education and Science when she will sanction funding for the building programme of Tallaght Institute of Technology; and if she will make a statement on the matter. [21404/05]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, in November 2004, I announced the end to the freeze on third level capital funding following the report of the review group on the prioritisation of all capital projects in the third level sector — the Kelly report — when I gave immediate approval for key projects in the sector. The projects selected were identified as being of a high national priority and include a number of new facilities to support the provision of additional health skills places and the expansion of teacher training places. I also announced the re-introduction of a devolved grant scheme for minor capital works in the institutes of technology sector. The Institute of Technology, Tallaght received funding under this scheme.

These announcements are the first steps in the process of addressing the infrastructural deficit in the third level sector. There are many further higher education projects recommended for funding in the Kelly report, including the projects at the Institute of Technology, Tallaght. I am considering how best to advance a number of these projects in the context of the capital envelope of funding available to me.

School Staffing.

263. **Mr. Walsh** asked the Minister for Education and Science when the appointment of a language teacher will be made to a school, details supplied, in County Cork. [21406/05]

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 has been operational since 1 January 2005, is responsible for processing applications for special educational needs, SEN, supports. My officials have

been advised by the NCSE that the matter has been referred to the local special educational needs organiser, SENO. The SENO is currently examining the application in question. The school authorities will be notified directly of the outcome of the application in the near future.

Special Education Needs.

264. **Mr. Kelleher** asked the Minister for Education and Science the reason a person (details supplied) has not been allocated a special needs assistant; the further reason the assessment and diagnosis are not acceptable to her Department; if immediate assessment of this person will take place to ensure that they are given every chance to stay in mainstream education; and if she will make a statement on the matter. [21409/05]

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 an application for special needs assistant, SNA, support has not been granted in respect of the pupil in question as there was no report from a relevant multidisciplinary team or psychologist made available to the SENO. The NCSE will undertake to review the decision on the application 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. In this regard, it is open to the school or parents-guardians to submit further documentation to the SENO in support of the application for SNA support.

Youth Services Funding.

265. **Mr. Cregan** asked the Minister for Education and Science the situation regarding to the need of a scout unit (details supplied) for specialist funds; and if necessary resources will be provided; and if she will make a statement on the matter. [21444/05]

Minister for Education and Science (Ms Hanafin): My Department provides funding for the support of voluntary youth work to national and major regional voluntary youth organisations through the youth service grant scheme. The purpose of this scheme is to ensure the emergence, promotion, growth and development of youth organisations with distinctive

philosophies and programmes aimed at the social education of young people.

Scouting Ireland receives funding on an annual basis under the scheme. This funding provides financial support towards staffing and administration costs, as well as for the operation of scouting programmes and the support of scouting units throughout the country. No request has been received to date by my Department to provide funds specifically for the purpose in question by the Deputy.

School Staffing.

266. **Mr. Cregan** asked the Minister for Education and Science the situation regarding the reported loss of a computer room teacher at a school (details supplied) in Dublin 9; if the special fund-raising by the parents for this facility did not bring a promise that its staffing was exempt from the normal quota calculation; and if she will make a statement on the matter. [21449/05]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by reference to the enrolment of the school on the 30 September of the previous school year and by reference to a staffing schedule. This staffing schedule is outlined in primary circular 15-05, which issued to all primary schools in April 2005. This is in line with guidelines agreed between my Department and the education partners. The assignment of teachers to classes is a matter for the principal of the school with the agreement of the board of management.

In the current school year, the staffing of the school referred to by the Deputy comprises of a principal and 15 mainstream class teaching posts. This is based on an enrolment of 412 pupils at 30 September 2003. The school also has a learning support post and a resource teaching post. The staffing of the school for the 2005-06 school year will consist of a principal and 14 mainstream class teaching posts. This is based on an enrolment of 401 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 will meet 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 July and October meetings are 24 June and 7 October respectively. Appeals must be submitted to the 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. 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.

Teaching Qualifications.

267. **Mr. Cregan** asked the Minister for Education and Science the situation regarding a course (details supplied) for teachers; her views on concerns of some that the course will have or has potential to produce a limitless number of teachers; if her attention has been drawn to such concerns; and if any amendments will be made in the regulations to allay concerns. [21450/05]

Minister for Education and Science (Ms Hanafin): The course referred to by the Deputy is run by a privately-owned institution providing a privately-run course that has been accredited by the Higher Education and Training Awards Council, HETAC. My Department has no role in regulating the number of students enrolled on any course run by any privately-owned college and, therefore, has no role in this case.

In order for the course to secure HETAC accreditation, the college complied with HETAC's quality assurance and validation requirements. The graduate diploma conferred at the end of this course is recognised by my Department for the purposes of primary teaching. My Department's inspectorate has a role in monitoring 10% of the final teaching practice students from the college in question, as is the case for the students of the five colleges of education at undergraduate and postgraduate levels.

School Staffing.

268. **Mr. Naughten** asked the Minister for Education and Science, further to Question No. 173 of 16 June 2005, the reason the school will have to wait until October 2005 to know the outcome of its appeal; if this appeal will be expedited; and if she will make a statement on the matter. [21550/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy submitted an appeal under developing school criteria. As outlined on the standard application form, appeals under this criterion can only be considered after 30 September 2005, as developing school status relates to actual enrolment on that date. It is open to the board of management to withdraw its application for consideration by the appeals board under developing school criterion and submit a fresh application under another criterion. The appeals board 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 July and October meetings are 24 June and 7 October 2005, respectively. Appeals must be submitted to the primary payments section, Department of Education and Science, Athlone on the standard application form, clearly stating the criterion

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under which the appeal is being made. The application form is available from the 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.

School Accommodation.

269. **Mr. Sargent** asked the Minister for Education and Science the further works which have been undertaken by her Department with a view to providing the long overdue secondary school on the Donabate-Portrane peninsula, County Dublin; if her attention has been drawn to the fact that the community in voicing a consensus regarding the CDVEC as the patron body, has a free site and has a large demand to places in such a new school; when this community will have local secondary by way of a school education available. [21555/05]

Minister for Education and Science (Ms Hanafin): Officials in the school planning section of my Department are carrying out a review of educational needs in the north Dublin-east Meath-south Louth area, including Donabate and Portrane, by way of a draft area development plan. The need for a post-primary school in Donabate is being considered in this context. The draft plan is nearing completion and I hope to be in a position to publish it shortly. Following this, a public consultation process will be conducted by the Commission on School Accommodation. The process will culminate in a final area development plan, which will provide a blueprint for educational infrastructure in the area for the next decade, including the need or otherwise to provide a post-primary school in Donabate.

School Curriculum.

270. **Mr. Naughten** asked the Minister for Education and Science the steps she is taking to improve the standard of science laboratory facilities in second level schools; her plans to improve the teaching of science subjects at second level; the recommendations of the Joint Oireachtas Committee on Education report on Science which have been implemented to date; and if she will make a statement on the matter. [21556/05]

Minister for Education and Science (Ms Hanafin): Capital funding is being provided under the School Building and Modernisation Programme 2005-2009 for the refurbishment of science laboratories undertaken as part of an overall refurbishment programme of second level schools, for the upgrading of science facilities exclusively or by provision of new facilities in the case of newly built or extended schools. Additionally, I have provided for class materials, basic general equipment and chemicals for practical work for the sciences.

