Tuesday, 15 November 2005.

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

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Paidir.
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Ceisteanna — Questions.

Ministerial Responsibilities.

1. Mr. Kenny asked the Taoiseach the functions and responsibilities of the Ministers of State attached to his Department; and if he will make a statement on the matter. [24523/05]

2. Caoimhghín Ó Caoláin asked the Taoiseach the responsibilities of the Ministers of State in his Department; and if he will make a statement on the matter. [27693/05]

3. Mr. Sargent asked the Taoiseach the functions and responsibilities of the Ministers of State in his Department; and if he will make a statement on the matter. [28643/05]

4. Mr. J. Higgins asked the Taoiseach the functions and responsibilities of the Ministers of State in his Department. [32459/05]

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

The Government appointed Deputy Tom Kitt as Government Chief Whip and Minister of State at my Department and at the Department of Defence and Deputy Noel Treacy as Minister of State at my Department and at the Department of Foreign Affairs with special responsibility for European Affairs.

Deputy Kitt, as Chief Whip, is primarily responsible for the organisation of Government business in the Dáil and for representing the Government’s interest in all matters, procedural or otherwise, relating to the conduct of its business by the Dáil. He chairs the Government Legislation Committee and oversees preparation of the Government’s legislative programme. In addition, he has responsibility for the Central Statistics Office and for the Information Society. In this respect, he oversees the e-Inclusion Fund established to support the participation of late adopters of technology in an inclusive information society. The Government allocated €1.025 million for the funding of e-inclusion initiatives this year, which includes a particular focus on initiatives targeted primarily at older people and people with disabilities.

In a co-ordinating role in the Department of the Taoiseach, the Minister of State, Deputy Treacy, chairs the interdepartmental co-
ordinating committee on European Union affairs. The committee keeps under review and works to ensure coherence on the full range of issues on the European Union’s agenda. The committee focuses particularly on the correct and timely transposition of EU legislation. The Minister of State also has responsibility for the Government’s Communicating Europe initiative which aims to foster broad public understanding of and identification with the issues on the EU agenda.

The Minister of State, Deputy Treacy, plays a key part in the national ratification process of the European constitution. He is in this regard playing an important role in the period of reflection and debate on Europe that was initiated by the European Council last June. He will also play a central role in consolidating and further developing Ireland’s positive bilateral EU relations, particularly with the new member states.

In addition to these duties, the Minister of State, Deputy Treacy, has a heavy workload within the Department of Foreign Affairs which workload involves representing the Government at meetings in a wide range of contexts related to European affairs.

_Caoimhghín Ó Caoláin:_ The role of the Chief Whip, Deputy Kitt, who is one of the Taoiseach’s Ministers of State, is described on the Department’s website as having among his tasks the operation of the pairing system. Will the Taoiseach elaborate on the role of the Chief Whip in this regard? For the benefit of those outside the House who have little or no understanding of this system, will the Taoiseach advise the House how it works week to week? I am sure he will agree that many of those watching this debate or who will read the report thereon will be very interested in the accusations of some Members on the Opposition benches, especially those of the Fine Gael Party, that there is a lack of Government accountability in this regard, particularly given the full——

_An Ceann Comhairle:_ Has the Deputy a question?

_Caoimhghín Ó Caoláin:_ ——explanation of how this pairing system works.

_The Taoiseach:_ With regard to the Minister of State, Deputy Treacy, the work of Europe goes on. Much of it is carried out in the Department of Foreign Affairs, where the Minister of State stands in for the Minister for Foreign Affairs and attends meetings on European initiatives. In my Department the Minister of State chairs the meetings of the interdepartmental co-ordinating committee on EU affairs, which comprises senior officials from all Departments. A group is charged with ensuring there is a co-ordinated approach to negotiations on key policy issues arising at the European level. As many issues arise, it is a way of pulling them together and co-ordinating the work so that each Department prepares and plans accordingly. The Minister of State reports on development issues arising from the group to the Cabinet committee on EU affairs but it is his responsibility to co-ordinate the effort.

_The Taoiseach:_ It is 23 years since I was Chief Whip so I can hardly remember how the system works. It is meant to work in such a way that Ministers and Ministers of State on official business can seek pairs. The Chief Whip deals with Opposition Whips to arrange those pairs so that
its various Departments. The committee is focused on an ongoing effort on the timely transposition of European measures and is also briefed on the key working groups in the EU, from which information comes back on an ongoing basis. The interdepartmental committee deals with that level of work, which would not normally come to the Cabinet committee. The EU co-ordinator of every Department and officials at different levels sit on that co-ordinating committee.

The e-democracy proposal of the Minister of State, Deputy Kitt, gives the public the opportunity to make their views known to the committee of the House via the Internet. It is hoped to begin work on that with the broadcasting Bill at the beginning of the next Dáil session.

Mr. Kehoe: Sinn Féin will understand the pairing arrangements when they are sitting on the other side of the House, sharing power. It would look well to have Corporal O’Dea sitting beside Deputy Ó Caoláin.

Does the Taoiseach intend to alter the responsibilities of the Ministers of State in his Department? In particular, does he intend to create new ministerial positions? Fine Gael suggested that ministerial responsibility for small business, consumer affairs, immigration and anti-social behaviour could be of considerable benefit in assisting the economy, the consumer and society as a whole to move towards a more multicultural society.

The Taoiseach: My Department has no proposals in that regard, although I changed roles and responsibilities at the last change of Government. I do not want to discuss this matter in detail as it is outside the scope of the question but, with regard to the responsibilities of other Ministers of State, from time to time we consider it appropriate to switch around or change ministerial functions, as was recently done in regard to some areas of transport. However, while we regularly do this, there have been no changes to the responsibilities of my colleagues.

Mr. Rabbitte: Deputy Kehoe has a point — they will learn what the Whip is like then, all right.

Can the Taoiseach provide figures for the constituency office staffs of the Ministers of State in his Department? How many staff are employed in these offices? Is it intended that the Ministers of State will retain these staff during the course of a general election? There seems to be a serious disadvantaging of the majority of Deputies given that it is apparently the rule that Ministers may, under the guise of promoting themselves as Ministers, maintain facilities in the House that are not available to the rest of us. Does the Taoiseach intend to promulgate regulations in terms of advertising for Ministers?

An Ceann Comhairle: The Deputy has gone well outside the range of the four questions which refer to the functions and responsibilities of the Ministers of State in the Department of the Taoiseach.

Mr. Rabbitte: If we were to put down questions that set out what we intend to put by way of supplementary question, it would take up a page each of the Order Paper.

An Ceann Comhairle: The Deputy knows supplementary questions must be——

Mr. Rabbitte: The Ceann Comhairle continues to restrict and narrow the scope of Members on this side of the House. Perhaps he will tell me what questions I raise are not permitted by the rules.

An Ceann Comhairle: The questions he raised about the numbers of staff in the Ministers of State’s offices should be submitted separately. They are not included in this question.

Mr. Rabbitte: That is outrageously pedantic.

An Ceann Comhairle: I allowed the Deputy to put that question even though it is outside the scope of these four questions, but then he moved on to advertising——

Mr. Rabbitte: The Ceann Comhairle does not permit me to do anything that is outside the scope. He constantly uses his position to restrict this side of the House unreasonably.

An Ceann Comhairle: The Deputy knows that the Chair is acting in accordance with Standing Orders.

Mr. Rabbitte: Will the Taoiseach say how many people are employed by the Ministers of State in his office? Has he any intention of promulgating advertising regulations in respect of Ministers using public resources to——

An Ceann Comhairle: That matter does not arise under these questions.

Mr. Rabbitte: ——promote themselves? Now that the Minister of State, Deputy Treacy, does not have to run the EU constitution, what does he propose to do? Will he say whether Ministers of State have the rights that I refer to, during the course of a general election?

The Taoiseach: To the best of my knowledge, and subject to correction, the staff complement referred to by the Deputy is four. The Minister of State, Deputy Kitt, has an adviser, but the number of constituency staff is four and the Minister of State, Deputy Treacy, has the same number. While the EU constitution work is not proceeding at the same level, there still is a reflec-
tion period, and Deputy Treacy is co-ordinating that. Apart from that, he has the entire workload of the everyday co-ordination of all of the committees in Europe. These comprise the feedback through various Departments and Deputy Treacy chairs the interdepartmental co-ordinating group that deals with these matters. He also stands in at a number of meetings and in particular acts as a delegate at various functions for the Minister for Foreign Affairs. A considerable amount of his time, therefore, is spent in the Department of Foreign Affairs.

Mr. Rabbitte: What about their rights during the course of a general election?

The Taoiseach: The content of the two questions about advertising procedures was raised last week. I have just been checking again what the procedures are. In the case that came up last week, it was the Dublin Transportation Office that organised the advertisement. I am conscious that such issues should be restricted to the Departments concerned so that unnecessary arguments do not arise. We must keep within the regulations that are in place. Last week’s issue, as I understand it, was kept within those rules and regulations.

As regards what occurs between elections, while some changes were made on that front, following the Supreme Court case in 2002, I understand Members can still keep their staff in their constituency offices. They can deal with constituency work, but cannot be involved in issues that are related to the election. I assume this means they can deal with the normal issues of representation but cannot be involved in forwarding election literature or participating in campaign matters, beyond dealing with ongoing issues. The situation is confined to where it was before.

Mr. Rabbitte: It is hard to draw the line in these matters.

The Taoiseach: It is. The Department of Finance always had an old rule that once an election started, photocopiers and printers could not be used for anything that was directly related to an election issue. That extended to circulars that were sent out during an election period, so if something was to be sent out about a traffic problem outside election time, that was allowed, otherwise it was not. That line is already there and I know that it was imposed in the last election. Any literature of a canvassing nature is not allowed to be sent during election time.

Caoimhghín Ó Caoláin: I welcome Deputy Kenny to the Chamber. I thought I was doing well in his absence as Deputy Kehoe had placed me in the Taoiseach’s chair when he referred to Corporal O’Dea at my side.

Mr. Timmins: He meant this side. The Deputy has got the wrong side.

Caoimhghín Ó Caoláin: We will wait and see.

Mr. Kenny: I see the Deputy is still talking to them anyway.

Caoimhghín Ó Caoláin: I am still talking to Deputy Kenny and I hope he is pleased to note that. In the Taoiseach’s reply to my question about——

The Taoiseach: This sounds like a Government without me.

Caoimhghín Ó Caoláin: ——the operation of the pairing system, in which Deputy Kenny will be very interested, he indicated that it applies to Ministers and Ministers of State. I have been a Member of this House for just over eight years and I have noticed the pairing arrangement operating beyond that. Is the Taoiseach not aware that pairing arrangements have exceeded the original arrangement? The pairing arrangements between the Government parties and Fine Gael go well beyond that. They are so outrageous that——

An Ceann Comhairle: Has the Deputy a question?

Caoimhghín Ó Caoláin: ——I recall that during the expulsion of a Fine Gael Member, Deputy Timmins, from this House, members of his party had to sit on their hands and could not cast a vote due to pairing arrangements. That is hardly something that would bring the Government down. Does the Taoiseach believe that the arrangement operating between Fine Gael, presenting the semblance of opposition, and the Government is disingenuous?

An Ceann Comhairle: The Deputy is making a speech.

Caoimhghín Ó Caoláin: It gives a false reading of the position of the Government on issues in this House. Perhaps the Taoiseach will elaborate on his reply.

The Taoiseach: There have been many traditional procedures in the House that have worked well. The pairing arrangements in the Dáil are not dissimilar to other parliaments, where the major parties operate pairing arrangements based on rules set out from time to time by the Whips. These are based on urgent business and the domestic situation as they see fit. In my time in the House, the Whips have run this in a competent way. That is how we manage to function efficiently in the Dáil and in committees, and that system operates effectively.
Mr. Timmins: I could never understand why the Minister of State at the Department of the Taoiseach, Deputy Kitt, was given responsibility for civil defence. Did the Taoiseach ever consider moving that responsibility to the Minister for Defence? While I do not doubt the ability of the Minister of State, Deputy Kitt, that would make more sense. If the Minister for Defence, Deputy O'Dea, had the additional responsibility it might stop him sending out scurrilous press statements.

Mr. O'Dea: I have enough to do.

Mr. Naughten: He would have less time to canvass.

Mr. O'Dea: Jealousy will get the Deputy nowhere.

The Taoiseach: The historical connection is that there was a link between the Department of the Taoiseach and the Defence Forces. The responsibility rests with the Minister of State. As far as this connection to Civil Defence is concerned, the President has a key role as the Taoiseach meets the President monthly.

I believe that the Civil Defence probably would have been abolished 20 or 30 years ago, had it not been for this link. In more difficult financial times, there was always a temptation to assert there were savings to be made on the Civil Defence. This was always resisted by the Department of the Taoiseach in various battles on expenditure with the Department of Finance in the 1970s and 1980s. It is a good connection and a useful link. Moreover, the Minister of State can remained involved in this respect and can act in place of the Minister for Defence when he is unavailable or abroad.

Mr. Sargent: I am interested in some of the functions of the Minister of State at the Department of the Taoiseach, Deputy Kitt. Does the Taoiseach receive a full report from the Minister of State on all the functions he attends? Was the report he received concerning the Minister of State's visit to RAF Lyneham as full as the French report? The latter referred to the host country showing how it would secure a hostile airport with the sort of forces it believes are needed by the EU. It is claimed to be the first exercise of its kind.

Why was the Minister for Defence, Deputy O'Dea not present? It sounds more like his cup of tea. However, I understand that the Minister of State at the Department of the Taoiseach, Deputy Kitt, was officiating on behalf of the Minister of Defence. Is that part of his role? Did he report to the Taoiseach on how that function included EU defence, fighter planes, transport, refuelling aircraft, helicopters, ground troops——

An Ceann Comhairle: The Deputy should confine himself to a brief question.

Mr. Sargent: This is a question. I am trying to ask the Taoiseach whether he received a full report on how the low-flying Harrier jump-jets flew low over the Minister of State's head——

An Ceann Comhairle: It does not arise. I will take a brief final question from——

Mr. Sargent: ——and how they would destroy enemy vehicles. Is the Minister of State operating to the remit given to him by the Taoiseach when overseeing the destruction of enemy vehicles?

An Ceann Comhairle: It does not arise from these questions.

Mr. Treacy: Ireland has no enemies.

Mr. Sargent: The Minister of State belongs to what we think of as a neutral country. Is the Taoiseach not concerned about the militarisation of the EU when he hears of this sort of event? Was a report given on that meeting?

An Ceann Comhairle: Before the Taoiseach responds, I will accept a brief and final supplementary question from Deputy Kehoe, followed by a final reply.

Mr. Kehoe: How often does the Taoiseach meet the Ministers of State at his Department to hear reports on their activities?

Mr. O'Dea: Is Deputy Kehoe the official stooge today?

The Taoiseach: As to the first question, this obviously refers to a meeting where Deputy Kitt was acting as the Minister of State at the Department of Defence. At meetings which he attends on behalf of the Minister for Defence, he reports to that Minister. Both my ministerial colleagues concerned have informed me that the meeting in question pertained to peacekeeping in the EU.

Mr. Sargent: It is a strange kind of peacekeeping.

The Taoiseach: Keeping the peace is not an easy task and all aspects must be examined, which is what was being done on that occasion. As regards Deputy Kehoe's question, I meet the Minister of State at the Department of the Taoiseach, Deputy Kitt, every day and I meet the Minister of State at the Department of the Taoiseach, Deputy Treacy, several times a week.

Departmental Bodies.

5. Caomhghín Ó Caoláin asked the Taoiseach the membership of the task force on active citizenship; when it will issue its first report; and if he will make a statement on the matter. [24621/05]
6. Mr. J. Higgins asked the Taoiseach when the new task force on active citizenship last met; and when the next meeting will take place. [25352/05]

7. Mr. Rabbitte asked the Taoiseach the progress made to date by the task force on active citizenship; when he will receive the report of the committee; and if he will make a statement on the matter. [26563/05]

8. Mr. Sargent asked the Taoiseach when the active citizenship task force last met; when the next meeting is planned; and if he will make a statement on the matter. [28644/05]

9. Mr. Kenny asked the Taoiseach if he will report on the recent work of the task force on active citizenship; and if he will make a statement on the matter. [28680/05]

The Taoiseach: I propose to take Questions Nos. 5 to 9, inclusive, together.

A high level of civic engagement and participation significantly contributes to individual, community and societal well-being. However, it is generally accepted that there are pressures on community and societal well-being. However, it is generally accepted that there are pressures on this type of civic engagement in modern Ireland arising from work and family responsibilities, changing settlement patterns and evolving societal values.

Recognising the importance of these issues, I announced my intention earlier this year to establish a task force on active citizenship. There was a strong public response to my statement and many individuals and groups made suggestions as to how this task might be pursued. A secretariat established in my Department has analysed these suggestions as well as gathering further relevant material, such as the recently published report from the ESRI on the place of sport in Irish society, and further work from the National Economic and Social Council, which will be incorporated in its forthcoming strategy report.

I am now in a position to confirm the terms of reference of the task force. They are to review the evidence regarding trends in citizen participation across the main areas of civic, community, cultural, occupational and recreational life; examine those trends in the context of international experience and analysis; review the experience of organisations involved in the political, caring, community, professional and occupational, cultural, sporting and religious dimensions of life regarding influences, both positive and negative, on levels of citizen participation and engagement; and recommend measures which could be taken as part of public policy to facilitate and encourage a greater degree of engagement by citizens in all aspects of life and the growth and development of voluntary organisations as part of a strong civic culture.

I expect to be in a position to announce the membership of the task force shortly. It is intended that the task force will complete its work within nine months. An important part of its work will be to provide an opportunity for individuals and organisations throughout the country to contribute their experiences and suggestions to inform the work of the task force.

Caoimhghín Ó Caoláin: Does the Taoiseach agree with this view of the Community Workers Co-operative? Does he also agree that the support the organisation has provided, specifically to disadvantaged communities, is such that a revisitation of the decision to pull its funding is merited?

An Ceann Comhairle: The matter does not arise from this group of questions.

Caoimhghín Ó Caoláin: I hoped it would arise because one—

An Ceann Comhairle: The Deputy should submit a separate question to the appropriate Minister.

Caoimhghín Ó Caoláin: As I explained, when the task force on active citizenship was established the Community Workers Co-operative almost met its demise. The two issues are, therefore, linked.

An Ceann Comhairle: The Deputy must ask a question as other Members wish to contribute.

Caoimhghín Ó Caoláin: While I accept that my colleagues wish to speak, I would also like to be shown the courtesy of being able to put my question. I ask nothing further.

An Ceann Comhairle: I have ruled the question on funding is out of order.

Caoimhghín Ó Caoláin: Will the Taoiseach advise whether funding for the Community Workers Co-operative will be restored? A White
Paper on community and voluntary activity has been published and an implementation group established. Will the implementation group and the task force on active citizenship be linked?

**The Taoiseach:** I will deal briefly with the questions. The first issue is not a matter for me as it relates to a community workshop which has an ongoing issue about funding with the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív. I have done some work to try to assist in that but it is a matter for the Estimates.

When we announced the task force on active citizenship we asked for submissions from people outlining their views on the terms of reference and seeking initiatives on how best the task force could function and what issues could be addressed. The reason we did so was the huge range of issues involved and the large number of requests received from people seeking an input into how the issue could best be handled and requesting that the work of the task force be based on a White Paper on the community drawn up some years ago by a committee chaired by former Deputy Chris Flood. Parts of the White Paper in question are being implemented and it was considered that a task force was required to examine this issue. It is hoped the task force will commence work at the beginning of the new year and conclude in September.

To make way for the work of the task force, three things happened. The secretariat in my Department worked with a number of organisations on the terms of reference and used material from NESC and the ESRI to provide a framework for the work of the task force. That would ensure it would not attempt to examine a whole host of ideas from several hundred organisations but that there would at least be a framework allowing it to make progress in its work.

The Deputy mentioned the White Paper, which was published, and there are studies from the ESRI and NESC, with many other very good submissions from numerous organisations. The secretariat has put all that together in a meaningful fashion. It covers such a broad range that it was necessary to put that work in place. Otherwise, a new group would have operated in the dark. Even if they were not in the dark regarding their own knowledge, it would have taken them a long time to proceed. I hope that, after those preparations, work will start formally in January and will finish by autumn next year.

**An Ceann Comhairle:** Deputy Rabbitte.

**Caoimhghín Ó Caoláin:** Perhaps I might ask a very brief supplementary question.

**An Ceann Comhairle:** I am sorry, but I have called Deputy Rabbitte.

**Mr. Rabbitte:** The Taoiseach told me on 14 April that the task force would report within six months. Did I hear him say that it has not yet been appointed? Will he say when that will happen? Does he agree that one of the most important manifestations of active citizenship is fulfilling one’s duty to vote, something that has been declining in recent years? Will the Taoiseach ask the task force to examine that, for example, in the context of remarks made in a report published recently by Democratic Dialogue on similar terrain? Does the Government intend to do anything about the state of the electoral register?

**The Taoiseach:** The first speech I made on this issue was in April and at that stage, I asked people to make submissions. A great variety of ideas came from those at the conference regarding how we might best take this forward, and it has taken us a long time to agree terms of reference regarded as workable by all the relevant organisations on the basis of their submissions.

I agree with the Deputy that voting is a key part of social involvement and participation. The Minister for the Environment, Heritage and Local Government, Deputy Roche, is moving ahead with a separate initiative, but a more pressing and important issue is to work on the present register, which I regard as containing an unacceptable number of errors. I encounter these issues in my area but I do not have knowledge of matters outside it. People who have moved from apartments and flats in the inner city remain on the register, while those who live there are not on it. Dublin Corporation and others must make a great effort in this regard. The position may be perfect elsewhere, but not where I am.

**Mr. Rabbitte:** Is it appropriate to leave the issue to the local authorities? One gets the impression that they are not really that pushed when it comes to keeping the register up to date and accurate.

**The Taoiseach:** It is certainly not being done as it was in the past. I am not sure whether it could be contracted out in the same way as the census, but it could be done far better than at present — that would not be hard. The Minister, Deputy Roche, is bringing forward an initiative on the register and another on the Deputy’s first point regarding awareness and the importance of participation. I understand that he will do that shortly. It is probably better that it is kept that way since it will be far speedier.

**Mr. Sargent:** Will the Taoiseach give the matter some more thought? He can see how appalling the register is for every constituency, rather than simply his. Will the task force on active citizenship recommend that someone be on the register as soon as he or she turns 18, given that the data are now in place and it is possible to do so through current computer systems? Will the Taoiseach recommend that so that we might see
some light at the end of that tunnel? Second, will the Taoiseach leave open the possibility, although I know his opinion on the matter, of lowering the voting age, given that it has been mooted in a number of quarters by people concerned about low voter turnout? Third, is the Taoiseach interested in any of the initiatives taken in other countries, Switzerland being the most famous, where citizens’ initiatives are allowed to bring about referenda on amending the constitution, not without considerable preparation and collecting of signatures? Is that something the Taoiseach would welcome as a way of engaging people further in the democratic process and perhaps getting people into the habit of casting their franchise?