My Department spent in excess of €13 million in 2004 to facilitate the introduction of a revised junior science syllabus. Schools received a basic grant of €3,500 per science laboratory to enable them to provide the new curriculum. Additional funding was made available to schools where other specified equipment was required. In addition, certain schools identified as needing new or refurbished science laboratories as a result of a 1998 national survey received funding. Funding is also available this year to schools that have yet to apply for the basic grant of €3,500 per science laboratory and for other specified equipment to enable them to provide the new curriculum. Schools have also received funding under the summer works scheme in 2004 and 2005 to refurbish science laboratories.

Following the report of the Oireachtas Joint Committee on Education and Science, the then Minister for Education and Science established a task force on the physical sciences to address the declining uptake therein. Its March 2002 report identified six action areas, namely, planning and resources; equity, teaching and learning, curriculum and assessment, promotion of science and transition and integration into third level. My Department continues to progress the recommendations of the task force on the physical sciences as resources permit in collaboration and consultation with the Department of Enterprise, Trade and Employment, Forfás and industry.

Significant progress has been made in a range of areas pertaining to my Department. For example, a new science curriculum was introduced at primary level supported by a resource grant of €1,000 per school plus €10 per pupil in December 2004 and revised syllabi in junior certificate science and in leaving certificate physics, chemistry and biology have been introduced. Work on the revision of the two remaining leaving certificate subjects, agricultural science and combined physics and chemistry, is well advanced. The introduction of the revised syllabi has been supported by comprehensive in-service programmes for teachers, a review of grading of subjects in the leaving certificate and initial reports on teacher training have been undertaken, a review of mathematics at post-primary level is being undertaken by the National Council for Curriculum and Assessment and investment in the programme of research in third level institutes is continuing apace to enhance and promote world class standards in research, innovation and development.

Between this programme and the various grants to the research councils and other sources, an estimated €101.5 million will be invested in third level institutions in 2005. The discover science and engineering programme, operated under the aegis of Forfás with the collaboration of the education sector, was launched in October 2003 to bring together existing science awareness activities in a unified strategy.

I have recently announced a provision of €750,000 towards the cost of the BA Festival of Science, which is being hosted by Trinity College, Dublin this year. This is one of the world's leading science events and will be attended by some 3,000 delegates, with an estimated 7,000 to 10,000 people enjoying some part of the programme. I can assure the Deputy that I will continue to keep this area under review.

State Examinations.

271. **Mr. Naughten** asked the Minister for Education and Science her plans to introduce physical education as an examination subject at leaving certificate level; and if she will make a statement on the matter. [21557/05]

Minister for Education and Science (Ms Hanafin): Under the rules and programme for secondary schools, second level schools should offer a physical education programme based on an approved syllabus with teaching hours registered on the school timetable. The phasing in of a revised syllabus at junior cycle level for non-examination physical education commenced in September 2003. The syllabi in physical education have been developed on the basis of a time allocation of two hours per week. No decision has been taken on the introduction of physical education as an examination subject.

Residential Institutions Redress Scheme.

272. **Mr. Kenny** asked the Minister for Education and Science the legal basis under which an institution (details supplied) has not been deemed eligible for inclusion under the terms of the Residential Institutions Redress Act 2002; and if she will make a statement on the matter. [21558/05]

Minister for Education and Science (Ms Hanafin): Section 4 of the Residential Institutions Redress Act 2002 provides that in order for an institution to be considered for inclusion on the Schedule of the Residential Institutions Redress Act 2002, the facility must have been subject to inspection or regulation by a public body. A total of 128 institutions are listed on the original Schedule to the Act and, in November 2004, I signed an order for a further 13 institutions to be added to the Schedule.

Officials of my Department sought the advice of the Department of Health and Children concerning the institution referred to by the Deputy in order that records held at that Department and its agencies could be examined. My Department has received a response from the Department of Health and Children stating that no files have been located indicating a public body had any regulatory or inspection function concerning that institution. As a consequence, it is not possible to give further consideration to the placement of this facility on the Schedule.

Psychological Service.

273. **Mr. Wall** asked the Minister for Education and Science the reason a person (details supplied) in County Kildare has been determined as not being entitled by her Department to assessments; and if she will make a statement on the matter. [21566/05]

Minister for Education and Science (Ms Hanafin): I understand that the child in question was assessed in May 2005 by a psychologist in private practice through the scheme for commissioning psychological assessments, SCPA, that is administered by the National Educational Psychological Service, NEPS, of my Department. I understand that a speech and language assessment and a multidisciplinary assessment were recommended in that report and that the school principal has made the appropriate referrals on the child's behalf to the relevant services. Those assessments are the responsibility of the Health Service Executive, HSE.

274. **Mr. Wall** asked the Minister for Education and Science when assessments will be made in regard to persons (details supplied); and if she will make a statement on the matter. [21567/05]

Minister for Education and Science (Ms Hanafin): I understand that both children in question were assessed in May 2005 by a psychologist in private practice through the scheme for psychological assessments, SCPA, that is administered by the National Educational Psychological Service, NEPS, of my Department. A multidisciplinary assessment was recommended in both cases along with a speech and language assessment in one of the cases. I understand that appropriate referrals to the relevant services have been made by the school principal. Responsibility for those assessments rest with the Health Service Executive, HSE.

Grant Payments.

275. **Mr. Wall** asked the Minister for Education and Science the grants available to a new school (details supplied) for information technology facilities and equipment; the mechanism for applying for such grants; the total amount of funding available to a school for such equipment; and if she will make a statement on the matter. [21568/05]

Minister for Education and Science (Ms Hanafin): A start-up grant of €6,348 is normally payable to new schools other than those resulting from amalgamation. This grant is to enable new schools to purchase equipment, furniture, teaching and administrative materials and to cover insurance and other costs involved with the operation of a new school. The chairperson of the board of management of the school in question should apply to my Department's primary administration section one in

[Ms Hanafin.]

Athlone, where due consideration will be given to such application. I can also confirm for the Deputy that the school has applied to my Department for grant aid to install computer network facilities. This application is currently under consideration and my Department will be in contact with the school authorities in this regard in the near future.

School Staffing.

276. **Mr. McGinley** asked the Minister for Education and Science if she will consider maintaining resource teaching hours for persons (details supplied) for their first year at primary school. [21569/05]

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 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. I wish to advise the Deputy that the local special educational needs organiser, SENO, determined that the special educational needs, SEN, of the pupils in question fall within the high incidence disability categories and their needs therefore fall to be catered for from within the school's general allocation. The general allocation for the school in question is one full-time teaching post.

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 a level of 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 will respond better with one-to-one tuition. Others 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 on work done by the rest of the class in their absence. The type of response needed depends on the child. I can confirm that my officials have recently received further correspondence regarding the needs of the first pupil referred to by the Deputy and this correspondence will be referred to the SENO for further consideration.

Questions Nos. 277 to 304, inclusive, answered with Question No. 257.

Schools Building Project.

305. **Mr. Wall** asked the Minister for Education and Science the projected figures in regard to an area (details supplied) in County Kildare for primary school assessment for the school building programme; and if she will make a statement on the matter. [21612/05]

Minister for Education and Science (Ms Hanafin): Applications for additional accommodation from the schools to which the Deputy refers are being assessed in accordance with the published prioritisation criteria for large scale building projects. This assessment includes a review of long-term projected enrolments. Progression of the projects will be considered in the context of the school buildings and modernisation programme from 2005 onwards.

Higher Education Grants.

306. **Mr. Crawford** asked the Minister for Education and Science when the application forms will be available for college grants, especially at VEC level for the 2005-06 academic year; her views on whether it is important to low income families that they know in advance whether they are entitled to a grant; and if she will make a statement on the matter. [21617/05]

Minister for Education and Science (Ms Hanafin): The application forms and accompanying notes for the 2005-06 academic year in respect of the third level maintenance grant were issued electronically to each local authority and VEC on 31 March 2005 and were delivered by courier in early April. I am assured by the awarding authorities that they endeavour to process grant applications as speedily as possible and issue grant payments to eligible students as early as possible in the academic year.

I share the Deputy's concern about the importance of all grant applicants, particularly those from low income families, being advised at the earliest possible date about their entitlement to a maintenance grant. I am taking steps to ensure that the application forms and accompanying notes as well as the schemes governing the award of the grants are made available to the awarding authorities earlier than has been the practice hitherto. I have also asked the awarding authorities to expedite the processing of grant applications. An important contributory factor in this regard will be the extent to which applicants provide all necessary information with their application forms.

In so far as the issue of student awareness of the availability of and eligibility requirements for grants is concerned, steps have been taken by my Department to improve the information flow to prospective third level students. These

steps include the issue of information to the schools in January each year and, in co-operation with the CAO, the issue of an information sheet on the student grants to each applicant for admission to third level through the CAO system.

Departmental Reports.

307. **Mr. Kehoe** asked the Minister for Education and Science the number of reports which have been published in her Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to pre-

pare each; and if she will make a statement on the matter. [21631/05]

Minister for Education and Science (Ms Hanafin): The information sought by the Deputy is being compiled at present and will be forwarded to him directly.

308. **Mr. Kehoe** asked the Minister for Defence the number of reports which have been published in his Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each; and if he will make a statement on the matter. [21632/05]

Minister for Defence (Mr. O'Dea): The information sought by the Deputy is set out in the following table:

Published Report	Date of Publication	Estimated Cost	Length of time taken to prepare
Department of Defence and the Defence Forces Strategy Statement 1997-1999	May 1997	€4,000	12 weeks
FOI Section 15 & 16 Reference Books Vol. 1 1998	April 1998	€900	16-20 weeks
Department of Defence and the Defence Forces Strategy Statement 1998-2000	May 1998	€1,000	12 weeks
Customer Service Action Plan 1998-1999	June 1998	€3,500	10 weeks
Defence Forces Annual Financial Report	June 1998	€1,240	Two months
Defence Forces Annual Financial Report	June 1999	€1,240	Two months
White Paper on Defence	February 2000	€1,800, in house	12 months
Murphy Barracks Integrated Action Area Plan	April 2000	€119,838	Six months
Interdepartmental Task Force Report on the future management and development of the Curragh of Kildare	May 2000	€6,514	Ten months
Defence Forces Annual Report 1999	June 2000	€31,284	Six months
Defence Forces Annual Financial Report	June 2000	€1,240	Two months
Department of Defence Strategy Statement 2001-2004	May 2001	€7,285	12 weeks
Customer Service Action Plan 2001-2004	May 2001	€10,041	14 weeks
Defence Forces Annual Report 2000	June 2001	€16,384	Six months
Defence Forces Annual Financial Report	June 2001	€1,240	Two months
Department of Defence Annual Report 2000	October 2001	€8,928	12 weeks
Assistance in connection with the proposed introduction of a new Financial Management System	December 2001	€129,883	Nine months
Challenge of the Workplace, 2002	March 2002	€200	Six months
Defence Forces Annual Report 2001	June 2002	€19,025	Six months
Defence Forces Annual Financial Report	June 2002	€1,240	Two months
Department of Defence Annual Report 2001	October 2002	€7,602	12 weeks
Department of Defence Strategy Statement 2003-2005	May 2003	€9,607	12 weeks
Defence Forces Strategy Statement 2003-2005	June 2003	€2,046	Six months
Defence Forces Annual Report 2002	June 2003	€14,785	Six months
Defence Forces Annual Financial Report	June 2003	€1,240	Two months
Department of Defence Annual Report 2002	August 2003	€7,398	12 weeks
Defence Forces Annual Report 2003	June 2004	€29,020	Six months
Defence Forces Annual Financial Report	June 2004	€1,240	Two months
Challenge of the Workplace, 2004	June 2004	€63,000	Four months
Customer Service Action Plan 2004-2007	June 2004	€9,831	14 weeks
Customer Service Charter	June 2004	€2,951	Included in 14 weeks to do CSAP 2004-2007
Department of Defence Annual Report 2003	June 2004	€9,270	12 weeks

Social and Affordable Housing.

309. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government if an organisation (details supplied) applied for or obtained funding from his Department for social housing at a site in Dublin 8 and pursuant to planning permission. [21363/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): No application for funding under the voluntary housing capital funding schemes in respect of a proposed housing project has been received from Dublin City Council, which is responsible for the detailed administration of these schemes in its area.

Local Authority Funding.

310. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the way in which his Department measures the output relative to all funding allocations by his Department to local authorities; if value for money is an aspect of this analysis; if better local Government has brought about greater efficiency in the delivery of services to the public; the way in which this is measured; and if he will make a statement on the matter. [21396/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): From 2004, the capital envelope agreement between my Department and the Department of Finance sets out aggregate capital provisions for my Department's programmes over rolling five year periods, with the most recent envelope covering the period 2005 to 2009 valued at some €9 billion. Having regard to general Government policies and the aim of national policy on procurement — to achieve value for money having regard to probity and accountability — my Department provides and oversees the policy framework for its various capital programmes but the delivery of individual projects, from inception to completion, is a matter for the implementing bodies concerned.

The capital projects funded by my Department from the capital envelope are mainly initiated by local authorities and are generally funded by means of grant for full costs or part grant funded with the remaining costs met from the sponsoring bodies' own resources. In so far as management of individual projects is concerned, local authorities are expected to comply fully with *inter alia* the value for money considerations set out in the standard Government procurement guidelines, namely, the Department of Finance guidelines for appraisal of capital expenditure proposals in the public sector, requirements for undertaking public private partnerships as laid down by the Department of Finance where appropriate, public procurement procedures — both national and EU — and tax

clearance requirements as laid down by the Revenue Commissioners.

In January 2004, my Department published the results of a review of the operation of service indicators in local authorities. The review was carried out by the customer service group established by the Department and comprised representatives of the Department, local authorities and the Institute of Public Administration. The group's report, *Delivering Value for People — Service Indicators in Local Authorities*, includes a series of recommendations regarding the broader application of service indicators. Arising from this report, the local government sector will report in July 2005 on its performance across the range of its services. The indicators will allow members of the public to assess the performance of their local authority and to evaluate performance year on year. Details of a range of other measures being pursued by my Department on value for money in local government are set out in the reply to Question No. 147 of 18 May 2005.