The Taoiseach: I have spelled out the terms of reference, which are broad and will allow people put forward what they believe are the various dimensions of Irish life regarding influences, both positive and negative, and the levels of participation and engagement. Having seen many of the submissions, both written and e-mail, on this, there is an enormous interest on the part of all kinds of groups, bodies and individuals. A task force could be at it forever but the existing reports, including the White Paper on community involvement, what NESC and NESF have done and the various reports they produced, and what has been done by ESRI, provide a good basis for that within the terms of reference I mentioned. The task force will get at that and give some good advice on the issue.

Regarding Deputy Sargent’s point on the register, the Minister, Deputy Roche, is dealing with that and it is best left with him. He has been talking to numerous bodies about that and it is best to leave that process with him because it will be far quicker than this process. That does not prevent people making comments about voter activity in this area but the physical work of improving the current register by advertising and increasing people’s interest in voter participation will continue. To answer the age question, 18 is fine and I do not see any difficulty about that.

On the Swiss idea the Deputy raised, not many of Switzerland’s initiatives are on the constitution but its practice is to allow people, when local issues arise within the cantons, to have plebiscites on those issues. Five or six times a year they put for popular votes initiatives and decisions in various ways and the practice is that they get very high voter turnout. They recently had an initiative about traffic and 86% of the people voted on a Sunday afternoon between 2 p.m. and 8 p.m. Obviously it is a practice with them——

Mr. Sargent: What does the Taoiseach think of it?

The Taoiseach: On initiatives like that it is not a bad idea within local authority areas, but it is not so much in constitutional or legislative areas.

Mr. Rabbitte: Does the Taoiseach believe they would have a planning problem with St. Luke’s? Would it be put to a referendum if it was in Switzerland?

The Taoiseach: I know which way I would vote. I do not want my footpath removed. That is the practice in Switzerland. The only example of it being used here is the plebiscites the councils use in areas but it is a small number of cases. It could resolve many arguments but I know local authorities are not in favour of it because it has been mooted previously.

Mr. Timmins: I have two brief questions for the Taoiseach. First, will he agree that a concern of people who get involved in voluntary projects is the concept of litigation? Second, we have a very good scheme in Wicklow called the first responders which deals with volunteers who assist people who suffer cardiac arrest. The scheme has proved very successful. They are covered by the Department of Health and Children clinical indemnity insurance. We are trying to expand the project to include sporting, mountaineering and canoeing clubs but one of the drawbacks is legislation that acts as a defence for those who try to assist people in good faith. Does the Taoiseach agree that legislation to indemnify members of the public in such circumstances would be useful?

Fine Gael’s Good Samaritan Bill 2005, which is on today’s Order Paper, deals with this issue. It will not cost anything and will not offend anybody.

The Taoiseach: I do not want to get into the issue of indemnity. One of the regular complaints from active members of the community relates to the restrictions on their activities because of the cost of insurance. One of last year’s reports on the insurance industry included entire sections on the issue of indemnity for persons active in civil society, particularly those involved in scouting and sports. This is a matter for the Minister. Indemnifying community groups against actions and litigation is a complex and costly area, as sporting organisations have discovered to their cost.

Priority Questions.

EU Sugar Negotiations.

94. Mr. Naughten asked the Minister for Agriculture and Food the status of the EU sugar negotiations; and if she will make a statement on the matter. [34272/05]
Minister for Agriculture and Food (Mary Coughlan): The Commission’s proposals for reform of the EU sugar regime are the subject of intensive discussions in Brussels, both at ministerial and high-level official levels. The proposals will be the main item on the agenda for the three-day Council of Ministers meeting next week at which the UK Presidency will aim to achieve a political agreement on the issue, ahead of the WTO ministerial meeting in Hong Kong.

My views on the proposals are well known and I have made the Commission fully aware of my serious concerns. In June, within days of the publication of the proposals, I met Commissioner Fischer Boel in Ireland. In July, I set out the position again at the Agriculture and Fisheries Council. I have emphasised that the price cuts proposed are too severe, the reforms should be based on a longer lead-in time for the Everything But Arms agreement and it would be preferable to await the outcome of the WTO meeting in Hong Kong in December before seeking to conclude an agreement on sugar reform. I have also remained in contact with like-minded Ministers from other member states who are opposed to the reform proposals.

In this context, a group of 11 member states, including Ireland, submitted a joint ministerial letter to the Commission in advance of the formal discussion at last month’s Council meeting, setting out its objections to the proposals. I maintained my firm opposition to the Commission’s proposals when I addressed last month’s meeting of the Council of Ministers in Luxembourg. At next week’s meeting in Brussels, I will be equally resolute in pursuing my overall objective of achieving a more balanced agreement that takes Irish interests into account.

Mr. Naughten: Why is it proposed that compensation for the relinquishment of the Irish sugar quota will go to Greencore? It seems clear that the control and ownership of the sugar quota is in the hands of that company because it will be for it to decide whether to relinquish it. In this context, will the Minister use her infamous golden share to ensure the Irish beet quota remains within the property of Irish beet growers? Beet farmers have made significant investments in buying beet contracts, machinery and equipment but now seem to have no rights in this regard.

In regard to the forthcoming WTO discussions in Hong Kong, does the Minister agree that the proposals put forward by the Commissioner for Trade, Mr. Peter Mandelson, will wipe out the sugar industry here and throughout the Union irrespective of the discussions about to take place at EU level on the future sugar quota?

Mary Coughlan: Both the Commission and my legal advice indicate that ownership of the quota is such that it is not an asset but a methodology used to regulate the market.

Mr. Naughten: Greencore will be paid.

Mary Coughlan: That is the answer to the first of the Deputy’s questions. The golden share has nothing to do with this issue, save in the event that permission is sought by the company from me for the sale of an asset.

The Commission had the same concerns as the Government about the ownership of the quota. On that basis, the Commission’s formula is based on the restructuring fund, which is paid by those who remain in the industry. The money would be used to quench the quota. I have indicated that Ireland does not want a situation whereby we have negotiations on the basis of these proposals. If we were to accept what the Deputy spoke of, we would see the complete diminution of the sugar industry, which is not my political stance.

The Deputy is correct that we have grave concerns about the WTO negotiations taking place. The Minister of State at the Department of Foreign Affairs and I have been forthcoming in our views on this. We feel we have gone as far as we should go. The future of the sugar industry will be one item on the European agenda and sugar will be considered a sensitive product.

Mr. Naughten: Has the Minister met her Polish counterpart? It is critically important that Poland is and remains on our side on this issue. Some 3.8 million tonnes of the sugar quota must be reduced by May 2006. Are there proposals to phase this in over a longer period? Has the Minister discussed at European level allowing Ireland the right to produce sugar? The key question is that we are only producing enough sugar for our domestic market. We must have the right to produce sugar in Ireland. If the Commission’s proposals go ahead, we will never have that right again.

Mary Coughlan: I have met my Polish counterpart. Poland is one of the 11 member states on the blocking minority that is presently——

Mr. Naughten: Presently.

Mary Coughlan: We have met on several occasions and the Poles have joined the blocking minority. The Poles have different concerns from ours. Ireland is in a unique position in that there is only one processing factory. Ireland has a special case on the right to produce sugar. However, if the proposals to reduce the price of sugar by 39% and sugar beet by 42% go ahead, I have been advised by farmers that they could not possibly produce sugar beet at those prices. Price is the issue at the moment, not quota. This is a grave concern and it will predetermine whether Ireland can continue to produce sugar.

Animal and Plant Diseases.

95. Dr. Upton asked the Minister for Agriculture and Food if the Government will consider
the establishment of a national biosecurity unit, similar to the one operating in New Zealand, to take overall responsibility for the exclusion, eradication and control of risks posed by pests or diseases to the economy, the environment or human health; and if she will make a statement on the matter. [34275/05]

Mary Coughlan: Ireland’s high animal and plant health status underpins food safety and is central to the viability of our agriculture industry and our ability to trade. To this end, the Department of Agriculture and Food applies comprehensive control systems to the threats posed by pests and disease to both animal and plant health and, as a consequence, to human health. Sustained programmes are operated, aimed at the continued reduction and eventual eradication of diseases such as TB, brucellosis, BSE and scrapie in the national herd and flock. In a further step to the maintenance of high standards of food production, the Department has introduced a system of identification and traceability for bovine, ovine, porcine and caprine animals.

The Department plays a vital role in regulating the plant health sector to prevent the import of harmful pests and diseases, the prevention of contaminants and the overall maintenance of high standards of quality which contribute to safer food. The range of biosecurity controls applied by the Department are underpinned by EU regulations and are subject to regular audit by the European Commission’s food and veterinary office. It is essential that we are, at all times, vigilant and continue to reassess and, where necessary, improve our capability of dealing effectively with threats posed by pests or disease. In this regard, it is worth pointing to the recent updating and reissuing of biosecurity advice to poultry flock owners in an effort to minimise the risk of the introduction of avian flu.

The retention of high biosecurity standards is vital for the maintenance of high standards of public health and animal health as well as ensuring we continue to have an effective base from which to further develop a successful agrifood sector. The production of safe food and the maintenance of public confidence must be underpinned by effective control systems. Maintaining a high standard of animal health and welfare is an important issue and is a critical requirement for the development of trade.

Ireland enjoys a high plant health status, supported through a programme of controls and inspections. Before any plant protection product can be sold to a grower, it must conform to rigid standards which meet EU and Irish legislation. Furthermore, the Department’s annual pesticide residue monitoring involves the analysis of fruit, vegetables, cereals and other food, including meat, milk and other dairy products.

In our approach to this issue, we must take full account of evolving EU legislation and work closely with the European Commission and our EU partners in responding to any crisis.

Additional information not given on the floor of the House.

I am conscious that the threat posed by pests or diseases could result in substantial economic damage, not alone in agriculture but across a number of sectors, with attendant social consequences throughout the country and for the environment. The New Zealand model involved the establishment, by its Ministry of Agriculture and Forestry, of a biosecurity strategic unit, with people drawn from four existing biosecurity agencies and reports directly to the ministry’s director general. I am satisfied that the arrangements within the Department of Agriculture and Food for the development and implementation of biosecurity policies are sufficiently comprehensive and robust to deal with the threats posed by pests or disease.

The Department has detailed contingency plans in place for the handling of outbreaks of class A OIE diseases. The plans are the product of in-depth review by the Department, with the involvement of other relevant agencies. These plans have stood us well in the past, most recently in regard to the outbreak of FMD but also with previous outbreaks of Newcastle disease in 1997 and the last outbreak of low pathogenic avian influenza in 1998.

While my Department will always play the lead role, we, of course, welcome the constructive and significant contributions that other Departments and agencies have to make. We are, all the time, ready to reassess the adequacy of our existing biosecurity advice and, based on any new and emerging information, to revise any biosecurity arrangements, as appropriate.

Dr. Upton: I thank the Minister for her answer but it referred to agriculture only. My question relates to a more comprehensive plan for biosecurity. While I understand the role of the Department of Agriculture and Food in this area, my question relates to the need for an overall coordinating biosecurity unit. This was prompted by the concerns surrounding avian flu and its implications for public health, trade, foreign travel and agriculture.

Who will take the lead in setting up a coordinating biosecurity unit? If someone has a broad question, to which Department or unit do they focus it? There is a need for a co-ordinating unit rather than each individual Department having responsibility for its own area. Does the Minister see the Department of Agriculture and Food taking a lead role in establishing such a unit?

Mary Coughlan: Unfortunately, the answer to the question was long. The Deputy spoke of the New Zealand model where a biosecurity unit in its agriculture ministry reports to the ministry’s director general. However, I do not believe there
is therefore available at much cheaper prices; and 

**Dr. Upton:** Ireland is too.

**Mary Coughlan:** It does not have the supports of the EU, the Commission’s food and veterinary office or the Food Safety Authority of Ireland. We have EU and Irish legislation while the New Zealand model is based on what it must do on its own.

The Department of Agriculture and Food is the lead Department in dealing with animal and plant disease outbreaks. It provides a specific co-ordinating role and contingency plans are in place to work with the Department of Health and Children. The Department had a co-ordinating role in combating the foot and mouth disease outbreak. I do not see the need to establish a specific biosecurity unit. That could only be done in a developmental way if issues arise. Contingency plans within the Department of Agriculture and Food are such that they encompass many Departments that would be equally concerned.

**Dr. Upton:** I appreciate legislation is in place, but legislation alone will not be adequate when it is widely known the facility exists for micro-organisms to jump the species barrier. Avian flu is a classic example of where it affects not only poultry but also pigs and it is a risk to human health. We can have as much legislation as we want, but much of what exists is not enforced the way it should be, particularly with imports and people travelling in and out of the State. There is a need for a co-ordinating body to incorporate human and animal health.

**Mary Coughlan:** It is important that a Department takes the lead on this issue. The Department of Agriculture and Food will deal specifically with the issue in question. Without a shadow of a doubt, constructive and significant contributions from other Departments and agencies are welcome. The Department is always ready to reassess the adequacy of our biosecurity measures. Our biosecurity arrangements will be revised if new information becomes available, which we are afforded through EU channels and early warning systems. In one way we have the luxury of having a European-wide opportunity, from the veterinary point of view, to listen, learn and evaluate what comes from the European Community and experts. I am hoping to have emerging information on which to act.

**Food Imports.**

96. **Mr. Sargent** asked the Minister for Agriculture and Food her plans to help producers here compete against the deluge of imported foods that do not have to meet the same high quality standards that Irish food has to reach and is therefore available at much cheaper prices; and when she intends to introduce the country of origin labelling that was promised, upon which the livelihood of many of our food producers depend. [34378/05]

**Minister of State at the Department of Agriculture and Food (Mr. B. Smith):** There are EU harmonized rules in place that govern the importation of animal products to minimize any risks that might be associated with trade with third countries. It is a general requirement that animal products imported in the European Union from third countries meet standards at least equivalent to those required for production in and trade between EU member states. All meat imports must therefore come from third countries or areas of third countries approved for export to the EU. The Food and Veterinary Office of the EU carries out audits of the controls in place in third countries.

The FVO carries out inspections to ensure that only establishments that meet hygiene and health standards equivalent to those operating within the EU are approved. Exporting establishments must have standards equivalent to the requirements for EU export establishments, effective control systems and supervision by the competent authorities and traceability and labelling in accordance with systems approved by the FVO.

Where there are concerns with regard to the effectiveness of controls being operated in an approved third country, the EU Commission, in consultation with the standing committee on animal health and the food chain, may introduce specific controls by means of a safeguard measure to ensure the protection of human and animal health. I fully support the policy that animal products imported into the EU from third countries meet standards at least equivalent to those required for production in and trade between EU member states.

In this context the Minister for Agriculture and Food, Deputy Coughlan, wrote last month to the Commissioner for Health and Consumer Protection on the issue of sanitary rules applying to the import of livestock products, especially beef, into the EU. In the letter, the Minister raised the matter of equivalence on the specific and important issues of animal traceability, controls on veterinary medicines, prohibited substances and residue monitoring programmes in these countries and in particular with regard to Brazilian beef in view of its increasing presence on the European market. The Minister requested the Commission to consider the matter and invited it to put forward appropriate proposals before the EU standing committee on the food chain and animal health.

Irish farmers are required to ensure their production systems and farm practices fully comply with a wide range of EU directives on important matters including traceability, animal health and welfare and consumer protection. These all have significant in-built cost factors, and bearing in
mind that our beef farmers are in competition on European and international markets with beef from low cost producers such as Brazil, we will continue to seek real equivalence in these areas, both in discussions within the EU and in the context of the WTO talks on market access.

Additional information not given on the floor of the House.

With regard to labelling we have indicated an intention to extend the country of origin labelling for beef to the restaurant and catering sector and the necessary provisions will be included in the Irish Medicines Board (Miscellaneous Provisions) Bill 2005, which is currently before this session of the Oireachtas. Beef labelling is currently governed by comprehensive EU regulations which were introduced in 2000 and are underpinned by a full national animal identification and traceability system. These compulsory labelling regulations require all operators and organisations marketing beef within the EU to provide information on the label to enable the beef to be traced back to the animals from which it was derived and must include details on the slaughterhouse, de-boning hall and the country in which the animal was born and reared. These requirements apply to all beef sold at retail level regardless of whether that beef was produced within the EU or in a third country. Where beef is imported into the EU from a third country and all the above details are not available, that beef must, at a minimum, be labelled as “Origin: non-EC” along with an indication of the third country in which slaughter took place. This information must accompany the beef at retail level, including up to the point of delivery into hotels, restaurants and catering establishments. These regulations are enforced by the Food Safety Authority of Ireland. The various representative bodies including the Irish Hotels Federation, the Restaurants Association of Ireland and the two vintners groups, following discussions with my Department, have all agreed to recommend to their members to provide this information to their customers on a voluntary basis in advance of compulsory requirement. It is expected that the voluntary code will be in place in the near future.

Regarding the labelling of poultry meat, there are EU regulations which provide for the labelling of unprocessed poultry meat at retail level. The regulations require such meat to be labelled with the information regarding class, price, condition, registered number of slaughterhouse or cutting plant and, where imported from a third country, an indication of country of origin. There are no specific EU regulations governing the labelling of pigmeat or sheepmeat beyond the general food labelling regulations which do not require country of origin information. However, we intend to pursue further the question of labelling of other meats at EU level.

Mr. Sargent: I thank the Minister of State for his reply. The question concerned in part the date for the introduction of country of origin labelling, which has been promised. If it was part of the reply not read on the floor of the House it may perhaps be given as a supplementary answer.

The Minister of State mentioned Brazilian beef, but does the Department have information on the statement of IFA president John Dillon regarding three cases of foot and mouth disease in Brazil last month? Following the banning of Brazilian beef in the United States, Japan, Australia, New Zealand and South Korea, is there a case to be made in the EU, and particularly in Ireland given the country’s dependence on the beef industry, for a similar measure to be taken? Will the Department have any influence on the EU Commissioner for Trade, Peter Mandelson, and his efforts in the opposite direction, which would cut 60% of tariffs and open up a flood of untraceable food into Europe?

Is the Department able to intervene when a type of cattle not sold in Ireland, humpback cattle from Brazil, are marketed after being processed as Gaelic steak? Is the issue of labelling not so important that it is time for the Department to give the matter urgent attention? A woman from the midlands told me she got half a leg of lamb, with the outer packaging stating it was an Irish product and the inner wrapping stating another country of origin. Is the Department not able to do anything about this or is it going to stand by as the meat industry is effectively destroyed by cheaper meat that lacks traceability and is not subject to the regulations in this country? This is fact rather than innuendo or anecdote. Will the Department bring about traceability in restaurants, the retail trade and in every other aspect?

Mr. B. Smith: Most of the issues raised by Deputy Sargent have already been dealt with. One of the words used by the Deputy in his question was “deluge” when referring to beef imports. In 2004 Ireland exported approximately 411,000 tonnes of beef and imported 22,000. The traffic was in the right direction from our point of view.

Both the Minister and I have indicated to this House and other fora that we intend to extend country of origin labelling of beef to the restaurant and catering sector. The necessary provisions are included in the Irish Medicines Board (Miscellaneous Provisions) Bill 2004, which is currently before the Seanad. Current beef labelling is governed by comprehensive EU regulations introduced in 2002. We have a voluntary code agreed between the restaurant sector, the two vintners organisations and the hotels sector.

Mr. Naughten: Of course the Minister of State knows the code is really working.

Mr. B. Smith: The voluntary code is operational in advance of compulsory requirement.
There are three regions of Brazil from which exports of beef are banned by the European Union. That was on the basis of the country being regionalised as we experienced ourselves some years ago when Ireland had an incidence of foot and mouth disease. The matter of Gaelic labelling was referred to the Food Safety Authority of Ireland, which has central responsibility for food labelling.

Mr. Sargent: Does the Minister of State realise that more should be done? Does he, for example, believe it acceptable for chickens from Thailand to be imported into Ireland, coated with breadcrumbs and then sold as Irish produce?

Mr. B. Smith: I refute that contention.

Mr. Sargent: It is a fundamental matter and I put the question to the Minister of State. Will he respond to the criticism that the Department has not done enough to ensure traceability and control over regulations?

Mr. B. Smith: I refute the Deputy’s contention. We are determined to ensure that country of origin labelling is advanced as quickly as possible, and the appropriate legislation is currently before the Oireachtas. With regard to general standards, the food and veterinary office of the European Union carries out regular audits in third countries from which exports are allowed into the European Union.

Mr. Naughten: Those audits can be postponed if requested.

Mr. B. Smith: The European Commission has a presence in South America and Asia. As I indicated earlier, the Minister wrote to the Commissioner for Health and Consumer Protection to ensure that equivalence is acted upon and guarantee adequate consumer protection, as well as protection for the industry. The industry in the European Union works to the highest standards. We will ensure that requirements are applicable at all stages to ensure that products imported from third countries to the European Union are up to standards demanded by the Food and Veterinary Office. In any aspect of food there should be absolute diligence. Animal health should be managed on an ongoing basis, and this was the content of the Minister’s submission to the Commissioner.

Mr. Sargent: I asked about the labelling of chicken.

Mary Coughlan: The practice referred to by the Deputy is banned.

Mr. B. Smith: I mentioned at the outset of my reply that I refuted entirely Deputy Sargent’s contention about the Thailand product.

Mr. Sargent: It is sold as Irish.

An Leas-Cheann Comhairle: I call Question No. 97.

Mary Coughlan: Perhaps the Deputy should read the European document regarding substantial transformation. I was the only Member who put this issue forward with no support, which I am now receiving.

An Leas-Cheann Comhairle: The Minister should address Question No. 97.

EU Funding.

97. Mr. Naughten asked the Minister for Agriculture and Food the discussions she has had with the EU Commission on the rural development budget; and if she will make a statement on the matter. [34273/05]

Mary Coughlan: The proposed EU rural development funding for 2007 to 2013 will form part of the overall EU budget or financial perspective for the same period. Decisions on the overall amount and its allocations will be taken in that context.

The rural development regulation No. 1698/2005 adopted in September confirms this situation and provides that the distribution of funding between member states will be on the basis of the convergence objective, past performance and particular situations and needs. I have emphasised in discussions at the Agriculture Council that particular importance must be attached to the past performance criterion. This will allow due account to be taken of current successful programmes and the need to build on them.

Mr. Naughten: I thank the Minister for her response and welcome her articulation of this point at European level. Is there any indication of what type of budget the EU will have in the Irish context? Will the Minister elaborate on the modulation funding and whether it will be included in the rural development budget or used to provide breeding programmes, and so on, here? A number of Deputies and I were in Spain last week where Spanish authorities are proposing the establishment of a grant scheme for the reconstruction or refurbishment of farm cottages in areas where there has been much dilapidation. Has the Minister given consideration to a similar scheme for Ireland?

Mary Coughlan: That does not form part of my portfolio. It is a matter for the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív. Two Ministers and their Departments are
working on this rural development regulation. The Deputy should put his suggestion to the other Minister.

**Mr. Naughten:** The two Ministers are obviously not working together.

**Mary Coughlan:** We are.

**Mr. Naughten:** If they are, the Minister for Agriculture and Food should put the suggestion to her colleague.

**Mary Coughlan:** People have read about the consultation process currently taking place with the Department of Community, Rural and Gaeltacht Affairs. Concerning funding, as we did not have a decision on financial perspectives, it is unfortunate that I do not know exactly how much money we have but we have political agreement on the scheme and are proceeding on that basis. The Deputy is correct in that there is a proposal. The Commission is proposing an extra 1% of modulation from 2009, which will generate approximately €3.2 billion for the next programme. It is not clear whether this is additional or a replacement. There will have to be further discussion on that.

The Commission has also proposed that 30% of the funds be used on competitiveness and the wider rural economic objectives. This will be by political agreement. It is unfortunate that we will not know how much money there is exactly until such time as we have the relevant financial perspectives. If we proceeded on the Luxembourg Agreement, we would be successful and happy. We must await the outcome of the discussions. I would not be enamoured of a forced modulation. If it is voluntary, fair enough, but I would have concerns were it compulsory. It may cause some difficulties for Ireland in the first pillar, which neither the Deputy nor I would like to see happen.

**Mr. Naughten:** What are the plans for the present modulation fund? Will some of it go into the rural development area? Will the Minister for Community, Rural and Gaeltacht Affairs get his hands on it?

A specific problem has arisen with previous rural development budgets. Leader groups and other agencies have been very involved in developing small indigenous food companies but once those companies reach a certain threshold they no longer fall within the Leader category and, as they do not export, do not fall within the Enterprise Ireland category. They are literally left high and dry by this country’s development agencies. Will the Minister assure the House that structures will be put in place to allow us to establish food companies, get them off the ground and support them in the long term? For example, Ireland has 320 artisan food companies whereas New Zealand has 2,000, which has a different structure of supporting and developing them.

**Mary Coughlan:** A rule on minimum expenditure has been agreed, which is 10% for competitiveness, 25% for the environment and 10% for the wider rural economy. Leader, part of Deputy Ó Cuív’s portfolio, will address these issues. We have witnessed a significant increase in the number of artisans. On the basis of decoupling, we will see future investment in the food industry, which I would like to happen in the small and medium sectors. They have been supported by Leader groups, city and county development boards and county enterprise boards.

The Minister of State at the Department of Agriculture and Food, Deputy Brendan Smith, has been vociferous in forcing the case that when companies grow past the ten employee threshold, Enterprise Ireland should be forthcoming in supporting them. I initiated a food forum two weeks ago, which is examining the implications and changes currently taking place in these enterprises. Having all of the agencies together has been informative and we can hopefully build on it.

**Mr. Naughten:** Will the Minister for Community, Rural and Gaeltacht Affairs get some of the money?

**Mary Coughlan:** He must.

**Mr. Naughten:** How much of it?

**Mary Coughlan:** A total of 10%. Deputy Naughten is obviously not enamoured.

**Bovine Diseases.**

98. **Dr. Upton** asked the Minister for Agriculture and Food the number of cases of BSE in cattle discovered in 2004 and to date in 2005; the number of those cattle that were born after 1996 when a ban on meat and bonemeal was imposed; the counties in which these cattle came from; the number of those cattle that were born after 1996; the age profile of BSE cases as well as the significant reduction in case numbers indicates that these additional controls have been effective in reducing the exposure to the infectious agent of animals born after 1997. It is anticipated that the incidence of disease will continue to decline as cows born prior to 1998 leave the system.
Where BSE is confirmed, a detailed epidemiological investigation is undertaken, in which the feeding regime used is an essential element, particularly in cases where the animals were born after the feed controls were reinforced. However, the specific causes of the post-1997 cases have not been definitively established as the events of interest took place several years earlier.

To date, BSE has been confirmed in 16 animals born after 1997. In addition, ten cases were confirmed in 1997-born animals of which a number were born before all of the reinforced measures were put fully in place that year. My Department had foreseen the likelihood that cases such as these would arise from time to time that would relate to circumstances specific to the farms in question and would not conform with the general trend as the incidence of the disease in the national herd recedes. Similar cases have occurred elsewhere, particularly in the United Kingdom and Canada. However, there is no basis for suspecting that these cases are indicative of either a systemic failure in controls or a reversal of or deviation from the overall positive trend in relation to BSE in Ireland.

The 16 cases born after 1997 were detected in counties Monaghan, four cases, Cavan, three cases, Cork and Kerry, two cases each, and one case each in counties Leitrim, Limerick, Mayo, Meath and Sligo. The Deputy will be aware that stringent controls are operated in Ireland in the context of protecting consumers and eradicating BSE. These controls are operated by my Department in the export plants and in the case of small local abattoirs by the local authorities under the supervision of the FSAI.

Additional information not given on the floor of the House.

The controls have been and remain subject to ongoing external audit and examination by a range of bodies, including the FSAI and the EU Commission Food and Veterinary Office. Based on extensive examination in 1998, the EU categorised Ireland's position in respect of BSE controls as being optimally stable, which is the highest category of control effectiveness. The Irish BSE control system is also subject to examination by the veterinary and public health authorities in certain non-EU beef importing countries.

Dr. Upton: I am curious about the numbers. The Minister said 61 cases have been identified to date in 2005.

Mary Coughlan: Yes.

Dr. Upton: Examining the numbers on a percentage basis, I calculate that nine were born either in 1997 or later, which is approximately 15%.

Mary Coughlan: Not in 2005.

Dr. Upton: I calculate that there were nine cases in 2005. I can give the Minister the dates if she wishes me to work my way through each of them. On 2 September there was a five year old, on 26 August there was a five year old, on 29 July there was a four year old and on 3 June there were two aged five and eight. Of the 61, I counted nine on the Department of Agriculture and Food's website, which is approximately 15%.

Apart from the specifics of the issue, is 15% not a substantial percentage? I accept that the numbers are dwindling year on year from 2003, as indicated by the data the Minister has given the House. However, it is of some considerable concern that so many animals have been burned after the ban was introduced. It would appear that no identifiable reasons have been provided yet. It is quite a substantial percentage.

Mary Coughlan: Investigations have been completed into eight of the cases involving post-1997 births. They are both dairy and suckler farms and I have stated the counties which are affected. It has not been possible to establish definitively the source of the disease in individual cases as they occurred several years ago. In two of the cases, the positive animals may have been exposed to infection through environmental contamination with bovine carcass parts associated with the illegal knackeries. The Department took a prosecution on 7 September 2005 on my behalf on that basis.

It is difficult to give definitive answers but the only assurances I can give the House is that they will be fully investigated and that the checks and balances within the food system are such that these animals do not move into the food chain. This is a very important matter. The Department has very strict controls and methodology. All the herd must be slaughtered when there is an incidence of BSE and I am aware many farmers have concerns about this policy. Independent supervision is provided by the Food Safety Authority of Ireland.

The other assurance I can give the House is that the Department has been informed by the scientific advisers that there is no definitive way of deciding on a total eradication over a certain period. We should all welcome the significant reduction in the numbers of BSE found and for this I thank all those Members and everyone in the sector who was involved. I do not have an answer, nor does anyone else, in my view, as to the reason there are still animals born before 1997 who have BSE. The advice is there can be sporadic instances, for example, one in a million. This may not give a full and definitive answer but I assure the House it is fully investigated and all types of information is made available to the Department.

Dr. Upton: Will the Minister confirm there is an investigation ongoing for each and every one of these cases? It is clear there will be difficulties
in establishing a specific reason but it is necessary that as thorough an investigation as possible be concluded and the House informed of the outcome, if there is one, in each of those cases born after 1997.

Mary Coughlan: There has been one very public case which was the prosecution taken in Tralee on 7 September. Another similar case involves an illegal knackery. Of the other cases, some have not been in a position to give us any information. The Department is very strict regarding the feed industry. This time last year, there was a debacle involving three loads of bone speckle which caused consternation. The consternation was necessary because these are the issues which are brought forward and which are a cause of grave concern to the Department. The Department is reminding those involved in the feed industry. Farmers are acutely aware of this issue.

On the question of storage, a number of years ago the ban was for ruminants and not necessarily for other animals and there may have been cross-contamination at the time which was many years ago. A calf may have gone into a place where it should not have been. The Deputy can rest assured that these cases will be fully investigated. When any new scientific information becomes available, it is used in these investigations. Like the Deputy, the Department also wants to achieve an end result.

An Leas-Cheann Comhairle: That completes Priority Questions. We now come to the other questions. I remind the House that supplementary questions will be answered but are subject to a limit of one minute.

Mr. Naughten: I remind the Minister that the clock is ticking.

Other Questions.

Alternative Energy Projects.

99. Mr. Kenny asked the Minister for Agriculture and Food how she plans to develop the renewable energy sector; and if she will make a statement on the matter. [33808/05]

Minister of State at the Department of Agriculture and Food (Mr. Browne): The Minister for Communications, Marine and Natural Resources has overall responsibility for energy policy and is primarily responsible for the promotion and development of renewable energy, including biofuels. Nonetheless, the development of the biofuels industry is a cross-sectoral issue impinging on several policy areas, for example, those related to environment and fiscal policy as well as energy policy, and involving several Departments and agencies. My Department has been represented on a number of interdepartmental groups considering the issue and there has also been direct contact between my Department and the Department of Communications, Marine and Natural Resources.

I am acutely aware of the central role which agriculture can play in the provision of necessary raw materials for the production of biofuels. These raw materials can include oilseed rape, wheat and sugar beet for the manufacture of liquid transport biofuels, forestry by-products for wood biomass, and other farming by-products, such as meat and bonemeal and tallow, for energy-heat generation and biodiesel, respectively.

Factors such as the increasing cost of oil, the need to reduce carbon dioxide emissions and the opportunity for farmers to explore alternative land uses following Common Agricultural Policy reform, mean that the potential of this area must be fully explored. For the purposes of contributing to the development of policy on biofuels, my Department in conjunction with COFORD and Teagasc, has examined the potential of energy crops, wood biomass and farming and food by-products.

In general, the production of energy crops for biofuels will have to be demand-led and production by farmers will only occur if the economic returns are greater than those offered by traditional crop enterprises. The production of liquid biofuels from energy crops is not economic at current oil price levels. However, the scheme announced by the Minister for Communications, Marine and Natural Resources, for mineral oil tax relief on pilot biofuel projects has stimulated the production of oilseed rape for biofuel. The exploitation of wood resources for energy purposes, mainly for heat or electricity generation, offers significant potential. Sustainable Energy Ireland has recently announced a pilot scheme to grant aid the installation of wood-fired boilers.

I am anxious to encourage further research to assist the development of the biofuels industry. Teagasc has already done some valuable work in this area and I also arranged for research projects on biofuels and other non-food uses of crops to be included in the latest call under my Department’s research stimulus programme. The outcome of this call is not yet available but the nature of the projects to be funded will depend on the proposals received.

Mr. Naughten: Is the Minister of State satisfied with the existing energy crop scheme being administered by the Department? Has consideration been given by either the Department or the Government to changing the legislation to ensure a minimum amount of biofuel in both petrol and diesel which is the case in continental Europe? The Minister of State referred to sugar beet but I was surprised he did not refer to waste disposal, whether that be slurry or chicken litter. This will become a huge problem once the nitrates
Mr. Browne: I read with interest Deputy Naughten’s speech at the Ard-Fheis on this issue. I notice that most if not all the issues he raised in his document were ones we have been encouraging for the past year. In reply to the Deputy, the scheme for relief on excise duty, which is operated by the Department of Communications, Marine and Natural Resources, is very successful and some of the projects are situated in my county.

A number of projects are administered in conjunction with the Minister, Deputy Noel Dempsey, and his Department. A scheme for wood burning boilers is about to be introduced, as is a scheme for biomass harvesting machines. In answer to the Deputy’s question about alternative crops, we are also putting together a scheme for the use of willow which will be announced soon. This will encourage the growing of 500 hectares of willow and grant aid will be provided. Some of the issues raised by Deputy Naughten last weekend and again in the House today are being dealt with by the Government and we are way ahead of his thinking.

Mr. Naughten: Will the Government change the legislation? I remind the Minister of State of the waste issue. Has that been ignored in the Department?

Mr. Browne: On the waste issue, my colleague, the Minister, Deputy Coughlan, made an announcement today and it will be in the Deputy’s pigeonhole soon.

Mary Coughlan: The Deputy represents a county with a lot of pigs and poultry.

Mr. Crawford: Like many of the other matters to which the Minister referred, we have been waiting for 12 years for——

Mary Coughlan: For a big increased grant aid for the farm waste management scheme that we have delivered.

Mr. Crawford: It is obvious I am not supposed to have——

Mary Coughlan: If I recall correctly, the rainbow coalition Government removed that scheme.

Mr. Naughten: The Minister is wasting energy; we have heard what she had to say.

Mary Coughlan: We have announced a new scheme today.

Mr. Crawford: All I received was what I got directly from Brussels. What progress has been made in encouraging wind farms? Many farmers in a part of my constituency whom I will not name have signed up for years to have wind farms put in place but the regulations are such that they have not allowed it to happen. The people who are building the wind farms are now in Scotland instead of Ireland. The Minister of State, Deputy Browne, made a strong point at the beginning of his analysis that the Department of Agriculture and Food is only one of a number of Ministries involved in alternative energy. Can those Ministries be brought together to ensure there is direct action to compensate for the present high price of oil?

Mr. Browne: The wind turbine issue is a matter for the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey. Having been in that Department for the best part of two years, I am very much aware of the importance of such projects.

Mr. Crawford: It is an alternative farm income.

Mr. Browne: It is very much part and parcel of farm incomes. Indeed, in my county and many counties farmers have received planning permission in that regard and many of the wind turbines have been erected.

There are difficulties with connection to the grid and the cost factor, and the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, is working on that.

On the three Ministers involved, I do not wish to sound smart but I got three documents from the Fine Gael Party at the weekend, one from Deputy O’Dowd, one from Deputy Mitchell and of course an important one from Deputy Naughten, all of which related to alternative energy, and the same problem exists in the Fine Gael Party.

Mr. Naughten: To enlighten the Minister of State, I did not speak about alternative energy.

Mary Coughlan: The Deputy should have.

Mr. Naughten: My attention was on the Minister of State, Deputy Brendan Smith.

Mr. Sargent: Will the Department look beyond pilot schemes? The Minister of State, Deputy Browne, mentioned 500 hectares of willow. Does he see biofuel, willow or any of the other options as being worth more than a pilot scheme? Will he state when a pilot scheme finishes and when he can release the potential of the sector rather than keeping a lid on it?

Mr. Browne: I have had direct discussions with farming organisations and farmers. Willow growing is not viable at present. We, therefore, decided to run with a pilot scheme of 500 hectares which is grant-aided substantially and we will see how that works. If that is successful——
Mr. Sargent: What is the timeframe?

Mr. Browne: ——obviously the pilot scheme will become——

Mr. Sargent: There is no timeframe.

Mr. Naughten: We will provide the land.

Rural Environment Protection Scheme.

100. Dr. Devins asked the Minister for Agriculture and Food if she is satisfied with progress under REP scheme 3 and the consultation process on REP scheme 4. [34113/05]

Mr. Browne: REPS 3 was launched in June 2004 and by July 2005 we had exceeded the previous record level of participants in the scheme. There are more than 48,000 farmers in REPS and the numbers are rising steadily. We hope there will be approximately 50,000 farmers in the scheme by the end of the year and I expect further significant growth in 2006. Last year we spent approximately €208 million on REPS and this year we have spent over €240 million. We are likely to spend close to €270 million by the end of the year.

In addition to monetary benefits for farmers, REPS has brought many benefits to the environment, especially in REPS 3 where there is a greater emphasis on biodiversity. Cleaner farmyards, new hedgerows, newly planted trees and nature corridors are visible signs of what REPS has delivered. Other benefits, like cleaner water and better pollution control, are not so visible but are just as important.

The challenge we now face is to build on past successes and bring forward proposals for REPS 4 that will continue to deliver in environmental and economic terms for the years ahead. We need a scheme that will continue to deliver value for money, both for the farmer and for the Irish and EU taxpayer.

REPS 3 was introduced following a consultation process that was open to all stakeholders. The process was generally held to be very successful and the European Commission was particularly complimentary about it. I hope we can achieve the same good results with the consultative process for REPS 4.

There is limited time to carry out this process, however. The Commission has indicated that member states should submit their draft rural development plans by the middle of next year if the approval process is to be finished in time to introduce new schemes in January 2007. To meet this timeframe, the Minister asked stakeholders to let her have their written submissions by 9 December and she intends to convene an open forum early in the new year. It is important that we stick closely to our schedule if we are to have a new scheme available to farmers once the current one has come to an end.

Dr. Devins: I thank the Minister of State, Deputy Browne, for the comprehensive reply. I agree that REPS 3 has brought great benefits to Irish farming and to the wider community. The increase in farmer numbers is proof of that.

I have two supplementary questions for the Minister of State. First, is REPS 3 still available? My second question relates to the proposed introduction of REPS 4. I welcome the consultation process and point out that the Minister, Deputy Coughlan, and the two Ministers of State have always been open to dialogue with all stakeholders in agriculture. How long does the Minister of State expect the consultation process will take before the introduction of REPS 4?

Mr. Browne: As of now, REPS 3 remains open. Farmers can still join that scheme and be assured of a full five-year contract under the existing rules and at the existing payment rates. While REPS 3 will certainly close in December 2006, it might close sooner or the rules might change. REPS 1 was due to end in December 1999 but six months prior to that date, the Commission decided that anybody joining it from then on had to undertake to switch over to REPS 2 on their first anniversary. This time the Commission has not disclosed its intentions but it would not be altogether surprising if something similar happened. Therefore, we advise farmers who intend to join REPS to get in as quickly as possible.

On the consultative process for REPS 4, the Commission has advised all member states that if they want to implement the new rural development plans for the start of 2007, they need to have their plans with Brussels by the middle of next year. Obviously the Commission is facing a very big task as not only will 25 countries send in plans but some countries with a federal or regional structure may submit several. For that reason, any delay in putting Ireland’s plan together must be avoided.

Furthermore, we must do everything possible to ensure that the plan we put forward will be acceptable. If we are forced to change our proposals, there is every risk that the process shall not be finalised by the end of 2006. The closing date for submissions is 9 December and we encourage interested parties to make their submissions as quickly as possible.

Mr. Crawford: I appreciate that the REP scheme is beneficial. It certainly has helped where the position of farm incomes has been serious. How are the regulations implemented because some farmers are visited by inspectors and are excluded from the scheme for minor issues that have no real bearing on the farming structure?

Recently I came across a case which was serious from the point of view of the family concerned. The man’s health has broken down, he failed to meet the REPS regulations and he is getting no payment whatsoever. All payments are
stopped because the REPS payments must be recovered before anything else is done.

**Mr. Browne:** I am informed that the level of penalties in REPS is low, under 3%. From my representations to the REPS section, I find that the officials are usually helpful and supportive and usually iron out any difficulties. If the Deputy has specific instances in mind, perhaps he will pass them on to us and we will see what we can do to help him.

**Mr. Sargent:** On REPS 3, or indeed its successor, has there been communication between the Minister of State’s counterpart in Northern Ireland as to interpretation, which, when he refers to the Commission, does not give the entire detail? Although it gives general guidelines and general requirements, does the Minister of State agree that there is a certain amount of discretion at national level and would it be an idea to ensure there is harmonisation between the northern and southern implementation of REPS 3 so that farmers, North and South, will be able to look at a common standard and receive common results?

**Mr. Browne:** To date each country has put in its own plan. Our plan in respect of REPS 3 has been complimented as one of the best submitted and I am sure we will try to achieve the same standard in the case of REPS 4. I will investigate the possibility of having discussions with representatives from Northern Ireland — I am easy on that.

**Mr. J. Brady:** Would the Minister of State consider favourably the removal of hedgerows by farmers or their sons under the rural environment protection scheme to allow them to construct houses on their land? The planners in my county do not want any hedgerow removed and they are turning down the planning applications of young couples as a consequence. It is very unfair, particularly where the landowners are prepared to replant a hedgerow to facilitate the process.

**Mr. Naughten:** The same applies in Roscommon. It is happening all over the country.

**Mr. Browne:** I only have experience from my county——

**Mr. Howlin:** A good county.

**Mr. Naughten:** It has not as many hedges as we have in Roscommon.

**Mr. Browne:** Usually, if one applies to the REPS section in Johnstown Castle beforehand——

**Mr. Howlin:** Another good place.

**Mr. Browne:** ——it will give one permission to do as outlined. As Deputy Howlin will know, there is a policy in Wexford such that if a hedge-row is removed, it must be replaced farther in from its original location. A replacement condition applies to planning in my county — I do not know the position in other counties. An agreement is usually reached with the REPS planners on hedgerows.

**Organic Farming.**

101. **Mr. Carty** asked the Minister for Agriculture and Food her views on the prospects for the organic food sector here. [34109/05]

**Mr. B. Smith:** The organic production sector in Ireland is still very small by European standards, although in recent years the market for organic food has shown strong growth. Bord Bia estimated the value of the market to be approximately €38 million at retail level in 2003, and it seems an annual growth rate of approximately 10% should be achievable in the short term.

I am hopeful the production sector can develop because the circumstances have never been more favourable. Decoupling has created a new set of circumstances in which our farmers have the freedom to farm in response to market demands. In this more market-oriented scenario, there is real scope for organic production to expand. The new rural development regulation reflects the emphasis which the European Union places on organic farming. In addition, the EU organic section plan adopted during the Irish Presidency of the European Union clearly puts organics on the agenda and identifies it as a tool that can be used and adapted to contribute to the solution of many pressing issues.

Every country has its own advantages, and I firmly believe there are significant opportunities for Ireland in producing and processing organic food. Irish agriculture is predominantly grass-based, with high levels of production in the dairy, beef and lamb sectors. The profile of our organic sector is very similar. However, we are still heavily reliant on imports of organic fruit, cereals and vegetables and I hope some conventional producers will consider the opportunities that exist for import substitution.

My Department already provides substantial incentives to encourage farmers to take up organic farming. Through the rural environment protection scheme, almost €4 million was paid directly to organic farmers in 2004. Since the scheme began in 1994, it has delivered some €31 million to the sector. Under the current scheme, an organic farmer with 55 hectares is eligible for an annual payment under REPS 3 of €18,505 per year for the first two years, and €13,555 each year for the rest of his or her time in the scheme. As a further incentive to encourage conventional farmers to venture into organic production, the scheme now allows them to convert part of the farm instead of the entire holding, as was previously the case. REPS 3 will be followed by
[Mr. B. Smith.] 

REPS 4 in 2007, and I recently launched a consultative process regarding the new scheme. I urge all organic stakeholders to make submissions on how they feel the rural environment protection scheme can best support the organic sector.

Additional information not given on the floor of the House.

My Department also operates the scheme of grant aid for the development of the organic sector, which supports investment both on-farm and off-farm. For on-farm investments, grant aid can be given for 40% of the cost up to a maximum grant of over €50,000. For off-farm investments, the maximum grant is over €500,000.

Today’s consumers like to know where the food they buy is produced and their preference in general is for local food. They also demand quality, convenience and value. Therefore, locally produced organic food should have an extra appeal to consumers. With the growth in direct selling, via farm-gate sales, box schemes and farmers’ markets, outlets exist for organic producers and processors to market their products locally.