Rural Housing.

311. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the procedures he has in place to monitor the implementation of the guidelines issued on once off rural housing; if each planning section of every local authority has been asked to report to the Department; and if he will make a statement on the matter. [21397/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department's guidelines for planning authorities on sustainable rural housing came into effect on 13 April 2005. Their purpose is to support the accommodation of rural housing needs while ensuring that housing development in rural areas is sustainable in economic, social and environmental terms. The guidelines provide that reasonable proposals on suitable sites for persons who are part of and contribute to the rural community should be accommodated. This is subject to the need for proper consideration of matters such as adequate waste water disposal and road safety. The guidelines also state that the housing needs of emigrants who now wish to return to their home places on retirement or for other reasons should be facilitated. Another provision indicates that planning authorities should grant permission in cases where exceptional health circumstances, as certified by a doctor and the relevant disability organisation, may require a person to live in a particular environment or close to family support.

The guidelines stress the need for a balanced and informed approach by planning authorities in assessing the design aspects of proposals and not to be overly prescriptive. The guidelines also place a stronger emphasis on a better and more courteous service from planning authorities and improved co-operation between planning auth-

orities and applicants, particularly at the pre-planning phase of applications. I consider that the application of the new guidelines will serve to enhance the sustainability of rural housing development.

I intend that my Department will monitor the effectiveness of the guidelines in co-operation with planning authorities. My Department held seminars this week for local authority planners on the practical implementation of the guidelines. The seminars provided practical advice on the implementation of the core provisions of the guidelines, including preparation of development plan policies, providing better support and advice to applicants and more efficient and comprehensive consideration of planning applications. My Department will continue to work closely with planning authorities to ensure the guidelines are applied.

Local Authority Housing.

312. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government the output in social housing measured against the Department's allocation for each local authority for the period 1995 to date; if each local authority has completed its housing needs analysis; the number on the housing lists

for each local authority; and if he will make a statement on the matter. [21398/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The financial allocations notified to each local authority under the main local authority housing construction-acquisition programme and the expenditure incurred in the years 1995 to 2004, which is funded by a combination of Exchequer capital grants and local authority internal capital receipts, are set out in the following table. Detailed information on the number of local authority house starts and completions by local authority for the years 1995 to 2003 is available in the various annual housing statistics bulletins, copies of which are available in the Oireachtas Library while the 2004 figures are available on the Department's website at www.environ.ie.

The recent triennial statutory assessment of need took place in March 2005 and it is anticipated that the results will be published in September of this year. The deadline for the return of information by local authorities to my Department was fixed for early May but some returns are still outstanding. It is not yet feasible to anticipate the overall level of housing need that will arise from this year's assessment.

Local Authority Housing Construction/Acquisition Programme, Allocation & Expenditure 1995-1999.

Housing Authority	1995		1996		1997		1998		1999	
	Allocation	Expenditure	Allocation	Expenditure	Allocation	Expenditure	Allocation	Expenditure	Allocation	Expenditure
	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m
Carlow Co. Cl.	1,079,278	1,079,278	1,811,916	1,322,686	2,443,000	2,417,581	2,728,667	2,547,222	3,047,371	1,491,942
Carlow T.C.	1,980,791	1,980,791	1,772,554	1,141,241	1,928,732	997,379	2,120,463	1,389,093	2,285,529	745,082
Cavan Co. Cl.	1,663,357	1,598,347	2,091,259	1,759,857	2,329,969	2,160,332	2,590,266	2,590,266	2,920,398	2,520,557
Cavan T.C.	602,744	602,744	688,198	940,622	774,540	802,855	853,264	653,788	1,015,790	1,698,148
Clare Co. Cl.	1,475,055	1,566,603	2,823,897	1,993,997	2,432,818	2,917,604	2,806,121	3,402,644	3,428,293	5,099,014
Ennis TC	1,102,767	1,102,767	1,916,035	1,866,134	1,589,712	1,556,699	1,740,811	500,277	1,841,120	1,023,282
Kilrush T.C.	380,922	376,604	514,244	501,293	563,764	689,722	666,612	675,374	761,843	571,382
Cork City Cl.	8,235,521	8,189,430	11,786,979	10,350,016	9,837,931	10,446,135	11,276,544	10,885,972	13,967,119	15,790,971
Cork (North) Co. Cl.	2,983,885	3,007,629	3,686,050	3,090,669	3,260,687	2,970,679	3,649,227	3,338,141	4,190,136	3,803,500
Fermoy T.C.	338,893	439,965	515,514	408,094	386,000	368,351	431,711	113,007	507,895	195,540
Mallow T.C.	812,632	832,059	1,027,218	828,631	1,074,198	894,911	1,142,764	1,142,764	1,269,738	466,883
Cork (South) Co. Cl.	2,768,029	2,761,172	3,934,918	2,793,424	3,604,786	3,604,786	3,960,313	3,911,428	4,571,057	4,308,729
Cobh T.C.	749,145	555,637	915,481	212,808	1,047,534	1,051,978	1,422,107	1,632,248	1,587,173	1,624,630
Kinsale T.C.	306,641	58,662	422,823	135,735	209,507	49,520	266,645	153,384	317,435	189,572
Macroom T.C.	253,948	63,487	345,369	460,407	259,027	76,184	279,342	195,667	317,435	114,276
Middleton T.C.	368,224	106,150	350,448	106,658	408,856	537,099	467,264	142,211	507,895	221,950
Youghal T.C.	368,224	368,224	515,514	539,004	507,895	507,895	627,251	627,251	698,356	698,356
Cork (West) Co. Cl.	1,980,791	1,671,483	2,173,792	1,936,858	2,349,015	1,787,664	2,594,075	1,464,516	2,920,398	2,947,189
Clonakilty T.C.	330,132	38,092	425,362	428,156	434,250	561,224	554,876	937,956	634,869	221,442
Skibbereen T.C.	304,737	237,441	485,040	462,185	520,593	317,688	584,080	24,125	698,356	38,092
Donegal Co. Cl.	5,930,311	6,116,836	8,155,528	6,361,388	7,072,441	6,945,467	8,024,745	8,037,696	9,650,009	10,258,087
Buncrana T.C.	552,336	552,336	587,889	511,324	532,020	412,919	572,652	76,184	634,869	101,579
Bundoran TC	245,694	98,532	346,638	175,986	321,244	321,244	341,560	463,073	380,921	76,184
Letterkenny T.C.	519,704	359,336	731,369	1,362,302	514,244	484,913	571,382	639,313	698,356	1,142,002
Dublin City Cl.	40,745,895	42,985,567	51,716,432	40,216,414	39,827,874	41,658,329	41,813,745	47,384,720	50,789,523	76,017,822
Dún Laoghaire-Rathdown Co Cl.	9,811,266	8,400,968	11,505,097	9,910,560	10,056,326	10,090,735	10,931,175	9,891,514	12,570,407	5,600,180
Fingal Co. Cl.	5,444,637	5,633,701	7,502,882	6,548,674	5,745,565	5,697,823	6,264,888	4,204,103	7,618,428	6,761,228
Galway City Cl.	4,780,564	4,782,215	5,638,907	4,609,149	4,526,616	6,382,338	6,075,697	10,079,562	7,872,376	10,135,938
Galway Co. Cl.	3,077,845	2,405,265	4,220,609	3,904,064	4,003,484	4,343,774	4,910,077	5,024,354	5,840,795	5,952,913
Ballinasloe TC	668,390	303,721	811,363	826,346	618,362	407,205	745,336	773,778	888,817	513,990