Mr. J. Brady: I thank the Minister of State for his comprehensive report on this issue. Does he believe the lack of interest in organic farming is because of the small profit margin in the sector? Deputies Naughten, Wilkinson and I were in Spain last week representing the Joint Committee on Agriculture and Food. We discussed this issue with the relevant Spanish ministry and ascertained that the lack of interest in organic farming in Spain is because of the small profit margin. Will the Minister of State comment on this?

Mr. Naughten: It looks like the Fianna Fáil Parliamentary Party does not get many opportunities to talk about agriculture.

(Interruptions).

Mr. Naughten: Thirteen questions have been tabled today.

Mary Coughlan: We are interested.

Mr. Naughten: Has the Minister of State taken any steps to address the problem associated with the labelling of products at country markets, which will damage the viability of many of them? Is he aware of the problem and has he received any submissions thereon? What action will he take to protect the viability of country markets?

Mr. B. Smith: Let me respond to Deputy Johnny Brady, who is a very active, progressive and excellent chairman of the Joint Committee on Agriculture and Food——

Mary Coughlan: Hear, hear.
towards the cost of installing socially monitored alarms for the elderly.

The matters raised by Deputies Michael Moynihan, Ferris, Michael Higgins and Enright have been selected for discussion.

Leaders’ Questions.

Mr. Kenny: On 5 October this year, the Taoiseach assured the House that all IT projects within the Health Service Executive would be reviewed, including a contract with a company called iSoft. The project in question was mentioned again in the newspapers this weekend when it emerged that there had been no consultation between the Health Service Executive and either general practitioners or hospitals on the purchase of the software in question. It has also emerged that while the Department of Finance has sanctioned two packages — iEPR, the electronic patient records system, and Lorenzo, a patient management system — it has withheld sanction for the roll-out of the Lorenzo package.

The Taoiseach explained that the Taoiseach have been selected for discussion.

Mr. Kenny: I noticed that, coincidentally, the Taoiseach gave some exclusive interviews at the weekend.

The Taoiseach: I will do as Deputy Kenny asked and will not give a long description of the benefits of all these contracts which are necessary in the system. I understand that the Taoiseach’s excellent officials have prepared for him a long document on the value of these IT systems but I am quite sure that any Taoiseach’s excellent officials have prepared for him a long document on the value of these IT systems but I would prefer if he answered the specific questions on the circumstances in which the Taoiseach contract was signed.

The Taoiseach: When he attended the Joint Committee on Health and Children recently, Professor Drumm stated it was the Health Service Executive’s assessment that he and his management team would reconsider all these contracts, not only recent contracts but those of the past few years. The purpose of that is, first, to ascertain whether the contracts were necessary — he made the assumption that they were necessary — second, to find out whether the executive should have a better mechanism for considering the roll-out and in particular to find whether it was delivering what it sought to deliver in the first place, third, to ensure that all the proper arrangements in regard to accountability and management procedures were put in place and, fourth, to ensure that the Departments of Finance and Health and Children were fully engaged with the executive. Professor Drumm said he would report back on all these issues, including with regard to the Comptroller and Auditor General. Obviously, he would not cover the contract of last April referred to by Deputy Kenny. We await that report and until we know all the details, I have no more to say on the matter.

Mr. Kenny: I noticed that, coincidentally, the Taoiseach gave some exclusive interviews at the weekend.

Mr. Brennan: So did the Deputy.

Mr. Kenny: The Taoiseach did not answer any of the questions I asked. Why was this contract signed on the basis of oral sanction only? Why was it signed on a Saturday? Why was it necessary to have high level emergency meetings between officials from the Department of the Taoiseach, the Attorney General’s office, the HSE and the Department of Health and Children with regard to it being signed? Why, if the Department of Finance gave oral sanction to purchase these two software packages, has the same Department refused the roll-out of the Lorenzo package?

We have witnessed an obscene wastage of public money, particularly in the Department of Health and Children. General practitioners protested yesterday outside Tralee hospital in Tralee at the lack of beds and that 10,000 operations were cancelled this year. Will the Taoiseach, in answering these questions, assure me that the Government was not put under pressure by iSoft to sign this contract on or before 30 April? Will he assure the House that the apparent rush to sign the contract on 30 April was in no way related to the fact that iSoft’s financial year ended on 30 April?

The Taoiseach: When Professor Drumm and his colleagues report on the details of all the individual contracts, I will provide the information based on that report. A number of these matters and a number of contracts are under examination by the Departments of Finance and Health and Children, the HSE and Professor Drumm. While they are being examined there is no point in my pre-empting those discussions. These questions have been raised by the Department of Finance. Many of the contracts have long-term roll-outs,
although not the April contract. The contracts are necessary and are not a waste of money. However, they must be benchmarked to see whether they are delivering what is required. We will have a full report from the HSE before Christmas and we should consider the facts on that basis.

The general practitioners protesting outside Tralee hospital are demanding a fair share of resources. The HSE and hospital management are available to discuss the concerns of GPs and I understand those matters are under consideration. A number of new developments are ongoing in the area, including the development of a new emergency department and an ambulatory care unit, and construction of a palliative care unit at the hospital. However, it is clear that GPs are aggrieved. To address their concerns it is proposed to establish a GP liaison group which will include consultant medical staff, hospital management, GP representatives and the community services section of the HSE.

With regard to the number of cancellations, the figures released by the HSE show that 10,368 operations were postponed, not cancelled, for various reasons in the first six months of the year.

Mr. Howlin: They were postponed, not cancelled.

The Taoiseach: In some cases it was not appropriate to operate because patients were not well enough. My point is that this does not automatically mean there was a delay. It is a regular occurrence.

Mr. Crawford: Is that what Professor Drumm said?

The Taoiseach: If the Deputy knew anything about hospitals, he would understand. The figure refers to less than 2% of the total of 527,000 patients treated in acute hospitals in the first six months of the year. Operations can be postponed due to emergency cases being prioritised over elective cases, for reasons of infection control or availability of medical and nursing support and, in some cases, when accident and emergency units are full. That is one of the reasons but it is not the only one.

Dr. Cowley: Twelve patients are on trolleys today in Mayo General Hospital. A girl with appendicitis has spent four days on a bed in the accident and emergency unit.

Mr. F. McGrath: That is the real world.

Mr. D. Ahern: We are paying GPs too much.

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

Mr. Rabbitte: The Taoiseach will be aware that there were two more gangland murders in my constituency at the weekend and three gangland murders the previous weekend, and that there have been 17 gangland murders so far this year. The Taoiseach will recall the fulminations of his colleague, Deputy O’Donoghue, in opposition to the effect that if a letter went missing or a bicycle was stolen, the Minister for Justice, Equality and Law Reform of the day should resign. Since then, the figures show that four gun murders occurred in 1998, 20 in 2003 and 17 so far in 2005. Meanwhile, the Minister for Justice, Equality and Law Reform one year ago claimed he was satisfied that a murder in Blanchardstown was what he called the last sting of the dying wasp.

Mr. McGinley: That must be last year’s wasp.

Mr. Rabbitte: There is now a veritable swarm of wasps, yet the Minister for Justice, Equality and Law Reform seems to think that his first duty is as a panellist in various television and radio studios.

I will give the Taoiseach a statistic: 75 murders where guns were used occurred between 1998 and 2004, but proceedings were taken in only 26 cases, 35%, and convictions were secured in only 12 cases, 16%. The Taoiseach will have heard the State solicitor in Limerick last week explain that even where cases go to court, they fall asunder because witnesses are fearful and there is no adequate protection of witnesses.

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

Mr. Rabbitte: These gangland killings are turning the system into gangland law. It will not be long, if those involved feel they have a 90% chance of escape, before they turn their guns on targeted citizens.

The fulminations were not just those of Deputy O’Donoghue because the Taoiseach joined in on 21 April 1997 when he said he had a message for drug barons. He stated:

Our plan is to arrest you, prosecute you, and put you in jail. Fianna Fáil’s plan for zero tolerance will put the gardaí and the community in the driving seat, with a major crackdown on all crime, and particularly on drug crime . . . Fianna Fáil’s anti-drug strategy is a tough, totally co-ordinated programme to tackle each of the key players — the addict, the pusher, the drug baron.

Does the Taoiseach admit Government policy to date has been a complete failure and that there is fear on the streets at the level of lawlessness and gangland crime?

The Taoiseach: Regrettably, there were two gangland murders at the weekend, bringing to 17 or 18 the figure for gangland murders this year. The Minister had briefings yesterday and today with senior Garda officers, including the Garda Commissioner and deputy commissioner, on the
double murder on Sunday night in south-west Dublin, to which Deputy Rabbitte referred. He briefed me and my Cabinet colleagues this morning on the double murder in south-west Dublin on Sunday night, referred to by Deputy Rabbitte. All the indications are that this event was part of a vicious feud between two relatively small groups that are struggling to control drug distribution in areas of the west side of Dublin. These people deal in death and they will kill to protect their patch and recover their debts. I am subject to correction on this, but I understand the gangs concerned are responsible for eight of the 18 murders committed this year. The Garda has invested a large amount of resources and detective and surveillance time into Operation Anvil to target these two gangs specifically. The vicious feud has continued for some time, as Deputy Rabbitte knows.

The Garda has been concentrating enormous resources in terms of manpower, overtime and intelligence towards suppressing the activities of what is a highly dangerous group of criminals in recent months. Its efforts have not been targeted exclusively at these two gangs, although it has concentrated on them significantly. Obviously, I cannot go through all the detail on which I have thought, because he describes what is taking place as a “vicious feud”, that somehow this explains matters and we should all turn a blind eye. One has some idea why people are fearful in their homes, given this type of calculated assassination at 10 in the evening in Firhouse, a very quiet part of my constituency. I hear the Taoiseach saying that the Minister was briefed by the Garda Commissioner and so on. However, we have long since passed that stage.

The disconnect, so to speak, between the Garda and some of the communities where gangland rule dictates is very severe. The previous Minister for Justice, Equality and Law Reform, Deputy O’Donoghue, said he would be judged by how safe people feel in their homes and on the streets at the end of his term. If he were to be, it would be a very harsh judgment because people do not feel safe in their homes or on the streets. People are victims of anti-social behaviour like we have never seen before. Whatever briefings the Minister is having with the Garda authorities, there is no evidence of policing in whole tracts of my constituency and in urban and rural Ireland. That is the fact of the matter.

The Taoiseach talks about Operation Anvil. It is like shooting fish in a barrel for gardaí to stop motorists for bald tyres, defective lights and whatever. However, in the area of serious crime, the figures speak for themselves. The situation is deteriorating dramatically and if the Taoiseach accepts the benchmark of his comments in 1997 or the policy set out by the Government, he will see that there has been a complete failure because citizens feel helpless in the light of the extraordinary events now taking place every weekend. A State solicitor has said that even where prosecutions go to court, they cannot prevail because witnesses fear for their personal safety.

The Taoiseach: I have said previously that any crime is too much. There is no level of crime with which one can be happy.

Mr. J. O’Keeffe: Where are the 2,000 extra gardaí?

The Taoiseach: The Garda budget is more than €1 billion.

(Interruptions).

Mr. D. Ahern: The Opposition should not behave like a fascist party. They should let the Taoiseach speak.

An Ceann Comhairle: Allow the Taoiseach speak without interruption, please.

The Taoiseach: We have dramatically increased resources for the Garda, including technology, which is high for a population——

Mr. Costello: What about the telecommunications system for the Garda?
The Taoiseach: ——of our size. Resources are being increased and invested in the Garda. Next year, there will be 14,000 gardaí and large numbers of specialist groups have been set up.

Mr. J. O'Keeffe: The Government has recruited 300 gardaí. It promised 2,000 and we have 300.

The Taoiseach: The crime rate per thousand of the population has fallen from what it was nine years ago.

Mr. Howlin: That is bunkum.

The Taoiseach: The crime rate has fallen.

Mr. J. O'Keeffe: The figures speak for themselves.

An Ceann Comhairle: The Chair will not allow a situation to develop where Deputy Rabbitte goes well over time in putting his question, goes outside Standing Orders and the Chair does not take appropriate action to ensure that the Taoiseach or any member of the Government can reply and there is fair play for both sides of the House.

Mr. J. O'Keeffe: I understand, but I was speaking under provocation from the Taoiseach.

The Taoiseach: A number of points were made by Deputy Rabbitte. He said that the prosecutions do not always produce results in court. That is a matter for the courts based on the evidence provided. However, we should give credit where it is due. Yesterday, we saw the conclusion to a serious murder case in Limerick which occurred some time ago when a night security worker was executed by a hit man on behalf of some gang. That case was resolved yesterday, which was a major achievement for the Garda. Today we have seen a major drug pusher arrested in Belgium. I have outlined the figures for Garda seizures of firearms and drugs and arrests for murder, robbery and the theft by gangs of high powered vehicles. We have seen the Garda crack down very hard on those gangs. The Garda is well aware of who is involved in the two gangs in the south-west Dublin murder and is making a major effort to close down their activities.

To paint the picture that Deputy Rabbitte does is not justified. We need to support the increasing numbers of gardaí through giving them resources and assisting them in every way possible. The law-abiding public is doing more and more in this regard. However, drugs are a lucrative business and attract very dangerous people. I do not have time to go through the legislation but we have provided all the legal powers possible on the Statute Book and in the Criminal Justice Bill to deal with these issues.

Mr. J. Higgins: Today, Irish Ferries has stated, arrogantly, that it intends to push ahead and sack 543 unionised workers, replace them with exploited labour from the Baltic states and ignore the recommendations of the Labour Court, which is not exactly a revolutionary body. Callously, two employers’ organisations, IBEC and the Irish Exporters Association, are today backing the use of semi-bonded labour by Irish Ferries. This points to a growing pack of corporate wolves who believe workers are not entitled to a decent job, a decent wage and decent working conditions with health and safety safeguards as they pursue their super-profits. The Taoiseach denounced Irish Ferries in this House and said it should not do what it is doing. Does he feel humiliating that the company has responded to him with a rude gesture? Or is it the reality that behind the scenes, the Government is showing no commitment to fight what Irish Ferries is doing? He refused to bring in legislation to outlaw this exploitation.

Last year, the Government paid Irish Ferries €1.13 million to crew the Normandy with similarly exploited labour. The Minister for Communications, Marine and Natural Resources arrogantly threatened to turn An Post over to cheap labour employers when the postal workers dared to stand up for justice. A few years ago, the Tánaiste roamed the Middle East inviting big businesses with cheap labour practices to come here. Has the Taoiseach any shred of credibility in the face of this relentless campaign to drive down wages and workers’ conditions? If Irish Ferries is allowed to sack these workers, then every grasping boss in the State will feel he has carte blanche to sack permanent workers and to replace them with cheap, vulnerable, exploited migrant labour.

Will the Taoiseach bring in emergency legislation to outlaw Irish Ferries from introducing semi-bonded labour on it routes? Will he accept its sackings as legal redundancies and have the taxpayers subsidise the scam? What precisely does he intend to do? Can he be very clear in his response?

The Taoiseach: As I have said previously, the orderly conduct of industrial relations depends on respect for the basic norms of the institutions of the State, the Labour Court in this instance. The recommendations of the Labour Court are not generally binding, as all employers and trade unions know, but they should be respected as the proper resolution of disputes. This is especially the case with the Irish Ferries dispute. I said this to the trade unions, management and the executive of Irish Ferries when I met them. The court has spelled out very carefully its views on the fundamental aspects of the negotiations and on the collective agreements. It upholds the basic principles that agreements should be honoured unless there are compelling reasons to vary them. In this case, having heard the comprehensive arguments from both sides, the Labour Court concluded that
the company has not made a sufficiently compelling case to justify the unilateral termination of the agreement with SIPTU. The court went on to state that all the possibilities of re-negotiating aspects to the agreement of concern to the company had not been exhausted. It recommended, therefore, that the parties resume negotiations on such changes as are necessary in order to address the commercial needs of the company. Having regard to the clear risk to the conduct of ordinary industrial relations to which the Deputy referred and which the Labour Court said would otherwise arise, I urge strongly the parties to enter into the negotiations with an independent facilitator if necessary. The issues in dispute between SIPTU and the company can be resolved satisfactorily and speedily and they should do that.

The Deputy also raised the issue of the company’s plans to recruit new staff to re-flagged vessels. The Minister for Communications, Marine and Natural Resources has declined an application by the company to remove the vessels from the Irish register and to transfer them to the Cypriot register. He did so on the advice of the Attorney General. I have been advised there is little prospect but of regulating the employment conditions of staff employed on vessels which are under the Irish flag. The other issue raised was about the handling of the redundancy payments and tax law. What I said about them previously still stands.

**Mr. J. Higgins:** Does the Taoiseach accept the State in which he rules is increasingly becoming a cold house for workers and their rights as has been demonstrated by the actions of Irish Ferries? We have had the ludicrous situation where the Competition Authority recently threatened trade unions with prosecutions if they negotiate for lowest paid workers among us, such as actors, musicians, film technicians and so on. The Taoiseach gave me chapter and verse on the Labour Court recommendations, but I asked him what the Government will do, which he has not answered. I would like him to be very forthcoming in that respect. It is quite clear what Irish Ferries intend to do, but what will the Government do?

The meat industry is a hive of exploitation, where any Irish worker or a migrant worker who wants the trade union rate will not find a job as the rates have been driven down. Workers on Stena Line, which is a competitor of Irish Ferries, are getting trade union rates at the moment. What will happen to their conditions if Irish Ferries get away with this? This is truly the race to the bottom. I ask again whether the Government will legislate to outlaw this disgrace. Why did the Taoiseach say there is little prospect of regulating conditions of employment for staff on vessels which are not under the Irish flag. That is not just a European issue, but an international one. Many of these flags of convenience are used outside of Europe as well. That is why it could not be regulated when the issue was looked at previously on a number of occasions.

**Ms Lynch:** If they are forced to comply with health and safety regulations, why is it that the Government cannot force them to comply with wage levels? It is the most regulated industry in the world, but the companies cannot give their staff proper conditions.

**An Ceann Comhairle:** Allow the Taoiseach answer the question posed by Deputy Higgins.

**The Taoiseach:** I already confirmed that the Minister for Communications, Marine and Natural Resources has declined an application by the company to remove its vessels from the Irish register and to transfer them to the Cypriot register. The Deputy asked me what I am recommending. That is the job of the Labour Court. I am not an independent arbitrator in this case. I support the court and its recommendations.

**Mr. J. Higgins:** It made its recommendation. What will he do about it now?

**The Taoiseach:** I support the recommendations and that is what should be implemented. We have conveyed that to the company. Having listened to all sides, the Labour Court set out what I believe is a fair and comprehensive decision on this, and that is what should be followed.

**Mr. J. Higgins:** I hope All Hallows got a lot more satisfaction from its conversations with the Taoiseach than we have got.

**Requests to move Adjournment of Dáil under Standing Order 31.**

**Mr. M. Higgins:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent concern, namely, the deprivation of entertainment and media workers of the right to be represented by a trade union as a result of their being targeted by the Competition Authority, which regards each individual artist as a separate company and the fact that SIPTU has been forced to withdraw from representing these workers in negotiations as a result.

**Mr. Howlin:** In accordance with the terms of Standing Order 31, I wish to seek to move the adjournment of the Dáil to discuss the following specific and important matter of public interest, namely, the need for the Minister for Enterprise, Trade and Employment to outline the steps he
[Mr. Howlin.] intends to take arising from the rejection by Irish Ferries of the Labour Court decision on its plans to replace more than 500 employees with cheaper labour from abroad, having regard not just to the implications for labour relations in the maritime sector, but also to the wider threat the decision poses to the future of social partnership.

Mr. Sherlock: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Tánaiste and Minister for Health and Children to amend the nursing home subvention scheme under section 22(3) of the nursing homes regulations of 1993 to increase this subvention in light of the large number of families forced to avail of private nursing homes for their elderly parents owing to the lack of public nursing home beds.

Mr. Ferris: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the crisis in Kerry General Hospital due to lack of resources which is leading to patients spending long hours on trolleys and a shortage of domestic service which operates for only five hours a day.

Mr. Morgan: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the necessity for the Taoiseach to make a statement denouncing the rejection by Irish Ferries of the Labour Court recommendation which found that the company should honour the employment agreement reached with SIPTU and the Seamens’ Union of Ireland last year and which rejected the company’s claims that its future viability is dependent on proceeding with these measures and, in light of this rejection, the necessity for the Government to accept that there is an increased onus on it to work for the introduction of a ferries directive to protect workers on board ferries from exploitation by unscrupulous employers such as Irish Ferries.

Mr. Broughan: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Minister for Communications, Marine and Natural Resources to outline what steps he proposes to take to safeguard the jobs of 543 Irish Ferries workers following the rejection of the Labour Court recommendation by Irish Ferries’ management yesterday.

Mr. Deenihan: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the lack of medical personnel and facilities at Kerry General Hospital, especially in its accident and emergency and cardiac units, resulting in the unprecedented protest by 40 Kerry general practitioners on the grounds of the hospital yesterday in Tralee.

An Ceann Comhairle: Having considered the matters raised, they are not in order under Standing Order 31.

Mr. Stagg: On a point of order, has the Chair abolished Standing Order 31? Is there no system whereby the collected brains of the Opposition cannot think of a matter which qualifies under Standing Order 31? Has the Chair personally abolished the Standing Order?

An Ceann Comhairle: It would not be a matter for the Chair. It is a matter for the House under Standing Orders.

Mr. Stagg: It is a matter for the Chair’s interpretation.

An Ceann Comhairle: If the Deputy examines a number of these——

Mr. Stagg: The Chair has abolished the Standing Order. While he tells Members that it is the House’s prerogative to abolish it, in practice, he has done so.

An Ceann Comhairle: The Chair’s ruling is in accordance with precedence and if the Deputy requests an opportunity——

Mr. Stagg: It is not in accordance with precedent. In other precedents——

An Ceann Comhairle: If the Deputy will listen——

Mr. Stagg: Standing Order 31 was used on special occasions.

An Ceann Comhairle: We will not discuss this on the floor of the House.

Mr. Stagg: The Ceann Comhairle is wrong, again.

An Ceann Comhairle: If the Deputy considers what has been raised under Standing Orders, most issues have already been raised in Leaders’ Questions.

Mr. Stagg: The Ceann Comhairle has made a personal decision not to allow anything under Standing Order 31.

An Ceann Comhairle: More have been raised on the Adjournment.

Mr. Stagg: The Chair made a personal decision.

An Ceann Comhairle: No, Deputy——

Mr. Stagg: Yes you did.

An Ceann Comhairle: ——the Chair made no personal decisions.
Mr. Stagg: You practise it every day in the House.

An Ceann Comhairle: When the Deputy submits a matter in accordance with Standing Order 31, I will allow it.

Mr. Stagg: The Chair might tell the Opposition what that might be some time.

Order of Business.

The Taoiseach: It is proposed to take No. 10, motion re referral to joint committee of proposed approval by Dáil Éireann for a Council framework decision on the European evidence warrant for obtaining objects, documents and data for use in proceedings in criminal matters; No. 17, Criminal Law (Insanity) Bill 2002 [Seanad] — Second Stage (resumed); and No. 1, Employees (Provision of Information and Consultation) Bill 2005 [Seanad] — Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 10 shall be decided without debate. Private Members’ business shall be No. 43, motion re reform of the Competition Act 2002.

An Ceann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with No. 10, motion re referral to joint committee of proposed approval by Dáil Éireann on the European evidence warrant, agreed?

Caoimhghín Ó Caoláin: I object to taking this motion without debate because it should be debated, especially given that on numerous occasions the Minister for the Department of Justice, Equality and Law Reform and his officials have acknowledged the need for a review of the Hague programme, particularly in the context of the rejection of the EU constitution by the French and Dutch electorates. A moratorium should be introduced on the passage through this House of all further EU measures arising directly from the Hague programme pending the outcome of a full review and debate in the House. This is the least to which we should agree rather than continuing the practice of referring matters without debate which does not allow for adequate scrutiny on the floor of this House. We must recognise that the human rights agenda is being left far behind the security agenda in this respect and Members have a responsibility to ensure that this is rectified. This can only be addressed in the context of a full debate in this House.

The Taoiseach: To explain, all we ask of the House is to approve the motion so that the matter will be referred to the committee and debated in that forum. By so doing, much more time will be devoted to it. While the measure must be passed by December, this motion will permit its referral to the committee where it can be debated.

Caoimhghín Ó Caoláin: However, there will be no debate in this House. That is the issue. I object to the lack of debate in this House.

An Ceann Comhairle: The Taoiseach should be allowed to reply.

The Taoiseach: It is impossible to debate all matters in this House. Moreover, attendance at the committee is open to any interested Member.

Question, “That the proposal for dealing with No. 10 be agreed to”, put and declared carried.

Mr. Kenny: Section A of the Government’s legislative programme contains 14 Bills which it expects to publish between the beginning of this session and the beginning of the next session. Am I correct in stating that ten of these Bills have not yet been published? Does the Government intend to publish them? Will the Taoiseach confirm this?

I note that following the publication of the Law Reform Commission report on a proposed DNA database, the Minister for Justice, Equality and Law Reform has stated that he intends to legislate for this as quickly as possible. Will this happen in this session or some time next year?

Arising from the speed of his response, last March I raised the constitutional issue of the reference to the inviolability of private property with the Taoiseach. He is aware of the socially divisive recent case in the West about which I do not wish to comment. At that time, the Taoiseach stated that the Government would examine this issue. Is it his intention to legislate to tilt the balance of the law in favour of the homeowner as distinct from the trespasser or perpetrator of a crime?

The Taoiseach: As for the first matter, while I do not know if it will happen for every Bill, the Government intends to publish the remaining Bills by the start of the next session, which is the period covered by the list referred to by the Deputy. As for the second matter, it is the intention of both the Minister for Justice, Equality and Law Reform and the Government to proceed in respect of the proposed DNA database. The Government must examine how this may best be done. If possible, it will be incorporated into the Criminal Justice Bill. If not, we will proceed with it separately. However, it would be better and more efficient in terms of time and effort to incorporate it into the Criminal Justice Bill. As for the third matter, while the Deputy may wish to table a question to the Minister, I understand that the present legislation is adequate in this respect.

Mr. Rabbitte: In respect of a public servant or a serving office holder, does the Taoiseach believe that being economical with the truth...
An Ceann Comhairle: It does not arise on the Order of Business.

Ms O. Mitchell: Luckily.

An Ceann Comhairle: I suggest the Deputy finds another way to raise the matter.

Mr. Rabbitte: It is a highly controversial matter at present——

An Ceann Comhairle: Of course, and it should be dealt with in accordance with the rules of the House

Mr. Rabbitte: ——affecting a hard-working civil servant.

An Ceann Comhairle: I suggest the Deputy submits a question to the appropriate Minister.

Mr. Stagg: The Deputy should invoke Standing Order 31.

Mr. Rabbitte: As a matter of public policy, what is the Taoiseach’s attitude?

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

Mr. Deenihan: The Taoiseach wishes to respond.

The Taoiseach: No legislation is involved.

Mr. Sargent: Will the promised legislation be amended to take into account the animal health Bill, which currently has no publication date?

5 o’clock

Given the gravity of matters such as reports of avian influenza and cases of foot and mouth disease in Brazil against a background of ongoing importation of Brazilian beef, will the Taoiseach indicate when the House will have a publication date for the legislation?

Given the possibility that the issue of qualifications may form part of the animal health Bill and in light of the Government’s failure to meet education pledges on class sizes and literacy, which were contained in the programme for Government, will the Bill be quickly introduced?

The Taoiseach: As I have said a number of times, the heads of the animal health Bill have been approved for a considerable time. The purpose of the Bill is to consolidate and update the diseases of animals legislation. It is a complex matter to cover all Bills of this nature over a long period. I do not have a date but I have passed on the fact that the Bill has been raised in the House numerous times to see if it can be expedited.

The education Ireland Bill will establish a body to regulate education services, including the teaching of English as a foreign language to foreign students, and provide for related matters. It is still hoped the legislation will be ready next year.

Ms O. Mitchell: This morning, we learned that the average travelling time of commuters into Dublin had increased by a further 12.5%. It does not take a genius to realise that if this trend persists, commuters will have no work to go to. Meanwhile, three successive Ministers for Transport under the Taoiseach——

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

Ms O. Mitchell: Yes. Three Ministers for Transport have promised to liberalise the bus market. Is this still the Government’s position and, if so, when will the relevant legislation be introduced? If it is not the Government position, does it have an alternative proposal to prevent complete gridlock?

The Taoiseach: Legislation is pending and discussions are ongoing between management and trade unions.

Ms O. Mitchell: Who is in charge?

The Taoiseach: The Deputy should table a question to the Minister. Legislation has been in place since 1932.

Mr. Durkan: More decisions like that taken regarding the Dublin Port tunnel would be fun.

An Ceann Comhairle: I have not yet called Deputy Durkan.

Ms B. Moynihan-Cronin: Is the Taoiseach aware of the unprecedented steps general practitioners in County Kerry were forced to take yesterday in protesting outside Tralee General Hospital due to the lack of——

An Ceann Comhairle: The matter does not arise on the Order of Business. As it has already been selected on the Adjournment, I ask the Deputy not to debate it as a token of fairness to her colleague who submitted it.

Ms B. Moynihan-Cronin: The question relates to promised legislation, namely, the medical practitioners Bill. Will the Taoiseach ask the Minister for Health and Children to deal with the Third World conditions in Tralee General Hospital?

The Taoiseach: The Bill is due in mid-2006.

Caoimhghín Ó Caoláin: Will the Taoiseach advise the House on the status of the health (nursing homes) (amendment) Bill, the purpose
of which is to clarify and standardise the application of the nursing homes subvention scheme?

The Taoiseach: It is hoped the legislation will be ready by Christmas. It will not be taken by Christmas but in the new session.

Caoimhghín Ó Caoláin: Will it be published during this session?

The Taoiseach: That is still the hope.

Mr. Timmins: In recent days, the Taoiseach has gone to great lengths to overturn the view of some of his Ministers that he would not enter Government with Sinn Féin after the next election.

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

Mr. Timmins: In view of the fact the Fianna Fáil Party press office has spent the past year scaremongering about other groups in Government, will the Taoiseach indicate if he will make further announcements about groups with which he would not share Government after the next election? I do not have in mind the Progressive Democrats Party, but other parties. Is the Taoiseach ruling out any other party? If so, it would be helpful if he were to inform his press office.

Mr. Quinn: Did the Cabinet have sight of the building control Bill yesterday? If not, when does it expect to have sight of it?

The Taoiseach: No. I have been pressing to get the Bill cleared as soon as possible but it is still not ready.

Mr. Rabbite: Does no one pay any attention to the Taoiseach?

The Taoiseach: I am told it will be ready this session and I will continue to inform Deputy Quinn who awaits the Bill.

Mr. Quinn: Will the Taoiseach recognise that, given the substantial amount of activity in the construction industry which many people welcome, a major consumer protection issue arises and the prospect of addressing it is being impeded by the absence of the Bill? It is an act of dereliction and a failure of responsibility that the legislation has not been introduced.

Mr. Keohoe: Last Wednesday, I raised the issue of Irish families who were affected by the tsunami. I thank the Taoiseach and Minister for Foreign Affairs, Deputy Dermot Ahern, for their positive response in giving each of the families €5,000.

Mr. Howlin: Earlier, the Taoiseach announced that the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, had refused an application to re-flag vessels to another member state of the European Union. Previously the Taoiseach informed the House that the Government was reviewing the legislation to determine whether it was possible to introduce legislation which would require a link between vessels or companies and the country of the flag under which they fly. Has progress been made in this examination? Is it intended to introduce such legislation?

The Taoiseach: The Minister and the Office of the Attorney General have been carrying out an examination of all the matters around this issue. The statement I made today related to the position on one aspect of the issue. There has been a review and an examination of the Bill, which Deputy Rabbitte helpfully gave us, to see how we can deal with this issue. It is difficult and I am told the chances of successfully dealing with the matter are not great. It is being examined.

Mr. Boyle: Is it proposed to introduce an amendment to the Residential Institutions Redress Act to include victims of the former Magdalene laundries? I also request a debate on the fact that compensation payments will probably surpass the figure of €1 billion which the Comptroller and Auditor General indicated would be a likely final sum. Surely it is time for the House to hold a review of the operation of the Residential Institutions Redress Act.

The Taoiseach: The matter can be raised in a number of ways but there is no extension of the Act.

Mr. Deenihan: I understand that an announcement of funding for Sports Campus Ireland is imminent. Will the Taoiseach confirm that the Abbotstown sports campus development authority Bill will be introduced in this session?

The Taoiseach: It is to be published this session.

Mr. Durkan: Notwithstanding the lethargy and general lack of energy which affects the benches opposite, would it be possible for the Taoiseach to rouse the Minister for Communications, Marine and Natural Resources to introduce the energy Bill promised for this session, particularly as it, like the Government, is coming to a close?

The Taoiseach: The Bill is due this session.

Mr. Broughan: Will the major consultancy report on inland fisheries be published this week? Will it be followed by legislation?

The Taoiseach: I will have to check that.
Mr. J. Breen: In view of the disgraceful attempts to force redundancies at Shannon Airport and outsource work in a manner akin to the approach taken by Irish Ferries, as well as the disgraceful sell out of the mid-west region in the abolition of the bilateral agreement——

Mr. Cullen: I saved the people of the mid-west.

An Ceann Comhairle: I ask the Minister to allow Deputy Breen to put his question.

Mr. J. Breen: The Minister sold out the mid-west in America last week. Why did he not opt for an impact study?

An Ceann Comhairle: The question must be appropriate to the Order of Business. What matter is the Deputy raising?

Mr. J. Breen: If the Ceann Comhairle gives me a chance, I will tell him.

An Ceann Comhairle: The Deputy has had many chances.

Mr. J. Breen: Will the Government introduce the industrial development (amendment) Bill because it relates to the Shannon free zone? When will the open skies arrangements be introduced? The Ministers for Transport and Arts, Sport and Tourism, both of whom are from the south, sold out the mid-west by failing to maintain the transatlantic status of Shannon Airport.

An Ceann Comhairle: On the legislation, I call the Taoiseach.

Mr. J. Breen: The Minister has sold us out, and the Taoiseach allowed it to happen. When Mr. Charles Haughey was Taoiseach, he did not allow that.

An Ceann Comhairle: Deputy Breen, please allow the Taoiseach to answer the question.

Mr. J. Breen: The Taoiseach——

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

Mr. J. Breen: Had the Minister ever seen a party welcome him to the area? The Minister has sold out the mid-west.

An Ceann Comhairle: We move on to No. 10, motion re referral to joint committee of proposed approval by Dáil Éireann for a Council framework decision on the European evidence warrant for obtaining objects, documents and data for use and proceedings in criminal matters.

Ms McManus: I am sorry, but I had my hand up for some time. I would like to ask a question.

An Ceann Comhairle: Very well.

Mr. McDowell: It had better be good.

Ms McManus: It is always good. It is a pity I cannot say the same for the Minister.

An Ceann Comhairle: The Deputy should ask her question, if she has one. If she does not, we will move on to No. 10.

Ms McManus: Last Thursday, the Oireachtas Joint Committee on Health and Children received the most affecting presentation I have ever heard, one that undermines public confidence in hospital services.

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

Ms McManus: MRSA and Families came before us and asked that we act. Will the Taoiseach consider amending the Health and Safety Authority legislation to make MRSA a notifiable disease?

An Ceann Comhairle: If legislation has been promised, I suggest that the Deputy submit a question to the line Minister.

Ms McManus: It is extraordinary that our hospitals are such dangerous places.

An Ceann Comhairle: It is in order to ask the Taoiseach if legislation has been promised. If it has been promised, I suggest that the Deputy submit a question to the line Minister.

Ms McManus: I am sure that the Taoiseach would be willing to answer.

An Ceann Comhairle: Is legislation promised?

The Taoiseach: No, but I will make the Deputy’s views known to the Minister.

European Council Decisions: Referral to Joint Committee.

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

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

a proposal for a Council Framework Decision on the European evidence warrant for obtaining objects, documents and data for use in proceedings in criminal matters,

a copy of which measure was laid before Dáil Éireann on 9 November 2005 be referred to the Joint Committee on Justice, Equality, Defence and Women’s Rights in accordance with paragraph (2) of the Orders of Reference of that
committee which, not later than 29 November 2005, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

**Criminal Law (Insanity) Bill 2002 [Seanad]: Second Stage (Resumed).**

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

**Mr. Durkan:** The Ceann Comhairle almost caught me unawares.

Before I adjourned this debate, I was dealing with the Minister’s announcement of new pleas and verdicts. I referred to the verdict of not guilty by reason of insanity replacing the present guilty but insane verdict. I mentioned one or two instances that caused concern in the past and will no doubt do so in future. Some members of the public feel that victims do not receive due recognition in such circumstances. The Minister is an eminent legal practitioner, while I am not, nor am I a psychologist or psychiatrist. However, I have witnessed cases during my time in this House that would certainly warrant questions, particularly when, after a period, someone decides that the perpetrator should be released on what seem to victims and their families as tenuous grounds.

I mentioned one case in particular. I do not wish to draw attention to a specific case, but I know that the Minister is aware of this because, to the best of my knowledge, the person concerned is off shore, having left the country in peculiar circumstances. I am trying to ascertain in the context of the legislation whether future victims will have a greater or lesser degree of protection or recognition of their plight when, as they see it, even under current legislation, a perpetrator can appeal on the basis that he was insane when he committed the act but completely sane ten minutes before and a few hours afterwards. I know that we tread an extremely thin line, but the public is not convinced, and neither am I.

The public’s confidence in the system to protect it is important. While we should never attempt to exceed the law regarding punishment, the public has recently got the impression that, for some reason, if a good enough case is made, someone who is a murderer, a rapist, or both, can get away on spurious grounds. Whether it is the public’s fault for reaching such a conclusion or that of someone else I cannot say.

I ask the Minister, in the context of the Bill, to examine whether the public has confidence in the judicial system and the necessity that it have absolute trust in it. I refer to the Minister’s points when he made his announcement on 12 December 2002, when he was a newly fledged Minister, full of bright hopes for the future and great proposals, having climbed telegraph poles with grand announcements, looking rather like the Statue of Liberty. He came back down to earth again and is now even closer to ground level than then. He said that there would be a new plea of guilty with diminished responsibility in cases of murder where the mental disorder is not such as to justify an insanity verdict. That means much more in legalese than it does to me, and I cannot say what it will mean to the public.

It would be of grave public concern if it became easier for someone who has committed a serious crime, such as murder, rape, or both, to escape imprisonment after a shorter period than that intended at sentencing. I do not wish to harp on about this issue, but it is important. That excuse has been used in the past and will be used again. I mentioned an individual who was released from prison on the grounds of being fully fit and rehabilitated or having served his full sentence. He left this country and went to another jurisdiction where, from recollection, he raped approximately five women and killed a sixth within five or six weeks. That was a few years ago, but the case was well known at the time.

What kind of plea would the law now entertain from such a person? Perhaps, in replying on Second Stage, the Minister might examine some cases where change would be of benefit. That is important. The public must be reassured that we are acting not because of semantics or pedantry but for the genuine reason of improving the efficacy of the law and public confidence in it, which is absolutely necessary.

The Minister said that the Criminal Law (Insanity) Bill 2002 will clarify, modernise and reform the law on criminal insanity, bringing our law on such difficult and sensitive matters into line with Ireland’s obligations under the European Convention on Human Rights. I fully respect the need to comply with the convention, but I also recognise that it in no way impinges on framing the law in such a way as to protect the people and families of those who are victims.

The events of recent days regarding an issue in another part of the country serve to focus on the public’s need for some kind of signal that the direction in which we are going is the right one. I have not been a harsh arbiter in this area and this is not a political criticism of the Minister. However, there is an obligation on all of us to recognise that much of the current lawlessness is generated by a belief among young people that crime pays, that if they cannot get away with it one way they can get away with it another. That is sad. I disagree with zero tolerance because I do not believe it works. It only works when a clear signal is given to criminals throughout the country that crime does not pay, they will not escape, they will be punished and they will not be allowed to shoot, stab, kneecap or bludgeon people to death. They must recognise that from the word “go”, and that lesson must percolate down to the children who have not yet started on the way of crime.
[Mr. Durkan.]

There was a case a few years ago involving a young fellow of about 14 or 15 years of age who had a string of convictions as long as one's arm. He called himself the young general or some such pseudonym — I cannot remember it exactly. It is a sad reflection on our society that a young person with criminal intent was able to give the two fingers to society and walk away. That attitude came from only one thing — the big guys who were driving the big cars.

Only last week a man was severely injured — as far as I know that is all that happened — when he was surrounded by two high powered cars at a roundabout in Clondalkin. The media was able to give a graphic account of that incident. Obviously, there are powerful people involved in this business who believe they can get away with these incidents, and they are doing so. I am aware one was arrested today in Belgium, and congratulations are due for that, but we have a long way to go.

It is correct that defendants should have adequate space to plead their case and defend their client. However, they should not be given extra space to get their client off if he is a murderer, rapist or whatever. I am not making a political point when I say that to preserve respect for the law and the institutions of State and to ensure that we reduce crime which is escalating, we must be careful about what we do and how we do it in regard to this legislation if we are to achieve its objectives.

Mr. McHugh: I am glad of the opportunity to speak on this desirable legislation, which is long overdue. It is difficult to understand the reason a previous Minister for Justice, Equality and Law Reform did not bring it forward at an earlier stage, particularly when one considers the advice in the 1978 Henchy report, which are incorporated into this Bill. It has been disturbing to see reports on some court cases involving people who were obviously mentally ill yet who were being tried before a court as though they were completely sane. High profile murder cases get a great deal of media attention because mandatory sentencing makes it essential that, if appropriate, a plea of insanity be brought forward. However, it is also important in the District Court where there were summary charges against people who are mentally ill.

The purpose of the Bill is to modernise the law and bring it into accord with the jurisprudence of the European Convention on Human Rights, which Ireland has incorporated into domestic law. The main provisions of the Bill are to replace the concept of fitness to plead with the concept of fitness to be tried; provide for a statutory definition of “criminal insanity” and provide for a new verdict of not guilty by reason of insanity, which replaces the archaic concept of guilty but insane, and a new concept of guilty with diminished responsibility, which could reduce a murder charge to one of manslaughter, with the discretion being allowed to the court in the case of sentencing.

The European Convention on Human Rights requires that a provision be made for the establishment of a review mechanism, and this will take the form of a new body known as the mental health review body, which will formally review and investigate cases where people have been detained under the provisions of the new legislation. The Bill provides for designated places of detention for persons with a mental illness or disorder who have come before the courts. It is difficult to define what mental illness is, either medically or legally, but to define mental disorder is much more complex.

Regarding the case of a verdict of diminished responsibility, which I support as we are bringing Ireland into line with many other countries, in this instance it is confined to murder. Should it be confined to murder? Murder carries a mandatory life sentence and now, if successfully pleaded under diminished responsibility, a conviction for manslaughter will be recorded. However, there must be other criminal cases in which an accused has diminished responsibility. The plea of diminished responsibility will be decided by a jury and it is a matter for the jury to decide if diminished responsibility led to the situation. The Minister stated that this will not be applied in other cases because the judge will have the opportunity of taking diminished responsibility into account when sentencing. The onus is put on the judge to deal with a matter of fact.

Judgments are often criticised in the media. Sometimes the criticisms appear to be justified. In other instances, the full facts of the case may not be recorded in the media, leading to unfair criticism being levelled at judges. Are we wise to allow that situation to continue, particularly in a case where a judge may take into account diminished responsibility when passing sentence?

I would like the Minister to clarify the composition of the mental health review board. I note the suggestion in the Bill that it has no significant financial or staffing implications. An advisory board exists and it would be helpful to know to what extent it will have extra staffing. What are the projected costings for the new board as opposed to the existing ad hoc advisory committee? If a mental health review board is to be established, which is a good step forward, it must be done properly.

I welcome the Bill. It is an important step forward which will have the effect of offering further protections to people who need that protection but who may not be in a position to set out their stall in a coherent manner. It removes the disparaging concept — guilty but insane — which is most welcome. I could never understand how somebody could be guilty of an offence if they were insane. It is regrettable that it took so long for such legislation to come before us in this
House but even though it is late, it is welcome and the Minister is to be thanked.

An Ceann Comhairle: Deputy Boyle, there are 14 and a half minutes remaining in the Technical Group slot if you wish to take it or do you wish to wait your turn?

Mr. Boyle: I would not have used the full time. I would be grateful of the opportunity to contribute.

An Ceann Comhairle: Fair enough.

Mr. Boyle: A number of issues arise regarding this Bill, which has been generally welcomed by most Members of the House. One was already referred to by Deputy McHugh in his contribution, namely, the length of time it has taken to introduce such a Bill to the House. It is worth noting that the most prominent of the cases that have caused public concern in this area took place a considerable time ago. The John Gallagher case, for instance, which involved the double killing of Annie Gillespie and her mother, took place in Sligo General Hospital 17 years ago, in 1988.

After being declared guilty but insane and placed in the Central Mental Hospital, Mr. Gallagher subsequently absconded. In 1994, Brendan O'Donnell was responsible for the vicious deaths of Imelda Riney, her young son and a local curate. That these events took place 17 and 11 years ago begs the question why this House has not seen fit to change this legislation before now. It is a question that might better be put to the Minister's predecessor at the Department of Justice, Equality and Law Reform who introduced a Private Members' Bill along these lines while Opposition spokesperson on justice in 1996. This far into the life of the Government, legislation in this area is finally brought forward.

It is to be hoped that reforming legislation in this area will finally eliminate the phraseology that has bedevilled the discussion of criminal law in the context of persons who are psychologically and mentally under various forms of duress. While the Dáil in this session has passed statute law revision to remove some of the archaic legislation that included references to “lunatics”, “idiots” and “imbeciles”, it is something of an irony that a Bill which proposes to eliminate the verdict of guilty but insane is itself called the Criminal Law (Insanity) Bill. This is something that might be examined on Committee Stage. It seems a contradiction in terms that the Title of the legislation should include the pejorative word “insanity”. Since the Bill proposes to introduce a new verdict of guilty with diminished responsibility, the word “insanity” in its Title should be replaced with the words “diminished responsibility”.