Housing Authority	1995		1996		1997		1998		1999	
	Allocation	Expenditure	Allocation	Expenditure	Allocation	Expenditure	Allocation	Expenditure	Allocation	Expenditure
	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m
Kerry Co. Cl.	2,729,937	3,961,583	4,300,603	3,642,752	3,560,346	4,118,015	4,164,741	4,849,384	5,332,900	6,163,309
Killarney TC	1,523,686	974,397	1,613,837	634,869	676,770	526,560	752,955	541,797	888,817	367,843
Listowel T.C.	603,126	603,126	697,086	610,871	651,376	524,910	693,277	404,919	761,843	307,658
Tralee TC	2,774,378	1,997,552	3,439,720	1,492,577	2,893,733	2,872,528	3,164,187	3,151,871	3,745,727	3,068,068
Kildare Co.Cl.	4,939,282	4,939,332	6,170,927	5,078,952	6,346,151	6,318,979	7,045,777	7,023,048	8,253,298	7,419,841
Athy TC	736,448	736,448	897,705	761,843	930,718	834,091	994,205	399,333	1,079,277	917,132
Naas T.C.	990,395	641,725	1,105,942	355,654	1,192,284	703,054	1,282,435	128,244	1,523,686	764,128
Kilkenny Co. Cl.	2,123,256	2,218,486	2,972,457	2,109,416	2,444,246	2,429,898	2,707,082	2,426,216	3,301,319	3,302,462
Kilkenny Borough Co.	1,206,251	1,269,738	1,590,982	585,603	1,136,416	1,052,359	1,218,949	427,775	1,333,225	469,803
Laois Co. Cl.	2,215,693	2,215,693	3,538,760	2,597,249	2,826,437	2,826,437	3,128,635	2,669,116	3,555,267	3,564,917
Leitrim Co. Cl.	1,841,120	2,089,227	2,211,884	1,909,686	2,027,772	2,234,993	2,270,292	2,197,790	2,539,476	2,536,175
Limerick City Cl.	4,119,284	5,031,718	6,380,434	4,897,380	5,341,788	5,618,591	5,896,664	5,665,190	6,856,586	5,113,870
Limerick Co Co.	2,196,647	2,968,140	3,154,029	2,642,706	3,335,602	4,128,553	3,753,346	3,594,121	4,571,057	4,274,700
Longford Co. Cl.	1,671,610	2,249,214	2,095,068	2,230,803	2,031,581	3,204,565	2,397,265	3,025,659	2,793,424	3,221,072
Longford T.C.	1,028,488	1,068,485	1,127,527	1,145,939	1,058,962	1,076,738	1,147,843	1,808,234	1,269,738	792,571
Louth Co. Cl.	1,701,449	1,637,201	2,029,041	1,668,436	1,752,239	1,722,146	1,984,601	2,132,017	2,285,529	1,795,537
Drogheda Borough Council	2,319,177	2,319,177	3,225,135	2,456,943	2,569,950	2,186,235	2,748,983	2,795,328	3,047,371	2,672,672
Dundalk T.C.	1,930,002	1,840,358	2,475,989	1,119,909	2,539,476	1,783,601	2,736,286	2,507,733	3,174,345	1,546,541
Mayo Co. Cl.	4,304,412	3,671,574	5,388,768	4,185,057	4,765,327	5,426,607	5,285,920	5,403,878	6,094,743	5,608,306
Ballina TC	352,733	390,444	617,093	425,489	478,691	478,691	507,895	200,619	571,382	260,296
Castlebar T.C.	1,168,159	1,168,159	1,306,560	1,080,039	1,191,014	1,56,178	1,282,435	157,448	1,396,712	203,158
Westport TC	552,336	392,349	684,389	325,053	615,823	408,856	692,007	587,762	761,843	744,193
Meath Co. Cl.	2,260,134	2,386,092	3,736,839	2,711,399	3,312,747	3,662,940	3,985,708	4,768,882	4,698,031	5,377,595
Kells TC	269,185	76,693	425,362	62,217	477,422	477,422	565,033	1,307,576	634,869	634,996
Navan T.C.	539,384	461,422	638,678	482,754	643,757	643,757	758,034	1,328,273	888,817	1,155,335
Trim TC	309,816	279,977	356,796	210,142	322,513	356,415	363,145	401,999	444,408	320,355
Monaghan Co. Cl.	1,371,317	1,462,865	1,913,495	1,390,617	1,587,173	1,493,339	1,820,804	1,820,804	2,158,555	2,642,198
Carrickmacross TC	457,106	656,836	157,448	78,724	48,250	48,250	57,138	82,533	126,974	126,974
Castleblayney T.C.	292,040	50,790	289,500	97,262	184,112	106,658	209,507	105,388	253,948	126,974
Clones TC	215,856	215,856	285,691	58,408	234,902	148,813	276,803	69,836	317,435	88,882
Monaghan T.C.	565,033	264,232	820,251	204,428	746,606	1,027,599	810,093	427,013	952,304	253,948

[Mr. N. Ahern.]