Of vital importance is the intent of the Government in terms of providing resources to ensure the circumstances do not arise where persons of diminished responsibility could cause the type of pain and anguish experienced in the cases of John Gallagher and Brendan O'Donnell. I question whether adequate resources are given to identifying psychological illness to ensure such illness is correctly treated. The trend of Government actions, as evidenced by its proposal to relocate the Central Mental Hospital on the same campus as the new prison in Thornton Hall in County Dublin, speaks of an attitude that does not properly make the distinction between psychological disorders and the need for a criminal law system that has a penal element. As long as the thinking persists that there can and should be a central mental hospital as part of a campus with a prison, many of the objectives of this legislation will not be realised in the long term because it has not challenged the central misconceptions that exist in this area.

We must also consider how our legal system generally deals with criminal incidents involving occasions of diminished responsibility that may not be part of a long-term psychological disorder on the part of the perpetrator, particularly in the case of murder. A case that is currently prominent in the media, to which I will not refer directly because an appeal is pending, is relevant in this regard. The defence of diminished responsibility can be based on such circumstances as irrational fear, the need to protect property above persons and the question of whether a life is worth less or more in the case of members of a particular section of society. These are issues that could be addressed in the debate on this Bill.

Unfortunately, however, a debate is raging among the public that involves questioning the validity of much of what should be considered civilised values. Where people have fears, those are most adequately addressed by better socialisation and policing. They should never be addressed by one person or groups of people acting in a vigilante fashion in deciding whether one life is worth less than another. Such an approach represents a collective irrationality and a collective psychological disorder in society at large. The case to which I refer may be beyond the scope of this Bill but it raises the issues of diminished responsibility and irrational behaviour. Where the death of a person is caused by the actions of another, irrespective of the fears and concerns of the latter, it diminishes our society. We must be more honest about this.

I regret that I heard a prominent public representative, a former Member of this House, speaking on this case in the national media in a way that compromises its further progress through the courts. This is not helpful in the circumstances and particularly so for the individual concerned. We must debate the wider issues in the context of the value of human life and the circumstances in which people can feel safe and secure in their homes. These are issues from which many politicians are running.

It has taken a long time to produce this legislation and we could go even further in distancing
[Mr. Boyle.] ourselves from unnecessary, archaic and insulting language in dealing with psychological and psychiatric disorders. In terms of how we use our resources as a society in making a proper distinction between criminal acts and acts of a criminal nature committed by persons not in full possession of their mental capacities on a particular occasion, it is clear that we still have a distance to travel. This is attentive legislation but it is only basically reforming. If more is not done, other types of reforming legislation will be required and there will be more hypocritical talk about how this problem should be dealt with.

Mr. Crawford: I welcome the opportunity to speak on this legislation. As my colleague, Deputy Jim O’Keeffe, said at the outset, it has taken some time to bring it to the House. One cannot but point to the case to which Deputy Boyle referred. I have listened to the radio debate and it is clear how difficult it is for some people to agree on how particular incidents should be dealt with. This is a case where a man lost his life in circumstances where the person responsible for his death was living in fear and dread. The argument can be made that the latter was not absolutely aware of the seriousness of his actions. This is a case that may come back before the courts so one must be careful in speaking about it.

We see clearly in the media that people have different views on this case. It comes back to an issue discussed in the House many times. We can have all the law we like, but we do not have the troops on the ground to implement it. There is not a sufficient number of gardaí among the people. There were supposed to be 2,000 additional gardaí but there are only 300. Far worse, hundreds of gardaí are stuck behind desks in work which could be done by civilians. People in rural areas, particularly Border areas such as where I am from, live in fear because the Garda personnel are not available to deal with occurrences. Those people do not have the full support of the nation of which we are all proud, particularly when we have so much money. It is serious when that money is not used properly to allow people to live and have security in their own homes. I do not condone anyone taking the law into his or her own hands. Those living in isolated areas know there is no hope of support if they call 999, a fear that must be understood.

I admit I often read the explanatory memorandum rather than the Bill because the spokesman on justice is the one who should go through the legal technicalities. The explanatory memorandum states: “With the development of modern psychiatry and greater understanding of the underlying causes of mental illness and its associated conditions, it has become apparent that this area of the criminal law needs clarification and development.” That sentence made my blood boil. Today, there are more suicides than ever, with more people under pressure.

On umpteen occasions, I have dealt with individuals in my constituency office after they were refused psychiatric service support and access to full-time treatment, even in the short term. In one case, an individual committed suicide only five days after being refused. To suggest psychiatric services have improved is ridiculous. We now spend less money on the treatment of mental illnesses than when times were bad, yet there are more suicides than ever. When such statements as the one I quoted are written, we must ensure we know what we are talking about.

If one attends the funerals of those who die as a direct or indirect result of insanity, one realises we are not dealing properly with this problem. We may have a more modern way of dealing with mental illnesses and fewer people may be committed, but there are cases such as that of Fred Williamson. His cousin was buried last Saturday, almost a year after his death. She was a handicapped child who depended on Freddie. However, their matter was allowed drag on when support or treatment would have solved their problems. I feel very emotional about this issue as they were good neighbours of mine. While that case may not be relevant to the Bill, the way in which people are treated is relevant. Some cases involving individuals with mental illnesses do not end up in the courts.

I accept there are people who are insane and not fit to be tried. We need services that can decide whether an individual is genuinely insane. One can never forget the victims such as in the case of Annie Gillespie and her daughter who died in Sligo as a result of Mr. Gallagher’s actions. I recall canvassing in County Mayo, during what is now known as the Ring by-election, when one could not go to houses at night because a young priest, a mother and her child had been murdered in a nearby locality. Once 9 p.m. came, we stopped canvassing because people were scared. Again, in this case, the individual who perpetrated the crimes was insane.

Such people must be locked up and properly controlled to ensure they never carry out the same actions again. There have been instances of murders and serious crimes committed by former inmates of psychiatric institutions or those released from the Central Mental Hospital. It is important for the public to be aware of this side of the coin to ensure, as far as is possible, proper balance is achieved between dealing with someone who has committed a crime while psychiatrically ill and the protection of the public from further crimes. Whatever regulations are made, we must not only protect the rights of an insane individual and have him or her housed in a proper institution rather than a jail, we must also ensure he or she serves the time for the crime committed.

There is an issue around the judgment of diminished responsibility. While I agree with the
Bill as presented, there is a need to change some of its language to bring it into line with modern thinking. While the laws must be changed, the manpower also must be provided to ensure people feel safe in their homes. We must also ensure individuals with insanity problems are controlled as far as possible.

Mr. Healy: I welcome this important Bill which deals with a sensitive and, to some extent, confused area. Courts and juries have had difficulties with the issues pertaining to this area over many years. The laws on criminal insanity go back 200 years, from the lunacy Acts of the 1820s to the Juries Act in 1976. The provisions of the Criminal Law (Insanity) Bill are drawn from the various recommendations of the Henchy report in 1978. The Bill has been a long time in coming as the year in which it first saw the light of day, 2002, is three years ago. It is often said that the wheels of justice move slowly, but they move especially slowly for people with mental disorder.

Taking into account the current prison population, there are two categories of prisoner that stand out. John Lonergan, the governor of Mountjoy Prison recently stated that those from poor backgrounds comprise a large proportion of the prison population. The other section is comprised of those who have various forms and degrees of mental disorder. This relates to the issue of funding mental health services. In recent years we have especially seen a considerable reduction in such funding. This corresponded with the idea of moving mental health into community care, an idea with which we all agree and would like to see occurring to an even greater extent than is visible.

Unfortunately, the move into community care was not accompanied by necessary funding, but rather by a reduction in funding. Mental health services should be made available to a large extent in the community but major funding in the area is necessary. The lack of such funding and consequent services has left many individuals on the streets or otherwise homeless, finding themselves in situations where they break the law and eventually being imprisoned. This Bill should be extended to cover this population.

The mental health area must be improved in terms of funding, resources and management. This would ensure a reduction in the number of those incarcerated who have various degrees of mental health problems. Those prisoners who have mental health problems should have treatment facilities available to them within the Prison Service. This is not currently the case as an unsatisfactory quality and quantity of service is available to this population.

With the recent purchase of land for the Thornton Hall complex, there has been a proposal that the Central Mental Hospital be located on the same site. This flies in the face of recommendations, ideas and proposals in this legislation. Such a facility should have a stand-alone site and not be integrated with the proposed prison. This is a widely held view both in the Oireachtas and outside it. It is difficult to see how such a proposal could sit with what is a modernisation of legislation through the Bill before us.

Modern psychiatry has led to greater understanding of the area of mental illness and associated conditions. As a result, the law must be clarified and developed as current law goes back almost 200 years. The Bill has new provisions dealing with fitness to be tried, as well as new rules and regulations dealing with appeal against findings, a statutory definition and restatement of the test for criminal insanity based on existing rules, and a new verdict of not guilty by reason of insanity. This verdict would replace the current position of finding a person guilty but insane. There is a new provision bringing about the possibility of a plea of guilty with diminished responsibility in the case of murder.

These provisions are welcome and in line with modern psychiatric thought. This area relates to the European Convention on Human Rights. I welcome the new review body, the mental health review board, that will be introduced with this legislation. It is particularly important. Current law goes back as far as the Lunacy Regulation (Ireland) Act 1871 and the M’Naghten rules from 1821 and 1843. The Bill is therefore not before its time. I welcome it and hope that services for those who are mentally ill, both in the community and in the prison environment, will be examined on Committee Stage.

Mr. Connolly: I welcome the opportunity to speak on this Bill which is designed to update criminal law relating to insanity, taking into account various advances which have occurred in psychiatry. It is generally recognised that a number of advances have come about in psychiatry from the mid-1950s, particularly with the introduction of medication and related improvements. We now tend to intervene much earlier in illnesses, leading to a more successful treatment. The key to such success is treating people in their environment. It would be more to our advantage if there could be more domestic care.

Much current law regarding insanity almost goes back to the Act of Union, and it is past time that such legislation was brought into the 21st century. We have been working with outdated law for a long time and there is a great need to bring it forward. This Bill is an attempt to do so and, although it may not get every facet correct, it is at least a move in the right direction. This area of law urgently requires reform and mental health policy should be brought more in line with obligations under the European Convention on Human Rights.

The Bill is timely in that it reviews and modernises legislation dating from pre-Victorian times. There was a time when people who became insane were taken to lunatic asylums and
effectively locked up for the rest of their lives irrespective of what their actions had been. There was no chance that they could get out. In most cases, their relatives wished to forget about them. Now, there are sad instances of people discovering they had an uncle, aunt, cousin or whoever who was locked up in a psychiatric institution. It was part of the so-called great system pertaining to the late 1950s. Numbers peaked and conditions were not good in terms of people not having their own attire and so forth. People would not accept that conditions were so bad. These people were forgotten about.

Those who drafted this Bill could have provided a somewhat less crude and insensitive Title than the “insanity” Bill. The term conjures the wrong images. I noted that many speakers found the language quite offensive. A submission I have received from the Mental Health Nurse Managers Ireland group suggests the removal of the terms “insanity” and “mental handicap” to prevent the continuation of their use. It claims the stigmatisation effects of such words should not be underestimated and that this terminology is outdated. These people work in the system and I agree that it is outdated. The words “mental disorder” and “intellectual disability” are in line with the Mental Health Act 2001.

We now live in a slightly more enlightened era and we should use terms that are inoffensive. For example, we referred to people who were mentally ill as lunatics in years past. The lunatic asylum became the mental hospital and then the psychiatric hospital. These types of terminology are not useful. The term “mental handicap” in the disabilities sector has been changed to “learning disability”. Such names continually change, and rightly so. These titles send out certain signals and there are a number of reasons such aspects should be changed.

Persons with mental illness who would be affected by this Bill would be stigmatised by the use of the word “insanity”. It has no neurobiological definition and, as a concept in everyday language, is extremely broad and vaguely defined. Therefore, it is not surprising that this concept is neither used by nor useful to professionals in the neurosciences who regard so-called insane behaviour as the result of abnormalities or changes in the brain. It appears to be a convenient Title for a Bill but the proposed review body is the mental health review board and not the insanity review board. That in itself sends a message.

It should not be beyond the ingenuity of the drafters to develop a more appropriate and less offensive Title. A rough medical translation would be psychosis, namely, the more severe types of mental illness involving hallucinations or delusions. The closest neurobiological parallel would be inherent in a disorder that would exhibit these symptoms. Of these, schizophrenia is the most potent example.

Under the new legislation, the current guilty but insane verdict will be replaced by a not guilty by reason of insanity verdict. We have often seen this type of legal defence presented in the United States of America’s legal system on television. On a typical television legal show the defence lawyer brings in a psychologist who says the defendant should not be held accountable for his or her actions. This is generally because he or she has a certain mental illness that interferes with reasoning capacity. If the jury believes the person has this mental illness it invariably finds him or her guilty or not guilty. This raises a number of questions that are never clearly answered. Why does being mentally ill excuse someone from criminal guilt? How is a jury qualified to determine a person’s mental state? What level of mental illness constitutes insanity? How is someone’s insanity proven?

Temporary insanity is another issue. Familiar cases in this country have involved people claiming they are guilty but insane and being transferred to the Central Mental Hospital in Dundrum, to become better miraculously a number of years later, exhibiting no signs of insanity or mental illness. This must be examined as it is obvious that people have used this excuse to claim they were insane at the time but are now not so. One must ask the question whether it is a means of dodging a guilty verdict. It can be and has been used in the past.

The main reason this concept is so confusing is that the distinction between insanity and mental illness is rarely clarified. Mental illness and mental disorder are both psychiatric concepts while insanity, as I mentioned, is a cultural or legal concept. Both mental illness and insanity are related conditions but they are by no means synonymous. Mental illness at the time of the offence is a prerequisite for a not guilty by reason of insanity verdict but legal insanity is not simply a judgment of whether a person has a mental illness. Generally, this verdict is found if a defendant meets one of three conditions: first, due to a mental disorder, the defendant did not understand that what he or she was doing was illegal; second, the defendant did not know what he or she was doing due to a mental disorder; and third, the defendant was compelled to commit the crime by an irresistible force. The matter of irresistible force or impulse is a plea that can be frequently used as there has been a great deal of disagreement about it between the legal and the psychiatric professions. Such a plea might be entered into in respect of persons accused of paedophilia, for example.

A person should only be found guilty of a crime if he or she intended to commit it. If I bump into someone in my car, I am not guilty of an assault but I could be guilty of causing damage. The result is the same but I have not committed the crime as there was no intention. Perhaps I could be found guilty of a lesser crime, such as reckless or careless driving. We must examine the concept of a lack of full intention. It
should not simply be the case that having a mental illness means no guilt. Perhaps there is partial guilt as there are certain levels of awareness, which should be considered in judgments. Judgments should not be absolute.

Mental illness can alter a person’s perception of reality so that he or she does not realise the criminal nature of his or her actions and has no choice but to commit the crime. When this happens, a court would believe that the person lacked the element of intention necessary for criminal guilt. However, mental illness alone would not be a sufficient defence to establish a person’s guilt or otherwise. Under this legislation, a judge will be enabled to seek a psychiatric opinion, which is welcome. Psychiatrists will be able to offer expert opinions about whether the person would require institutionalisation or otherwise, such as on a day patient or outpatient basis.

Nevertheless, the Bill does not specifically provide for the opportunity for an outsider to avail of services within the community. These community care services, which include nursing, day care, vocational rehabilitation or addiction counselling, can make major contributions to an offender’s recovery. Care in the community would be a preferred option in modern mental health treatment and the inpatient committal should be used as an option of last resort. If one can treat a mental illness in a person’s home and environment, it is much more likely there will be a better outcome. One is tackling illness at an earlier stage, which is the key to successful treatment in mental illness cases. For example, outreach and home-based teams have been established in County Monaghan, which seem to be successful in terms of reducing the number of people requiring admission. I am not suggesting that we should do away with admissions to psychiatric hospitals at any stage. There are ways of delivering more effective treatment and these should be examined and provided on a national basis. Inpatient mental health services should be exclusively for those people who need inpatient treatment.

Amendments to the Bill proposed the removal of the terms “insanity” and “mental handicap”: the inclusion of a statement of principles based on the international human rights instruments and including a section on rights based on international human rights instruments: the inclusion of provisions for an independent mental health advocacy system, the introduction of community and multidisciplinary perspectives throughout the Bill, and the relation of the Bill to the Mental Health Act 2001 by using the definition of “mental disorder” used in the Mental Health Act 2001; the change of the phrase “designated centres” to “approved centres” or as defined under the Mental Health Act 2001; the specification of the role of the Inspector of Mental Health Services to agree the inspection of centres designated under the Bill; the replacement of the mental health review board with mental health tribunals as defined in the Mental Health Act 2001; the introduction of provisions to address concerns raised in respect of the impact of the Bill on mental health services; the introduction of a provision of mental health assessment during trial and before sentencing; the inclusion of a section on the transfer of prisoners in secure forensic mental health facilities: the safeguarding of the rights of persons under 18 years of age to appropriate assessment, care, treatment and review; and the revision of explanatory and financial memorandums to reflect fully the resource implications of the established mental health provision within the criminal justice system which meets international standards of best practice, including human rights instruments.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): On behalf of the Minister I thank all the Deputies who contributed to this debate on the Bill. Their detailed interest in its provisions reflects its importance and the Minister looks forward to a continuing and constructive input from them during the forthcoming Committee Stage debate. While the Minister is open to any suggestions which may be tabled with the intention of improving the Bill, he reminds the House that much time was spent both on Committee and Report Stages in the Seanad on amendments relating to some of the issues which Deputies raised during this Second Stage debate. He will table some other amendments, most of them textual or technical.

I will deal with some of the more substantive issues raised during the debate. However, if I do not have sufficient time to comment on other points raised by Deputies, I am sure they can be revisited on Committee Stage.

The question of diminished responsibility and the question of confining it to cases of murder was raised by Deputies Jim O’Keeffe and Murphy. As the Minister stated, the underlying purpose of the plea is to give the courts flexibility in sentencing in appropriate cases of unlawful killing. In other words, the plea is to be explained primarily in terms of the mandatory sentence for murder. There is no need to apply this concept of mitigation in the case of other crimes where there is no mandatory sentence. In those instances the judge can already take into account the mental condition of the convicted person and tailor the sentence accordingly. There might be some sense to apply diminished responsibility to other offences in a legal system which has fixed tariffs for specific offences or inflexible guideline sentencing principles which set out a going rate for particular offences and which leave no element of discretion to the trial judge. However, we do not have such fixed and rigid rules.

With regard to Deputy Murphy’s question about the Minister being certain that the Judiciary will only apply diminished responsibility
in cases of murder, I refer the Deputy to section 5 of the Bill which deals only with the circumstances where a person is tried for murder. The position could not be clearer.

However, there is already one statutory instance which comes very close to applying the concept, the Infanticide Act 1949, which contains special rules where a child under 12 months is killed by the mother while her mind is unbalanced in the aftermath of birth. In these circumstances the killing is infanticide. This is a species of manslaughter and the sentence is the same as for manslaughter which carries a sentence of up to life imprisonment. The defence of irresistible impulse was clearly accepted by the Supreme Court in the case of Doyle v. Wicklow County Council in 1974, although earlier cases had given indications that it might well form part of Irish law.

The projected costings of the review board versus the ad hoc advisory committee were raised by Deputy Jim O’Keeffe, as were the costs associated with the establishment of the proposed independent mental health criminal law review board which will have full responsibility for the ongoing review, assessment and possible release of all persons detained in accordance with the provisions of the Bill. Currently the costs associated with reviews by an advisory committee may be broken down into committee fees and the fees payable to the patient’s representatives. The amounts will vary in each case depending on the time involved and the number of meetings required. However, it would be reasonable to assess the total fees involved per case to be in the region of €10,000 to €15,000.

The review board, however, will have a much higher workload and cases will be reviewed on an ongoing basis. The Minister has not yet decided on the number of members of the board. It will also need to have a permanent secretariat for administrative duties. While the Minister does not expect that the costs will be significant, he is unable to give the House any definitive figures yet.

The question of why certain of the Human Rights Commission’s recommendations were not taken on board was raised by Deputies Jim O’Keeffe and Ó Snodaigh. In the short time available it would not be possible to outline the detail of the commission’s recommendations and the reasons the Minister did not take all of them on board. I am sure attention will again be drawn to the commission’s recommendations during the passage of the Bill through the House and the Minister will elaborate further at that time, if required.

Some of the points on which the commission commented have already been raised by Deputies during this debate. These would include such matters as the language used in the Bill, the inclusion of prisons in the definition of designated centres and the question of irresistible impulse. The commission also raised questions about, inter alia, the availability of medical evidence in fitness to be tried proceedings, the role of the mental health criminal law review board compared with the tribunals to be established under the Mental Health Act 2001, and the need to shorten the periods of review by the review board from six months to three months. One of the commission’s recommendations was addressed by way of amendment in the Seanad when the Minister reduced the period of detention for assessment purposes from 28 to 14 days.

The commission also had reservations about the consent of the Minister for Justice, Equality and Law Reform in the context of the powers of the new review board in section 11(6). Deputy Cuffe raised this point and expressed concern about the board’s independence and procedures. The Minister sees no difficulty in this matter. Section 11(6) requires the review board to make specific provision in its review procedures for the matters listed. The inclusion of the requirement for the Minister’s consent to the procedures is merely to ensure that these matters are specifically addressed. The review board will be fully independent in how it undertakes its review functions. The Minister has noted Deputy Murphy’s comments and others on the composition of the review board. As I already stated, the Minister has not yet finalised his thoughts on the precise make-up of the board.

The protection of the public has been fully taken on board in the Bill. This matter has been raised by Deputies Jim O’Keeffe and Deenihan. The Minister is happy that the provisions of Bill are sufficient to ensure that the protection of the public will always be a priority. The provisions
relating to the detention of persons found not guilty by reason of insanity or unfit to be tried, combined with the proposal for a criminal law mental health review board are paramount in this regard.

Views were expressed in the other House that the functions which the Bill confers on the review board could be performed by the mental health tribunals provided for in the Mental Health Act 2001. The Minister fully acknowledges the important work to be carried out by the mental health tribunals under the civil law system for both voluntary and involuntary referrals where breaches of the criminal law are not involved. However, the Minister does not accept that those tribunals should have a role in the area of law governed by this Bill.

As the Minister stated in the Seanad, public confidence in the criminal law must be maintained. If an individual is acquitted by reason of insanity, the public must know if it is appropriate for that person to be released from detention in a designated centre. Until now, it has been the responsibility of the Minister for Justice, Equality and Law Reform to make decisions whether the individual should go free from the Central Mental Hospital on the basis that he or she is cured. However, this must change for reasons associated with the Convention on Human Rights. Accordingly, a specialised board, the mental health criminal law review board, is being established to deal with all the issues involved arising out of the detention of persons who have committed criminal offences, including the matter of release back into the community.

The Minister points out that provision is made in section 11(6) for the Minister for Justice, Equality and Law Reform, the Director of Public Prosecutions and the Minister for Defence to be heard or represented at sittings of the review board. In the Minister’s view, these provisions will ensure that issues relating to the protection of the public will always be kept very much to the fore when the review board is required to consider the possible release of such persons.

As regards the correspondence referred to by Deputy Deenihan during his speech, the Minister wishes to advise the Deputy that he has received the Deputy’s letter and the matter is being attended to in his Department in consultation with the Garda authorities. The Minister will revert to him as soon as possible on the points raised.

The issue of definitions and language used in the Bill was raised by Deputies Costello, Cowley, Cuffe, Ó Snodaigh, Murphy and Neville. Deputy Costello referred to the definition of mental disorder used in the Bill for determining criminal liability and to the complexities associated with the legal and medical overlaps in this regard.

Deputies Cuffe, Cowley, Ó Snodaigh and Murphy referred to the language in the Bill and the use of the words “insanity” and “mental handicap”. These terms were the subject of much lengthy debate in the Seanad. On the definition of mental disorder, the Minister wishes to reiterate what he stated in his Second Stage speech. The defence of insanity raises complex issues involving the overlapping disciplines of law and medicine. The approach adopted in the Bill takes that overlap into account by providing for two definitions of mental disorder: one to be applied by the court for the purposes of the criminal law during the course of the trial, the other for the purposes of dealing with the accused person following the court’s arrival at a verdict of not guilty by reason of insanity or of unfitness to be tried on the basis of the definition in the Mental Health Act 2001.

The policy underpinning this Bill is quite deliberate. That policy dictates that in the specific context of the Bill as a criminal law measure, the definition of the term mental disorder must first be framed against the existing position in common law. It is not proposed to move outside that framework and that is why the Bill does not propose to be radical in this most complex area. The Minister believes it is important to stress that no singular or uniform solution has been adopted in the various common law countries on this complex issue, including those with which we are closely connected.

Our law places the matter firmly within legal parameters directly related to personal responsibility for one’s actions. In this scenario medical evidence will be influential but not decisive. This means that an accused who has been diagnosed as medically insane may fail to satisfy the criteria for legal insanity in the criminal law. The Bill is designed to deal primarily with the criminal law aspects of the issue and, once that issue has been determined by the court, with the question of care and treatment.

The Minister notes that calls to align the definition of mental disorder in the Bill with the definition in the Mental Health Act 2001 are misplaced. It is important to understand that the use of the term in the Bill is not to provide just a defence of mental disorder but mental disorder giving rise to the case that the accused person does not understand the nature of the act done or that it was wrong. That is the foundation on which our criminal law in this difficult area is built and the Minister feels that he must construct our approach in the Bill on those basic foundations and ensure that we do not disturb them.

On the broader issue of the language used in the Bill, the Minister does not wish to get into the detail now as he is sure it will be raised again on Committee Stage. However, in his opinion we cannot be too precious about language. Use of the word “insanity” conveys to ordinary people an appropriate meaning and it is easily understood. In the Minister’s view, the use of less pejorative terminology might result in widespread use of the plea on a mischievous basis. It might also give the misleading impression that any mental disorder, no matter how trivial, would justify
returning a verdict of not guilty by reason of mental disorder. The word “insanity” signifies a threshold of disorder which could not be regarded as trivial or minor. In my opinion, changing the word “insanity” to “mental disorder”, for instance, would signify that the threshold is being lowered significantly.

Use of prisons as designated centres was raised by Deputies Costello, Cuffe, Ó Snodaigh and Murphy. The designation of centres where persons covered by the terms of this Bill will be accommodated is a matter for the Department of Health and Children, in consultation with the Department of Justice, Equality and Law Reform where such a centre is located within a prison. As the Minister stated in the Seanad when this point was raised, on the one hand the State has the duty to provide care and treatment for the person who has been found by a court to be unfit to be tried or not guilty of a criminal offence by reason of insanity. On the other hand, there may be situations where it might be appropriate to detain a person in a prison rather than in a psychiatric hospital. Unfortunately, that is the reality. We cannot rule out that at some stage the requirements of public safety may override other considerations and that a person may have to be detained within the confines of the most secure facility available.

The Minister wishes to make the point that we are talking about a quite exceptional circumstance here. The type of person involved could be someone with a mental disorder which manifests itself in abnormally violent or aggressive behaviour and with whom no designated centre would be equipped or staffed to deal.

Deputies Ó Snodaigh and Murphy referred to the United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, otherwise known as General Assembly Resolution 46/119 of 17 December 1991. The Deputies questioned whether the proposals in the Bill which allowed for a prison, or part thereof, to be used as a designated centre were compatible with the UN principles. In the case of the exceptional cases I am talking about, the Minister thinks so.

Expenditure in the mental health services area, the need for additional resources for both inpatient and outpatient care and responsibility for Central Mental Hospital were raised by Deputies Costello, Cowley, Ó Snodaigh and Murphy. A number of comments were made on the levels of funding for mental health services and on the Minister’s responsibilities for the Central Mental Hospital. I remind Deputies that responsibility for the resourcing of mental health services and related issues such as community-based facilities is a matter for the Department of Health and Children. That Department, not the Minister’s Department as was suggested in some contributions, is also fully responsible for the Central Mental Hospital.

The need for consistency with the Mental Health Act 2001 was raised by Deputy Ó Snodaigh. A number of amendments were proposed on Committee and Report Stages in the Seanad which were designed to align the provisions of this Bill with those of the Mental Health Act 2001. The question of aligning the definition of mental disorder, to which I have referred, was chief among those amendments. The Minister profoundly disagreed with the proposition that there should be an alignment between the Bill and the 2001 Act and he will not be changing his view on this.

Without rehearsing the arguments in too much detail, the purpose of the Mental Health Act 2001 is to govern the circumstances in which people can or cannot be admitted to psychiatric institutions against their wishes and to set a framework for the treatment of patients with mental illnesses. The purpose of this Bill is different in that it seeks to establish a mechanism for decisions by the courts that people are to be excused criminal responsibility in certain circumstances and to deal with other issues such as inability to plead. There should not be any spill-over effects between the two areas of law.

Deputy Gerard Murphy raised the issue of intoxication and whether the term “intoxication” encompasses intoxication by drugs. He suggested clarification might be required on Committee Stage to explain the difference between so-called social drugs and drugs prescribed by a doctor. The Deputy also questioned whether a plea of diminished responsibility is now unacceptable in the case of intoxication. In the latter regard, the Minister presumes the Deputy was questioning whether a person could plead diminished responsibility due to his or her being intoxicated. I can confirm for the Deputy that intoxication would encompass substances other than alcohol. On the Deputy’s other points, the reference in the Bill to intoxication arises in the context of the definition of “mental disorder”. Its inclusion is to make it clear that a person who commits an offence cannot claim to be suffering from a mental disorder by virtue of his or her being intoxicated.

The Deputy also referred to section 3 and the power therein for the court to acquit if it believes there is a reasonable doubt that the defendant committed the act in question. The Deputy suggests this creates a conflict which the Minister must resolve in that it denotes a strong suspicion of guilt by the court in respect of the defendant in circumstances where the court decides not to acquit.

The Minister addressed the circumstances described by the Deputy during Report Stage in the Seanad by adding two new subsections, subsections (9) and (10), to section 3. This arose from Senator Tuffy’s having raised this same point on Committee Stage. Having reflected on Senator Tuffy’s amendment, the Minister took the view that there was potential in section 3(8), as
drafted, for a court to conclude, without the benefit of a full trial, that there was not reasonable doubt that an accused carried out the alleged act. Clearly, such a conclusion could be prejudicial to the interests and good name of the accused thereafter or at any potential trial at some future date. The Minister therefore tabled official amendments that addressed the point raised by Senator Tuffy and Deputy Gerard Murphy.

Deputy Neville raised the issue of mental health courts. The establishment of a mental health court system on the lines of similar initiatives undertaken in the United States, particularly in Alaska, was proposed by the Irish Penal Reform Trust in its policy paper published in 2001 entitled Community Solutions to the Criminalisation of the Mentally Ill in Ireland. This type of initiative involves a centrally organised co-ordination of court, agency and mental health resources. All offenders with a history of mental illness would appear in these courts before judges who would have special expertise in mental health issues. The judge would also be responsible for co-ordinating the role of the court with the police, the prosecution, the defence and the mental health agencies.

The proposals in this Bill deal with certain aspects of this matter in the context of persons who come within the definition of criminal insanity in our criminal law and their referral by the courts to a designated centre as defined in the Bill. This is in line with a recommendation in the Henchy report. However, the Bill is not designed to alter the sentencing powers of courts to include treatment orders so that persons who are mentally ill but not found to be criminally insane and who are charged with or convicted of a criminal offence could be sent to an appropriate local hospital instead of being committed to prison.

While the Minister generally favours moves to ensure the more appropriate placement of persons suffering from mental illness as defined in criminal law and elsewhere, the proposal in question involves major policy and resource issues for my Department, the Prison Service, the Courts Service and, especially, the Department of Health and Children. In the circumstances, the immediate priority is the early enactment of the Criminal Law (Insanity) Bill.

Question put and agreed to.

**Criminal Law (Insanity) Bill 2002 [Seanad]: Referral to Select Committee.**

**Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey):** I move:

That the Bill be referred to the Select Committee on Justice, Equality and Women’s Rights, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

**Employees (Provision of Information and Consultation) Bill 2005 [Seanad]: Second Stage.**

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** I move: “That the Bill be now read a Second Time.”

On behalf of my colleague the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, I am pleased to introduce the Employees (Provision of Information and Consultation) Bill 2005. The Minister of State has asked me to convey his apologies for not being present today.

The Bill has passed all Stages in the Seanad where it engendered a very constructive and productive debate. During its passage through that House, a number of amendments which strengthened the Bill were made. I will comment on the main amendments when outlining the various sections of the legislation.

The Bill establishes a general framework for the right to information and consultation of employees in undertakings over a certain size. It introduces for the first time in Ireland a general right to information and consultation for employees from their employers. This general right is without prejudice to existing rights to information and consultation which at present are limited to specific circumstances, for example, collective redundancies and transfer of undertakings.

I will summarise the background and context to the Bill and then outline the approach taken in transposing the directive on which the Bill is based. I will then describe the purpose and reasoning behind each section of the Bill.

The Bill seeks to implement the provisions of EU Directive 2002/14/EC of 11 March 2002 on informing and consulting employees. The directive was agreed by member states following extensive negotiations at the European Council and Parliament. While much of the detail of implementation is left to national governments, the directive nevertheless sets out clear principles. Its objective is to establish minimum requirements for information and consultation of employees throughout the European Union. For the first time, employers are obliged to establish arrangements for informing and consulting their employees.

The directive is an important EU intervention in national industrial relations systems. The underlying reason for it was based on the need to address perceived gaps in the existing legal frameworks for information and consultation at EU and national levels. These frameworks tend to focus on the provision of information and consultation when crises, such as collective redun-
employees and the needs of Irish business within
tive and productive debate in the Seanad. The
approach has also been informed by the construc-
tion of its employees to certain defined circumstances. First, the Protection of Employment Act 1977, as amended, provides that employers planning collective redundancies must consult employees’ representatives and notify the Minister for Enterprise, Trade and Employment at least 30 days before the redundancies commence. Second, in the event of a transfer of ownership of an undertaking, the transfer of undertakings regulations of 2003 provide that an employer has certain obligations to inform and consult employees at least 30 days in advance of the transfer. Third, the Transnational Information and Consultation of Employees Act 1996 applies to Community-scale undertakings and groups of undertakings and provides for information and consultation of employees on transnational matters affecting those employees.

The aim of the information and consultation directive is to ensure that information and consultation is provided by employers systematically so that employees are able to acquire an informed understanding of the challenges faced by the business. Improving the adaptability of Irish workplaces is vital to meeting the challenges created by the globalised economy. Timely information and meaningful consultation are fundamental in this regard.

In recognition of the partnership approach that has served Ireland so well, there has been extensive consultation with the social partners and other interested bodies regarding the transposition of this directive into Irish law. Consultation with the Irish Congress of Trade Unions and the Irish Business and Employers Confederation included bilateral meetings, in accordance with the commitment given in the mid-term review of Sustaining Progress. The consultation process commenced in October 2002 and included the publication of a formal consultation paper in July 2003 which invited all interested bodies and individuals to make submissions setting out their views. The formal submissions received on foot of the consultation paper, together with the wider consultation process, helped inform the drafting of the Bill. Our approach has also been informed by the constructive and productive debate in the Seanad. The Bill is a balanced reflection of the needs of Irish employees and the needs of Irish business within the context of the needs of Ireland as a society and an economy.

Ireland has a wide variety of systems of workplace relations in operation. The Government’s policy approach in transposing the directive has been to provide the maximum flexibility to employers and employees to devise arrangements which best suit their own particular circumstances. The objective of the directive is to establish a general framework for the right to information and consultation of employees and, consequently, it is not overly prescriptive in terms of its provisions. The directive leaves considerable discretion to member states in setting out national procedures. This discretion has been fully utilised to tailor the legislation to Ireland’s workplace culture and to minimise the burden on enterprises. The Bill respects Ireland’s voluntarist tradition of industrial relations and allows maximum flexibility to employers and employees to implement new procedures or continue with existing customised information and consultation arrangements. Allowing scope for employers and employees to use local arrangements as much as possible, within the terms of the directive, will ensure that they embrace the opportunities the Bill affords them to build meaningful information and consultation processes in the workplace.

EU and national research demonstrates the tangible benefits that effective and meaningful information and consultation arrangements can bring to business and the individual. Employers who share information and consult their workers are the high performing companies in today’s markets and will be in tomorrow’s as well. Establishing and developing effective information and consultation arrangements at the level of the workplace leads to a sense of involvement for employees and a greater understanding on their part of the environment within which the undertaking operates. This in turn can help organisations to anticipate and manage change, facilitate workplace adaptability and develop partnership at the level of the enterprise, all of which are vital in maintaining and improving competitiveness. The Bill aims to encourage and support the establishment of arrangements for information and consultation and I am convinced that effective employee involvement will play a key role in increasing company performance.

I will now outline the main provisions of the Bill. Section 1 is a standard section in all Acts. It provides for the interpretation of certain words or expressions referred to in the Bill and also permits abbreviated references to sections, subsections and other Acts. The section draws on the text of the directive itself, but it also interprets some terms not defined in the directive and includes terms such as “employee” and “employees’ representatives” which the directive leaves to be defined in accordance with national law and practice. A number of minor amendments were made to this section on Report Stage in the Seanad.
Section 2 includes standard provisions which empower the Minister for Enterprise, Trade and Employment to make such regulations as may be necessary to give full effect to the Bill. Section 3 establishes a right to information and consultation for employees in undertakings with 50 or more employees. The provisions set out in the Bill are without prejudice to existing rights to information, consultation or participation under other legislation, for example, collective redundancies and transfer of undertakings legislation. They are also in addition to the rights accorded to employees under the Transnational Information and Consultation of Employees Act 1996. Procedures established on foot of that Act are not sufficient to fulfil the rights accorded by this directive and, hence, the Bill.

Section 4 sets out the number of employees that must be employed in an undertaking for it to fall within the scope of the legislation. This section avails of the option in the directive to phase in its application in member states where there is no general statutory system of employee information and consultation, as is the case in Ireland. The timetable for the phased-in application of the legislation means that it will apply on a date to be prescribed to undertakings with 150 or more employees. It is intended to make an order shortly after enactment of the legislation prescribing a date on which the legislation will apply to undertakings of this size. Undertakings with 100 or more employees will be covered from 23 March 2007, and by 23 March 2008 all undertakings with 50 or more employees will fall within the scope of the legislation.

Section 5 sets out the method of calculating the workforce thresholds for the purpose of determining whether an undertaking has enough employees to fall within the scope of the legislation. The directive allows member states to determine the method for calculating the thresholds of employees employed and the Bill bases the calculation on an average number of employees taken over a two-year period. This removes seasonal factors which might skew the figures if employee numbers were to be counted on a certain date each year.

An obligation is placed upon the employer to provide details of the workforce numbers within four weeks of this information being requested. This period of four weeks may be extended by agreement between the parties. Employees can request this information themselves, through their representatives, or through the Labour Court or its nominee. The right to request information through representatives or the Labour Court or its nominee was agreed on Report Stage in the Seanad.

Section 6 defines an employees' representative for the purposes of the Bill. An employees' representative must be an employee of the undertaking and must be elected or appointed for the purposes of the Bill. This ensures that the representatives are democratically elected or appointed by the employees and are representative of them. Where it is the practice of an employer to conduct collective bargaining negotiations with a trade union or excepted body which represents 10% or more of the employees, the employees who are members of that trade union or excepted body are entitled to elect or appoint their own employees' representative.

This section also provides that the number of trade union or excepted body representatives will be determined on a pro rata basis with other elected or appointed representatives. There is an obligation in this section on the employer to arrange for the election or appointment of the employees' representative. Where a dispute arises under this section, it may be referred by the employer, trade union, excepted body or one or more employees to the Labour Court for determination in accordance with the procedures set out in subsections 15(6), 15(7) and 15(9).

Section 7 sets out the process by which employees may trigger negotiations that will lead to an information and consultation arrangement being put in place in the undertaking. At least 10% of employees must make a written request for an employer to commence negotiations to establish such an arrangement. This 10% is subject to a minimum of 15 and a maximum of 100 employees. An employer can, alternatively, commence negotiations on his or her own initiative. Provision is made for employees to make their request to either the employer or the Labour Court, or a nominee of the court, and various steps are set down in terms of the Labour Court or a nominee of the court processing a request received. Negotiations must be concluded within a six-month period although this duration may be extended by agreement of the parties.

There are two possible outcomes to these negotiations, the establishment of a negotiated agreement under section 8 or the application of the standard rules as set out in section 10 and Schedule 1. Where the employee threshold is not met at the time of making a request, the employees of the undertaking shall not make a further request for negotiations for a period of two years from the date on which it was received by the employer or the date that the employer receives notification from the Labour Court that a valid request has been made.

Section 8 sets out minimum requirements for negotiated agreements on information and consultation. Employers and employees are given a wide degree of autonomy in these negotiations to devise their own information and consultation arrangements in line with the discretion allowed in the directive. To encourage such agreements, the conditions and limitations attached to them in the Bill are few. This affords the parties the opportunity to develop information and consultation arrangements that are tailor-made to their particular needs.

This section also provides for different options for approving a negotiated agreement. A majority
of employees or a majority of employees’ representatives must approve the agreement. Alternatively, some other system of approval can be agreed by the parties. At any time before a negotiated agreement expires or within six months after its expiry, the parties to the agreement may renew it for any further period they think fit. A minor amendment was made to this section on Report Stage in the Seanad.

Section 9 deals with pre-existing agreements which are information and consultation arrangements already in place in an undertaking before specified dates. Many undertakings already have agreements in place which provide for information and consultation either specifically or as part of a wider agreement on terms and conditions. Parties to these agreements may be satisfied that they have a workable and suitable system to meet the provisions provided for by Article 5 of the directive. Again, in line with the policy to encourage tailor-made agreements, the conditions and limitations attached to these agreements are few.

As regards undertakings with 150 or more employees it is intended to make an order shortly after enactment of the legislation prescribing a date by which pre-existing agreements must be in place in undertakings of this size. Like section 8, this section also provides for different options for approving a pre-existing agreement. Again, a majority of employees or a majority of employees’ representatives must approve the agreement and as an alternative, some other system of approval can be agreed by the parties. Where a pre-existing agreement is not in force for a period of six months employees are then free, if they so wish, to trigger negotiations as set out in section 7.

Section 10 deals with the standard rules which are essentially a fall-back position for setting up an information and consultation arrangement. The standard rules will apply if the parties agree to adopt them or the employer refuses to enter into negotiations within a certain timeframe, or the parties to the negotiations fail to agree within a certain timeframe. This section ensures that employees can exercise the information and consultation rights provided for in the Bill, if they wish, in the absence of agreement with the employer. The employer has six months to comply with the requirements of the standard rules. In the event that the terms of a negotiated agreement are not approved by the employees, a moratorium of two years will apply before the standard rules are initiated. Where, during this two-year period, the parties re-enter negotiations and approve a negotiated agreement, the standard rules shall not apply. This section also provides for a review of the standard rules.

Schedule 1 sets out the detail of the standard rules. These provide for the establishment of an information and consultation forum which comprises employees’ representatives and provide details on the size and structure, expenses, rules of procedure and competence of that forum, together with the practical arrangements for information and consultation. Schedule 2 details the requirements for the election of employees’ representatives to the information and consultation forum for the purpose of the standard rules. A minor amendment was made to section 10 on Report Stage in the Seanad.

Section 11 provides that, as regards negotiated agreements and pre-existing agreements, an employee may exercise his or her right to information and consultation from the employer either by direct means or by means of his or her representatives. For employees to change from a system of direct involvement to a system of representation through employees’ representatives, there must be a written request to do so by at least 10%, followed by the approval of a majority of those employees operating under a direct involvement system. Following approval of such a request there is an obligation on the employer to arrange for the election or appointment of representatives by the employees. A few minor amendments were made to this section on Report Stage in the Seanad. Section 12 provides that employers and employees and their representatives must work in a spirit of co-operation in implementing this legislation.

Section 13 provides protection for employees’ representatives in the performance of their functions in accordance with the Bill. It includes provisions contained in some other employment legislation, such as protection against dismissal, protection against suffering any unfavourable change to the conditions of employment and protection against unfair treatment or any other action prejudicial to the employment. Section 13 also provides for the facilities to be afforded to employees’ representatives to enable them to carry out their duties effectively.

An amendment agreed on Report Stage in the Seanad provides that employees’ representatives are paid their wages for any period of absence afforded them to perform their functions under the legislation. Section 13 also gives effect to Schedule 3, which was inserted in the Bill on Report Stage in the Seanad. It provides employees’ representatives with the right to complain to a rights commissioner that an employer has contravened section 13. A decision of a rights commissioner, which may include compensation to be paid by the employer to the employees’ representative, may be appealed to the Labour Court.

Section 14 deals with confidential information. It provides that specified individuals who receive information in confidence in the legitimate interest of the undertaking shall not disclose such confidential information to employees or to third parties unless those employees or third parties are themselves subject to a duty of confidentiality. This duty of confidentiality will continue to apply after cessation of the employment of the
individual concerned or the expiry of his or her term of office and it also extends to the Labour Court as regards confidential information that it receives during proceedings taken under the Bill. This section sets out cases where the employer may refuse to communicate information or undertake consultation and where he or she is prohibited from giving information.

Section 15 sets out dispute resolution procedures in respect of different types of dispute. In disputes regarding agreements, the standard rules or systems of direct involvement may be referred to the Labour Court for recommendation or determination, but only after the internal dispute resolution procedures, if any, have failed to achieve resolution and the dispute has been referred to the Labour Relations Commission — the latter must certify to the Labour Court that no further efforts on its part will advance the resolution of the dispute. A role for the Labour Relations Commission in the dispute resolution process was agreed on Committee Stage in the Seanad.