Housing Authority	1995		1996		1997		1998		1999	
	Allocation	Expenditure	Allocation	Expenditure	Allocation	Expenditure	Allocation	Expenditure	Allocation	Expenditure
	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m
Offaly Co. Cl.	1,520,354	1,520,384	2,389,647	1,668,436	2,323,621	2,324,510	2,545,825	2,661,752	2,920,398	2,534,016
Birr TC	995,474	129,005	863,422	665,724	702,165	414,316	740,257	341,306	888,817	642,487
Tullamore T.C.	777,080	742,670	1,207,521	872,310	818,981	818,981	881,198	881,452	1,015,790	1,117,243
Roscommon Co. Cl.	1,803,028	1,815,217	2,568,680	2,226,994	2,364,252	2,475,227	2,563,601	2,616,676	2,920,398	2,589,123
Sligo Co. Cl.	1,441,153	626,235	1,726,844	1,395,442	1,703,989	2,278,164	1,993,489	2,517,764	2,285,529	2,996,455
Sligo Borough Co.	1,949,048	1,778,269	2,665,180	1,012,743	2,826,437	2,889,924	3,090,542	3,143,618	3,555,267	3,423,722
South Dublin Co. Cl.	5,481,460	6,707,646	8,464,074	6,407,987	6,535,342	7,394,574	7,262,902	12,127,014	9,015,140	18,798,218
North Tipperary Co. Cl.	1,648,247	1,648,247	2,460,752	1,751,350	1,994,759	1,981,172	2,183,949	1,965,301	2,412,502	1,702,338
Nenagh T.C.	432,600	26,284	486,310	143,480	450,757	450,757	533,290	410,252	634,869	228,553
Templemore T.C.	200,618	200,618	309,816	208,237	220,934	220,934	253,948	380,921	317,435	330,132
Thurles TC	707,244	602,871	959,922	808,823	944,685	737,718	990,396	673,850	1,079,277	838,027
South Tipperary Co. Cl.	2,120,462	2,293,400	3,037,213	2,561,062	2,586,456	2,401,202	3,015,628	3,034,674	3,428,293	2,235,628
Carrick-on Suir TC	368,224	368,224	642,487	701,784	449,487	601,856	515,514	579,001	634,869	604,268
Cashel T.C.	226,013	253,059	363,145	345,496	133,322	196,809	153,638	280,612	190,461	1,714,146
Clonmel Borough Co.	916,751	701,403	1,508,449	1,099,974	1,475,436	1,652,056	1,714,146	1,738,652	1,904,607	1,198,633
Tipperary T.C.	352,987	337,750	662,803	454,185	486,310	549,797	520,593	685,659	634,869	390,825
Waterford City Cl.	4,478,366	4,271,399	5,397,657	4,375,517	4,612,958	4,398,500	5,471,301	5,071,715	6,094,743	5,159,962
Waterford Co. Cl.	1,850,770	1,963,269	2,393,456	1,668,563	1,876,673	2,088,846	2,154,746	2,880,528	2,539,476	3,131,174
Dungarvan TC	1,003,093	693,150	1,163,080	488,849	886,277	867,739	943,415	609,093	1,079,277	375,969
Westmeath Co. Cl.	1,942,699	2,037,041	2,460,752	2,016,852	2,530,588	2,752,919	2,831,516	3,065,656	3,359,727	3,499,525
Athlone TC	723,751	723,751	1,640,502	1,696,243	1,976,982	1,951,587	2,091,259	461,804	2,412,502	1,162,699
Wexford Co. Cl.	3,612,405	3,612,405	5,111,966	4,094,905	4,616,768	4,425,672	5,334,170	5,315,124	6,348,690	5,615,290
Enniscorthy TC	1,091,975	1,091,975	1,429,725	897,578	1,312,909	875,865	1,453,850	1,453,977	1,650,660	1,072,167
New Ross T.C.	839,297	502,816	1,057,692	373,303	1,048,804	816,823	1,174,508	1,169,556	1,269,738	398,698
Wexford Borough Co.	1,880,482	1,712,877	2,768,029	2,267,752	2,519,160	1,611,552	2,717,239	1,820,804	3,047,371	1,509,084
Wicklow Co. Cl.	2,952,141	2,952,141	4,121,570	3,249,260	3,559,076	3,867,241	4,093,636	5,316,520	5,078,952	4,307,713
Arklow T.C.	1,136,416	1,136,416	1,425,916	1,168,159	1,314,179	1,314,179	1,557,969	1,080,420	1,714,146	342,829
Bray T.C.	2,406,153	2,464,561	4,059,353	3,596,152	4,145,695	5,417,718	4,530,425	6,426,779	5,269,413	3,994,215
Wicklow TC	984,047	949,764	1,348,462	1,198,633	1,217,679	1,198,633	1,325,607	1,142,764	1,523,686	896,308

Local Authority Housing Construction/Acquisition Programme, Allocation & Expenditure 2000-2004.

Housing Authority	2000		2001		2002		2003		2004	
	Allocation	Expenditure	Allocation	Expenditure	Allocation	(Provisional) Expenditure	Allocation	Expenditure	Allocation	Expenditure
	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m
Carlow Co. Cl.	3,809,214	4,061,892	5,332,900	6,752,777	7,500,000	2,698,500	4,000,000	4,627,000	8,000,000	8,938,666
Carlow T.C.	2,920,398	1,582,475	3,555,267	1,999,330	4,500,000	8,193,708	6,000,000	7,453,700	2,200,000	2,844,740
Cavan Co. Cl.	3,555,267	3,542,823	5,078,952	10,083,853	13,000,000	13,389,900	14,000,000	14,121,200	14,000,000	12,562,344
Cavan T.C.	1,269,738	1,770,650	2,539,476	5,081,364	4,500,000	4,616,030	2,500,000	3,254,700	2,500,000	1,661,920
Clare Co. Cl.	4,951,979	5,960,531	6,094,743	6,446,123	8,000,000	11,347,443	12,000,000	10,411,000	12,000,000	11,901,198
Ennis TC	2,539,476	914,973	2,793,424	1,184,617	4,000,000	5,067,600	2,200,000	3,604,600	6,500,000	4,314,437
Kilrush T.C.	1,015,790	1,642,025	1,269,738	857,396	1,000,000	816,400	1,600,000	1,464,500	400,000	17,720
Cork City Cl.	17,522,385	25,525,672	26,664,500	37,367,415	40,000,000	32,611,180	24,000,000	35,297,809	27,000,000	43,097,957
Cork (North) Co. Cl.	5,205,926	4,099,222	5,840,795	5,092,858	7,000,000	5,234,320	7,500,000	7,824,200	11,000,000	8,675,444
Fermoy T.C.	761,843	428,791	1,015,790	1,531,082	1,500,000	1,257,900	300,000	63,600	500,000	331,376
Mallow T.C.	1,650,660	1,175,270	1,904,607	1,269,738	1,300,000	674,600	800,000	227,000	2,500,000	914,000
Cork (South) Co. Cl.	6,348,690	5,896,029	8,888,167	26,094,917	21,000,000	20,223,440	18,000,000	16,779,200	17,000,000	13,640,039
Cobh T.C.	1,904,607	776,191	2,031,581	578,024	3,000,000	4,751,700	1,000,000	1,122,700	1,000,000	699,849
Kinsale T.C.	507,895	290,135	1,269,738	63,500	500,000	820,200	400,000	549,000	900,000	1,137,287
Macroom T.C.	634,869	693,658	888,817	1,434,690	2,500,000	2,634,900	1,200,000	908,300	1,200,000	902,892
Middleton T.C.	635,000	182,842	1,269,738	2,051,949	500,000	428,400	300,000	0	500,000	150,000
Youghal T.C.	1,269,738	1,436,836	1,904,607	2,706,066	2,000,000	2,070,000	800,000	1,208,700	2,800,000	664,470
Cork (West) Co. Cl.	4,444,083	4,130,712	5,713,821	5,977,678	10,000,000	13,151,100	6,000,000	10,557,100	9,000,000	5,201,364
Clonakilty T.C.	888,817	491,770	1,269,738	315,657	500,000	1,749,837	1,500,000	217,800	1,300,000	2,602
Skibbereen T.C.	1,015,790	1,214,251	1,269,738	1,206,251	2,000,000	2,025,500	700,000	409,900	500,000	279,223
Donegal Co. Cl.	13,332,250	13,739,201	22,855,285	35,191,889	26,000,000	25,225,800	21,000,000	21,508,000	24,100,000	27,408,134
Buncrana T.C.	888,817	888,817	1,396,712	2,611,470	4,000,000	3,640,200	3,500,000	2,071,900	1,500,000	660,040
Bundoran TC	761,843	403,904	1,269,738	413,985	1,200,000	1,715,800	1,500,000	454,700	1,500,000	295,068
Letterkenny T.C.	1,269,738	2,165,030	2,539,476	3,761,328	9,500,000	9,017,200	1,700,000	747,000	2,000,000	1,880,000
Dublin City Cl.	64,756,642	114,975,799	101,605,711	143,683,688	100,000,000	110,516,000	100,000,000	110,702,900	100,000,000	113,698,698
Dún Laoghaire-Rathdown Co Cl.	12,697,381	12,192,279	17,776,333	12,144,304	25,000,000	24,029,900	33,000,000	20,108,000	19,000,000	17,277,689
Fingal Co. Cl.	10,792,774	9,059,708	19,046,071	20,516,936	27,000,000	25,296,700	33,000,000	29,485,900	30,000,000	29,952,793
Galway City Cl.	9,903,957	5,004,673	13,967,119	13,078,551	30,000,000	33,937,600	15,200,000	14,510,300	5,000,000	6,305,648
Galway Co. Cl.	8,253,298	8,584,445	12,697,381	10,463,359	12,000,000	10,131,400	10,000,000	10,146,074	11,000,000	10,239,636
Ballinasloe TC	1,269,738	957,763	1,904,607	1,687,953	1,200,000	833,100	1,000,000	804,500	1,400,000	902,142

[Mr. N. Ahern.]

Housing Authority	2000		2001		2002		2003		2004	
	Allocation €m	Expenditure €m	Allocation €m	Expenditure €m	Allocation €m	Expenditure €m	Allocation €m	Expenditure €m	Allocation €m	(Provisional) Expenditure €m
Kerry Co. Cl.	7,618,428	7,722,166	10,157,905	14,127,233	14,000,000	13,968,700	13,000,000	16,663,200	16,500,000	17,491,455
Killarney TC	1,142,764	395,269	1,269,738	2,097,607	3,500,000	4,698,300	3,500,000	2,921,700	4,000,000	1,653,898
Listowel T.C.	1,015,790	1,236,471	1,396,712	845,825	500,000	996,200	1,300,000	281,700	600,000	297,913
Tralee TC	4,571,057	3,900,001	5,078,952	3,899,622	5,000,000	3,683,100	4,000,000	4,219,100	9,000,000	8,761,626
Kildare Co.Cl.	12,062,512	9,653,565	17,776,333	17,491,397	27,000,000	23,975,100	19,000,000	10,245,200	19,000,000	14,003,786
Athy TC	1,904,607	1,611,298	2,539,476	2,525,561	700,000	1,073,500	300,000	1,255,500	1,000,000	887,900
Naas T.C.	2,285,529	1,726,336	3,809,214	3,166,981	4,000,000	3,231,200	3,200,000	3,926,300	2,500,000	1,415,789
Kilkenny Co. Cl.	4,190,136	4,789,579	6,348,690	5,439,545	4,000,000	4,045,700	3,400,000	7,120,900	8,000,000	8,617,571
Kilkenny Borough Co.	1,650,660	1,579,046	1,904,607	1,331,171	2,000,000	1,990,900	800,000	1,817,600	3,750,000	4,712,988
Laois Co. Cl.	4,444,083	4,479,763	6,348,690	9,120,151	14,000,000	14,213,404	11,000,000	19,099,154	15,500,000	19,655,176
Leitrim Co. Cl.	3,428,293	3,397,819	4,825,005	4,464,234	4,500,000	4,493,700	5,000,000	5,259,400	5,500,000	5,204,530
Limerick City Cl.	8,634,219	14,112,123	14,982,909	12,072,189	13,000,000	12,193,000	12,000,000	7,174,300	12,000,000	7,401,674
Limerick Co Co.	7,237,507	5,324,266	8,507,245	15,419,072	22,000,000	21,508,600	16,000,000	12,461,400	16,000,000	15,779,012
Longford Co. Cl.	4,951,979	7,851,933	8,888,167	11,744,061	8,500,000	9,433,800	4,300,000	11,291,900	7,500,000	14,012,262
Longford T.C.	1,777,633	1,274,182	2,031,581	2,123,562	2,000,000	2,229,800	500,000	1,559,400	1,000,000	1,433,433
Louth Co. Cl.	3,301,319	2,517,002	4,825,005	4,990,578	12,000,000	7,435,500	11,000,000	7,600,600	12,000,000	5,979,600
Drogheda Borough Council	3,682,240	3,404,549	4,825,005	5,265,855	6,000,000	6,900,000	6,600,000	6,605,800	5,000,000	8,700,980
Dundalk T.C.	3,809,214	1,771,666	4,951,979	7,854,854	8,000,000	6,867,100	7,800,000	3,765,700	11,000,000	15,501,833
Mayo Co. Cl.	7,364,481	6,823,065	8,888,167	14,250,579	11,000,000	11,397,300	11,500,000	5,245,100	9,000,000	9,395,402
Ballina TC	761,843	276,803	1,015,790	0	500,000	741,100	4,000,000	5,170,000	1,700,000	1,114,680
Castlebar T.C.	1,650,660	203,158	1,777,633	0	500,000	0	200,000	0	500,000	712,772
Westport TC	1,015,790	186,651	1,142,764	0	500,000	550,000	200,000	204,300	500,000	200,000
Meath Co. Cl.	6,475,664	5,814,131	8,888,167	16,468,631	27,000,000	27,859,000	16,000,000	13,877,100	16,500,000	17,467,201
Kells TC	1,015,790	1,015,790	1,269,738	0	500,000	110,000	100,000	0	100,000	0
Navan T.C.	1,142,764	444,789	1,269,738	0	500,000	152,300	400,000	100,000	100,000	381,877
Trim TC	761,843	59,678	888,817	0	500,000	19,189	100,000	0	100,000	0
Monaghan Co. Cl.	2,920,398	2,857,165	4,190,136	4,082,572	4,500,000	6,115,600	7,500,000	7,291,100	8,000,000	4,626,738
Carrickmacross TC	253,948	101,579	380,921	405,080	200,000	224,800	800,000	541,600	1,000,000	621,565
Castleblayney T.C.	380,921	126,974	507,895	88,880	200,000	230,000	300,000	302,700	800,000	100,000
Clones TC	634,869	634,869	888,817	687,541	200,000	201,300	200,000	120,000	500,000	100,000
Monaghan T.C.	1,396,712	1,008,172	1,650,660	1,168,999	1,500,000	2,088,200	2,000,000	2,284,406	3,000,000	0

Housing Authority	2000		2001		2002		2003		2004	
	Allocation	Expenditure	Allocation	Expenditure	Allocation	(Provisional) Expenditure	Allocation	Expenditure	Allocation	Expenditure
	€m	€m	€m	€m	€m	€m	€m	€m	€m	€m
Offaly Co. Cl.	3,809,214	3,553,108	5,078,952	3,869,118	8,805,900	8,805,900	10,000,000	9,672,800	8,000,000	4,854,293
Birr TC	1,142,764	1,055,279	1,523,686	878,659	4,000,000	6,025,500	1,500,000	2,069,200	1,500,000	288,011
Tullamore T.C.	1,269,738	1,182,126	1,523,686	2,041,567	4,000,000	4,314,500	3,100,000	2,358,000	2,500,000	1,375,585
Roscommon Co. Cl.	4,825,005	4,822,973	5,840,795	6,589,687	4,300,000	8,209,200	8,700,000	9,189,600	7,000,000	4,603,921
Sligo Co. Cl.	3,555,267	3,437,562	5,078,952	8,210,257	10,000,000	7,499,900	8,500,000	8,608,900	8,500,000	6,269,243
Sligo Borough Co.	4,444,083	3,650,624	5,713,821	5,999,647	6,000,000	8,304,900	5,000,000	6,509,513	5,500,000	6,353,431
South Dublin Co. Cl.	15,871,726	20,055,513	25,394,762	35,534,562	42,000,000	44,917,800	55,000,000	50,005,856	55,000,000	59,974,728
North Tipperary Co. Cl.	2,920,398	2,913,795	3,809,214	4,267,730	7,000,000	8,826,240	7,000,000	7,085,300	7,000,000	6,255,525
Nenagh T.C.	761,843	220,934	1,142,764	507,895	1,200,000	1,459,800	3,400,000	2,631,000	2,000,000	1,125,566
Templemore T.C.	507,895	517,037	634,869	698,428	400,000	433,900	700,000	0	800,000	115,000
Thurles TC	1,396,712	1,368,778	1,523,686	1,119,020	2,000,000	2,153,000	5,600,000	4,723,900	4,000,000	3,723,793
South Tipperary Co. Cl.	4,317,109	4,069,511	6,348,690	4,494,873	6,000,000	9,937,000	10,500,000	8,643,400	9,000,000	4,984,595
Carrick-on Suir TC	888,817	375,842	1,015,790	438,662	2,000,000	1,626,800	1,500,000	1,120,000	1,600,000	400,000
Cashel T.C.	380,921	567,573	761,843	190,500	200,000	200,000	500,000	150,000	1,200,000	900,000
Clonmel Borough Co.	2,412,502	672,961	2,666,450	1,472,897	1,500,000	1,029,500	1,800,000	2,429,500	6,000,000	4,550,000
Tipperary T.C.	761,843	279,342	1,142,764	283,787	2,800,000	1,972,000	1,600,000	1,311,200	2,000,000	656,000
Waterford City Cl.	8,888,167	4,089,065	10,284,878	12,665,193	30,000,000	22,799,570	15,000,000	8,216,100	15,000,000	9,398,107
Waterford Co. Cl.	3,809,214	3,674,876	5,840,795	3,733,665	8,000,000	11,018,400	6,000,000	5,072,900	7,000,000	8,562,294
Dungarvan TC	1,396,712	1,360,397	2,539,476	4,518,711	9,500,000	8,014,800	4,200,000	3,409,000	3,000,000	631,830
Westmeath Co. Cl.	4,571,057	4,523,696	6,475,664	5,922,347	9,500,000	9,533,300	12,000,000	15,104,100	6,500,000	6,687,424
Athlone TC	2,920,398	1,313,925	3,301,319	3,224,952	2,000,000	1,843,400	1,200,000	1,871,300	600,000	1,357,500
Wexford Co. Cl.	7,745,402	7,697,533	11,046,721	10,016,077	13,000,000	12,803,500	14,000,000	14,429,900	15,000,000	20,521,000
Enniscorthy TC	2,285,529	1,944,731	3,047,371	2,333,887	2,500,000	3,074,500	5,100,000	7,263,600	1,700,000	1,701,126
New Ross T.C.	1,777,633	1,817,884	2,539,476	3,969,704	2,500,000	1,441,100	4,800,000	3,799,600	900,000	3,987,195
Wexford Borough Co.	3,682,240	1,671,102	4,825,005	1,396,921	7,500,000	6,709,900	2,700,000	3,081,700	2,500,000	2,793,873
Wicklow Co. Cl.	6,983,559	7,453,236	8,888,167	11,370,347	13,000,000	11,415,600	12,500,000	15,977,200	16,000,000	18,928,374
Arklow T.C.	2,158,555	2,184,330	3,174,345	2,204,024	1,500,000	1,285,100	2,900,000	2,430,400	1,500,000	600,000
Bray T.C.	6,475,664	2,035,898	8,507,245	8,206,874	13,000,000	12,243,900	2,800,000	3,196,300	1,750,000	2,510,717
Wicklow TC	1,904,607	1,296,276	2,539,476	2,017,741	2,500,000	1,087,100	1,700,000	4,700,800	5,000,000	5,841,806

313. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the arrangements which have been put in place by his Department to ensure that local authorities, in the exercise of their housing functions, comply with the provisions of the European Convention on Human Rights Act 2003; and if he will make a statement on the matter. [21488/05]

315. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the steps he has taken to ensure that local authority housing policies and practices comply with the European Convention on Human Rights Act 2003; and if he will make a statement on the matter. [21491/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 313 and 315 together.

It is a matter for local authorities in exercising their housing functions to act in a manner that is consistent with the norms of administrative and constitutional law, including the European Convention on Human Rights Act 2003. The Department will review any housing policy instruments for which we have responsibility where concerns are raised that they are incompatible with the Act.

Local Authority Staff.

314. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the training which has been introduced and implemented at the behest and under the authority of his Department in respect of obligations for city and county managers and their staff; and if any such training is regularly maintained and checked. [21490/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Local authorities are primarily responsible for all matters related to the training of their employees. The Local Government Management Services Board, in co-operation with the Department, also provides advice and guidance to local authorities on their training needs and promotes the delivery of training for staff in a wide range of areas, including management development, social inclusion and the operation of special policy committees.

The Department currently provides financial support for specific training interventions in areas such as performance management, workplace partnership, architectural conservation and a number of courses leading to academic qualifications. Training, much of which is certified by FÁS, is also provided through five regional training centres for employees involved in the management and maintenance of water services and the non-national road network. The majority of programmes and courses are delivered through third level institutions or by other recognised training organisations. This ensures

the quality of the programmes and their ongoing evaluation.

Question No. 315 answered with Question No. 313.

National Parks.

316. **Mr. Healy-Rae** asked the Minister for the Environment, Heritage and Local Government if he will make land available from the National Park in Muckross, Killarney, County Kerry for a public burial ground; and if he will make a statement on the matter. [21493/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Ensuring the adequate provision of burial facilities for their functional areas is a matter for the relevant local authority and I understand that both Killarney Town Council and Kerry County Council are considering options in this regard to meet the needs of the Killarney area. Killarney National Park is managed by my Department as a category II protected area in accordance with guidelines set down by the International Union for the Conservation of Nature, IUCN.

The park has also been designated by the United Nations Educational, Scientific and Cultural Organisation, UNESCO, as a biosphere reserve, which combines objectives of nature conservation and sustainable development. Moreover, the park is subject to a number of significant EU and Irish legal environmental designations. In light of the above, it is appropriate that any development in an area designated both as a national park and as a special area of conservation should be limited to what would enhance the conservation status of the area or to necessary works for which no alternative location is possible.

Grant Payments.

317. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government if payment will issue to a person (details supplied) in County Roscommon; and if he will make a statement on the matter. [21546/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Questions Nos. 868 and 875 of 14 June 2005. The person named has been informed by my Department that he is entitled to a retrospective payment and arrangements are being made to issue this payment as soon as possible.

Departmental Reports.

318. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the number of reports which have been published in his Department since June 1997; the name of each report; the estimated cost of each report; the date of publication of each; the length of time it took to prepare each; and if he will make a statement on the matter. [21633/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information requested is being compiled and will be forwarded to the Deputy shortly.