Disputes regarding confidential information may be referred to the Labour Court for determination. Section 15 sets out the role and procedures of the Labour Court in relation to these matters. In deciding what constitutes confidential information, the Labour Court may be assisted by a panel of experts to be appointed by the court.

Section 16 provides that the Labour Court has the power to administer oaths and compel witnesses in relation to disputes or appeals referred to it under the Bill. Section 17 provides for enforcement by the Circuit Court of a Labour Court determination or a decision of a rights commissioner that has not been appealed.

A new section 18, introduced on Committee Stage in the Seanad, provides that the Minister may appoint inspectors for the purposes of the legislation. The powers of the inspectors are set out and include the power to enter certain premises, make such examination or inquiry as may be necessary for ascertaining whether the legislation is being complied with, and require the production of relevant records and information. The section also provides for offences in relation to obstruction or non-compliance with requests from an inspector.

Section 19 sets out the offences for non-compliance with the provisions of the Bill, apart from section 18. Section 20 details the penalties for non-compliance with the Bill.

Debate adjourned.

Private Members’ Business.

Reform of the Competition Act 2002: Motion.

Mr. Hogan: I move:

That Dáil Éireann:

notes,
— the continued presence of excessive charging resulting in higher prices and reduced spending power for consumers;
— that since 1996 the Competition Authority has not secured one significant or meaningful criminal conviction for breach of the Competition Acts; and
— the insufficient resources allocated to the Competition Authority to do its work;
calls for reform of the Competition Act 2002 to allow for:
— the creation of a category of super complaints that can be made by bodies including the Director of Consumer Affairs, the Consumer Association of Ireland, IFSRA, the Financial Services Ombudsman and the Insurance Ombudsman;
— the publication by the Competition Authority of an annual report on the implications of State action for competition in the provision of goods and services which identifies areas where the State, either through direct involvement in the economy, or through regulatory systems, has restricted, inhibited or prevented competition;
— the referral of directors of companies found to be in breach of competition law to the ODCE for possible disqualification;
— the setting of a 30 day deadline by which time the Competition Authority should have responded to a complaint of anti-competitive practices;
— the outlawing of predatory pricing;
and calls on the Minister for Enterprise, Trade and Employment to significantly increase the resources of the Competition Authority.

Fine Gael regrets the need to move a motion like this in Private Members’ time, particularly regarding competition law. However, the need to do so is quite clear. It is based on the failure of this Government to control prices, adding substantially to the ever increasing cost of living. We move this motion because of the complete refusal of the Government to deal with rip-off Ireland, its complete inability to tackle the vested interests, its complete antipathy to consumers and small businesses as a result of the flourishing anti-competitive practices it is happy to ignore and its complete ignorance of what life is actually like for
those who every day find their hard earned cash not going as far as it should.

It is not merely a case of the Government standing idly by. This Administration has actively and deliberately worked against the consumer. It voted down Fine Gael’s consumer rights enforcer. It allowed its national consumer agency legislation, the announcement of which came only after Fine Gael pressure, to become bogged down in the same bureaucratic nonsense that holds back everything else it does. It dithered on the groceries order and did not spell out the detail of what it would do on predatory pricing. It still has not done that and the Minister changed his mind substantially from what he said publicly in June, that he was going to completely abolish the groceries order. Instead, he decided in mid-October to change the Competition Act. Why did he do this? It seems the groceries order is not gone, even though the Minister has spun the story that it is gone. He did nothing to change long-term agreements between suppliers and retailers, so the discounts and rebates that are being swallowed up by retailers are not being passed on to consumers. The Minister is already in retreat on that issue, so we will have to wait and see the detail of the Competition Act.

The Government has allowed the introduction of 36 separate and distinct stealth taxes on everything from accident and emergency visits to college fees. We have not been shy about highlighting this rip-off mentality, but the Government has not been shy in criticising us for doing so. In a speech in his constituency on 4 November 2004, the Minister for Arts, Sport and Tourism, Deputy O’Donoghue, stated “One of the great myths is that there is in existence a rip-off Ireland mentality. That myth must be laid to rest for the sake of Irish tourism and the Irish economy”. At one point last year it seemed that a Fianna Fáil sake of Irish tourism and the Irish economy”. At one point last year it seemed that a Fianna Fáil

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involvement in the economy, or through regulatory systems, has restricted, inhibited or prevented competition in goods or markets in the State. There should be a statutory obligation on Departments and on State agencies to respond to any comments or criticisms raised by the Competition Authority regarding State actions on competition within 30 days from the date on which the comments or criticisms are made.

For example, why is no one calling the Government to account for the licensing regimes on everything from pharmacies to buses? Anti-competitive practices that make life a misery for tens of thousands of people are perpetuated by the State, the very institution which is meant to be the consumer’s guardian. The Competition Authority should be empowered to blow the whistle on this kind of action and, under the full glare of publicity, perhaps before an Oireachtas committee, tell the Government what it must do and when it must do it.

The Competition Authority should be conferred with the power to impose fines on individuals and businesses in breach of the Competition Act without the necessity for a court hearing. While I understand that there are constitutional issues in this respect at present, they can be overcome. Currently, the Competition Authority may only apply to the High Court for the imposition of fines it cannot impose. This should be reviewed to speed up the process whereby decisions may be made. Otherwise, it deprives the Competition Authority of an essential tool in competition enforcement, one which is available to the European Commission and in competition agencies in other European jurisdictions. If we are serious about competition and about taking on those in breach of competition legislation, where a company is found to have breached competition legislation, the company directors should be referred to the Director of Corporate Enforcement for possible disqualification or restriction under the Companies Act.

Much of the more cutting edge legislation in this area comes not from Ireland but from Europe. Under the new EU framework for implementing competition law, the European Commission has power to adopt commitment decisions. In effect, this would allow the enforcement body to make a binding decision which is accepted by the infringer, but without the need to go to court. In addition to that cost saving, it would establish a useful precedent in that commitment decisions would be legally binding. Therefore, Fine Gael proposes that the Competition Act be amended to allow the Competition Authority to issue commitment decisions of this nature.

Much of the time and financial resources of the Competition Authority is tied up with notification of mergers and takeovers. While this is an obligation in the Act, little happens to change the nature of mergers or takeovers when the Competition Authority is notified. Nevertheless, it takes a considerable amount of time and resources to deal with them. As far as this Competition Act is concerned, since 2002, out of the hundreds of cases which have been referred to the Competition Authority, only one change has been made by it in respect of mergers and takeovers.

There is a widespread problem with competition in this economy. However, there are some examples where there is a particular problem, for example, in banking, cement, insurance, home heating and gas. In the case of Cement Roadstone Holdings, profits have been extracted from the economy by means of a complex industry structure that is both anti-competitive and anti-consumer. The European Commission, European Court of First Instance and European Court of Justice have upheld findings of serious anti-competitive behaviour against CRH and others. While this has been the subject of many complaints to the Minister’s Department as well as to the Competition Authority, no action has been taken and no investigation has been held.

While Sweden, Finland, the United Kingdom, France and Germany have since levied huge fines against the cement industry, Ireland’s answer has been a stony silence, despite a more recent public statement from Dr. John Fingleton, former chairman of the Competition Authority, that CRH was using small concrete manufacturers as “proxies for the consumer”. Last year alone, the German competition authority levied fines of €660 million on the German cement industry and the crackdown resulted in a dramatic drop in cement prices. Cement prices in Germany are running at half the price pertaining in Ireland.

In the home heating oil market, small oil distributors continually complain of the practice of differential pricing on the part of the major oil importers where discounts are applied to certain larger distributors who in turn discount the distribution charge from, for example, 5 cent to perhaps 3 cent or 2 cent per litre. This practice is unfair and anti-competitive given the limited access to market or choice available to the smaller distributor. Consequently, smaller distributors are being driven out of business or hoovered up by large distributors.

In Galway and Mayo alone, recent casualties have included Fuel Services of Loughrea, Muldoon Oil, Flanagan Oils, Gort Oil, All Star Motor Oil, Connell Oil, Cloonan Oil, Matt Geraghty Oil, Ruby Oil, Hughes and O’Boyle of Ballina, Gaughan Oil, Swinford Oil, Holmes Oil, Campbell Oil, Castlebar Oil, Heston Oil, Major Fuels and O’Gara Oil. This does not make me confident that business is being conducted properly. While the Minister may be trying to consolidate the market in the hands of the few, this leads to casualties rather than to lower prices. The end result will be higher distribution prices for the consumer, as consolidation occurs on foot of this differential pricing structure operated by the oil majors.
Moreover, attention should be paid to recent comments by a company called Vayu which pointed out that the criteria on which the Commission for Energy Regulation grants Bord Gáis increases in price is fundamentally flawed as it is based on both the cost of the gas and the cost of its transmission. The price increase includes charges for the pipes which are already in place and for which the capital cost has been deployed. A depreciation charge has already built into the prices. Why should the recent 25% increase in the price of gas also include an increase for the transmission network? Eircom are probably trying to adopt a similar course. Vayu contends that this cost is overstated so that the value of Bord Gáis will be increased in preparation for the potential privatisation of the company. All these areas remain untackled and ignored.

In the foreword of the 2004 report of the Competition Authority, the outgoing chairman outlined the scale of concentration resulting from a legacy of anti-competitive and anti-consumer policy and culture. In particular, he highlighted core areas of the economy where there are high levels of concentration in which consumers do not have adequate competition and choice.

While Members have heard many points being outlined and many lectures in respect of what must be done, they have seen little action from the Competition Authority or any other body. The then chairman, Dr. Fingleton, also outlined other sectors of the economy in which leading private sector firms have a market share of 50% as well as markets that are highly concentrated where, for example, four firms control more than 80% of the market.

As we recently discovered, in other key sectors of the economy such as the provision of legal services, the regulatory structure for the provision of those services is not adequately focused towards the needs and welfare of the users of those services. Poor competition in the provision of goods and services adds to the daily living cost for consumers. It also contributes towards inflationary pressures which affect the country’s national competitiveness in an increasingly global trading environment. It is critically important to inject a new competitive dynamic into the economy for the benefit of all consumers of goods and services. It is not acceptable that according to the World Economic Forum’s global competitiveness report, Ireland has fallen from fourth place in 2000 to 26th place this year.

The National Competitiveness Council has stated that Irish prices rose 22% more than those in other EU countries in the years from 1999 to 2003. The reason for that was the failure to provide for a competitive economy where anti-competitive practices were rooted out. Fine Gael has unveiled an agenda to deal with these matters and has brought it to the House in the desperate hope that the Minister may agree with it. I am disappointed that he has felt obliged to table an innocuous amendment which contains much on which all sides of the House agree as to what must be done.

Mr. Howlin: It is a restatement of the law.

Mr. Hogan: The Minister is playing politics and is not serious about doing anything in respect of this issue if he cannot agree with the Opposition parties on this fundamental issue. Undoubtedly, however, despite not supporting this motion, the Government will be obliged to do something in respect of competitive pressures because it knows — the focus groups have told it — that the cost of living is an extremely important issue.

Opposition Members have been left with no option but to represent the widespread view of the people, namely, that the Government has no consumer policy, that it contributes to higher costs of living through stealth taxes and charges and erodes the power of the consumer and diminishes workers’ living standards. While such workers may have had their personal tax burdens cut, they have found that the money was taken back from their pockets and household income by the imposition of stealth taxes and indirect taxes. That is not the route to take. We must tackle the root causes of our competitive deficiencies. I ask the Minister to reconsider his amendment. Perhaps by tomorrow he may be able to indicate that agreement can be reached as to what is necessary to proceed with a pro-competition agenda in the interests of the consumers.

Mr. Connaughton: The Competition Authority must be revamped. In fairness to the authority it has had a long, difficult road to travel since its inception. Ireland has a culture of cosiness which is conducive to the emergence of cartel arrangements and that has resulted in a wide range of impediments being placed in the way of real competition. This manifests itself daily in 1,000 different ways.

The Competition Authority has set out to gain the confidence of ordinary consumers and small, downtrodden companies which are no more than fodder for the sharks of industry in manufacturing and services. More people than ever before are aware of the authority’s role but while it has had some success in the area of mergers, it is foundering in the area of enforcement.

Now that the principles, role and purpose of the Competition Authority are known, the question arises as to whether it has been effective. The authority is somewhat similar to the Garda Síochána in that it has no shortage of laws with which to work but it does not have sufficient personnel to enforce them.

The public and big business learn fast. For instance, although the penalty points system had a major impact when introduced, it is ineffective because members of the public are aware that the chances of being caught are minimal. The same
applies to big business. It is faced by a paper tiger in the form of a Competition Authority with no real teeth. As the Minister knows better than anyone, some cases brought by the authority have been pending for more than nine years. How could this be good for our competitive edge? Justice delayed is justice denied. If the Competition Authority is to achieve the results which are vital to the promotion of real competition, much faster, crisper procedures need to be established to put manners on the greedy manipulators involved in the business world.

The rip-off culture is sparkling and can be found in every aspect of business life. It is evident in equal measure in private business and public utilities and is so widespread that consumers are as likely to pay higher interest rates if a bank believes it can get away with it as they are to pay an exorbitant charge for a simple cup of coffee in a small restaurant.

My colleague, Deputy Hogan, referred to Cement Roadstone Holdings. In representations made to me it has been alleged that this company has enjoyed a monopoly for years. It has taken the Competition Authority too long to decide whether CRH is a monopoly or a cartel, and such uncertainty creates significant problems. I understand another long-standing case brought by the Competition Authority against a company involved in the oil business was this week put back for a hearing until next October. Clearly, there is something wrong with a system in which such delays arise.

The Competition Authority requires a much greater financial allocation. To achieve what the Fine Gael Party is proposing, for example, the Government would need to double its funding. In parallel, the staff of the authority will have to include the best and brightest investigators. There is an old saying in my part of the world that one does not send a boy on a man’s errand. Those involved in carrying out investigations and doing the detective work necessary in the big, bad world of business must understand what type of activity is taking place. The Competition Authority has a massive job ahead and will need much greater resources to carry it out.

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

Mr. Connaughton: Although I have much more to add, I will leave it at that.

Mr. Crawford: I welcome the opportunity to speak to this important motion. Excessive prices and reduced spending power for consumers are major problems which no one has highlighted more clearly than my colleague, Deputy Hogan. While Mr. Eddie Hobbs received some of the credit for his recent television programmes, it was Deputy Hogan who launched the ripoff.ie website two years ago.

The Minister for Enterprise, Trade and Employment, Deputy Martin, who recently decided to scrap the groceries order — we are still not sure what precisely he proposes to do — will no doubt be given credit for some changes in the pricing structure in the months and years ahead. If, however, the Minister fails to introduce proper structures and funding for the Competition Authority, the removal of the groceries order could have serious long-term implications for industry and primary producers, with only a few multinational companies enjoying its benefits.

Mr. Martin: Here we go again, the interests of the consumer go out the door.

Mr. Howlin: Where is the legislation?

Mr. Crawford: It will also mean the end of small grocery shops and will provide little or no long-term benefit to consumers. We will wait to see what transpires as the people of County Monaghan know the Ministers promises better than most.

Mr. Martin: I merely want to know where the Fine Gael Party stands on the issue.

Mr. Connaughton: The Minister does not know where he stands.

Mr. Martin: I am getting conflicting messages all the time.

Mr. Connaughton: As the Minister, he should know where he stands.

Mr. Crawford: Will the Minister indicate whether he proposes to outlaw predatory pricing? I recall the year when an American lady hosted all sorts of dinners and meetings to encourage farmers to buy soya bean meal at knock-down prices because it was surplus. However, when storms in the United States caused a collapse of the soya bean crop the following year there was no sign of the lady in question or the product.

It is vital that the groceries order is removed in tandem with the introduction of realistic legislation which guarantees the rights of consumers and ordinary people in the trade. I have no doubt the objective of the multiples in seeking to force the Minister to abandon the groceries order was to give them greater freedom to take control of the market and, in turn, eliminate their competitors.

If retail groups use products to undercut the market at throwaway prices, the prices paid to producers will be depressed further. No area will experience greater difficulty than the meat and dairy sector. Only a few weeks ago, an international magazine published the views of an organisation representing the interests of 4,500 Austrian dairy farmers, which accused one of the country’s major retail groups of selling yoghurt at
throwaway prices and, to use its words, further depressing milk producers' prices with its unacceptable behaviour. Yoghurt was being sold at 9 cent for a 150 g carton during the week of 18 August. This price would cover the costs of the product's plastic packaging and transportation and would leave nothing for manufacturing or the producer. A similar yoghurt here retails for approximately 40 cent.

I have no doubt Mr. Eddie Hobbs played a major role in influencing the Minister's decision on the groceries order. I hope the Government takes the other issues raised by Mr. Hobbs with the same degree of seriousness. If the Government does as he suggests, there is no doubt the costs of manufacturing will decrease and the economy will become much more competitive. In addition, the Competition Authority must secure proper staffing and funding and must be given sufficient powers to act on behalf of consumers.

A few weeks ago, the Minister for Agriculture and Food, Deputy Coughlan, insisted in the House that a requirement to have veterinary prescriptions for animals would not add to costs. At the same time, the Minister for Health and Children, Deputy Harney, speaking at a nurses function, claimed she would have to allow certain nurses to provide prescriptions for humans so as to reduce prices. The House is being given different messages from different Ministers.

Thousands of manufacturing jobs have been lost. An examination of the list of stealth taxes demonstrates what is happening. It is sad that most of the increase in costs is Government led. In 2002, VAT increased by 8%. Motor tax increased by 12% and hospital charges by 26%. Drug refund costs rose by 31%, and later that year VHI fees rose by 8.5%. They have risen further since. In the December budget, the cost of the drug refund scheme rose by another €8, and accident and emergency charges to €45. We could go on. Many of manufacturing industry's problems and the costs to consumers are Government-led through all those stealth taxes, which must end.

Ms Enright: I welcome the opportunity to speak on this motion and congratulate my Fine Gael colleague, Deputy Hogan, on his work in the area.

Reading the Government amendment did not instill confidence in me that it had learnt anything over the summer. I wish to deal with the issue primarily from the perspective of students and young adults. The Minister's predecessor, the Tánaiste, long advocated the "shop around" philosophy as the best way to achieve value for money. It is a lovely notion, and young people may be more likely to do that, but it is not always possible or practical, particularly in more rural areas.

There is no doubt that we live in a high-cost economy, and that is largely owing to Govern-
assuming they can afford one in the first place in the context of such dramatically increased costs.

Socialising is becoming ever more expensive, depending on where one lives and likes to meet friends, with high charges for everything from parking one’s car to hanging one’s coat to buying a drink, whether alcoholic or otherwise. The Government voted down the Fine Gael Consumer Rights Enforcer Bill 2004 in this House and later told us it would set up a national consumer agency, a watered-down version of Deputy Hogan’s original proposals. Consumers are no nearer having their voice heard, and the Minister’s rejection of our motion and amendment clearly show he has not got to grips with this issue.

Mr. Perry: I compliment Deputy Hogan on raising the very important Competition Act 2002. It is a shocking indictment of the Government that young and old people across the country are becoming increasingly appalled at the high cost of living. This is bad management of taxpayers’ money and rip-off government in every sense. In 1997, €27 billion was taken out of the economy, and up to €48 billion is now coming out indirectly. We are now literally paying tax on our tax; that is how bad it is.

It is the fault of this Government and no one else that we are in this position. We have heard nothing about the appointment of regulators, and since the last election the Government has hit taxpayers 36 times with new taxes and charges. This year alone, we saw accident and emergency charges rise by €10, while the drugs refund scheme threshold rose again to €85. ComReg has approved increases in the cost of sending packages and parcels. The management of services by the State would lead in a private company to the board of directors being sacked instantly, since there is no accountability or value for money.

Competition is the lifeblood of trade in the business world, but there is certainly no competition in Government-provided services. Is there no end to the financial burdens the Government will impose on people?

The Minister has suggested the abolition of the Restrictive Practices (Groceries) Order 1987, but that is only a smoke-screen. I totally agree with its abolition, operating in the supermarket business myself, since it is completely outdated. The Minister has said there will be a €1,000 saving to every householder.

Mr. Martin: I never said that.

Mr. Perry: He was certainly reported as saying that, or something very close to it.

Mr. Martin: No, I never said it.

Mr. Howlin: Which of his spin doctors said it?

Mr. Perry: That would be very effectively benchmarked, since——

Mr. Martin: On a point of order, I have never said that and I challenge the Deputy to find any statement that I have made on this issue where I mentioned any figure.

An Ceann Comhairle: The Minister need not respond.

Mr. Martin: Others may have said that, but I have not.

Mr. Crawford: It was only his spin doctors.

Mr. Perry: If the Minister did not say that, it is certainly in the public media, in every newspaper, that each householder will be better off by €1,000.

Mr. Martin: I do not write the newspapers.

Mr. Perry: I am not saying that, but it is very much influenced by him.

Correctly benchmarked, it would mean that every multiple would be losing millions, something I very much doubt. However, regarding competition in the trade, several years ago there was complete deception, and the Minister was totally negligent in his dealings with the Competition Authority, which had no staff, back-up or support to deal with real competition, which the Government has let run absolutely riot. There is no competition in any sector of the economy. The Government believes the masses are influenced by him. The Government has totally mismanaged such matters as registration fees for students, which have multiplied in recent years. They have risen by over 19% since the Government was elected in 2002. We can only imagine the injustice the Government has imposed on Irish students on a very tight budget. One must remember that the euro is now a valueless currency, buying considerably less than it did a few years ago. In the year the Government was elected, we saw a massive number of stealth taxes. Every week, the Comptroller and Auditor General uncovers a scandal regarding the mismanagement of taxpayers’ money. It is very hard to reject that, since it comes from Mr. John Purcell, the Comptroller and Auditor General. It is taxpayers’ money.

Mr. Martin: Did the Deputy not open the premises himself?

Mr. Perry: The sum of €156 million is small money.

Mr. Martin: I refer to that excellent facility in Manorhamilton.

Mr. Perry: It is regrettable that the €156 million has given Sligo a very bad name.
Mr. Martin: I was not allowed to open it, so the Deputy did it.

Mr. Perry: It is no credit at all that PPARS was based in Sligo, since the mismanagement——

Mr. Martin: I am not talking about that but about the one the Deputy opened. Did he open it?

Mr. Perry: No, I did not.

Mr. Martin: It was the Manorhamilton one.

Mr. Perry: No, I did not open it.

An Ceann Comhairle: Allow Deputy Perry without interruption. Deputy Perry should not allow himself to be deflected by the Minister’s interruptions.

Mr. Martin: He opened one on his own.

An Ceann Comhairle: Deputy Perry should express his remarks through the Chair.

Mr. Hogan: It was the Minister’s predecessor who went by helicopter to open an off-licence.

Mr. Perry: Yes, the Tánaiste opened the off-licence in Manorhamilton.

An Ceann Comhairle: We have run out of time.

Mr. Perry: The Ceann Comhairle must give me extra time to compensate for all the interruptions.

In 2002, VAT rose by 8%, TV licence fees by 40% and bank and card charges by 100%. The Government seems intent on using indirect stealth taxes. We hear CIE has proposed another price hike. It must be noted that the cost of living——

Mr. Hogan: Has the Deputy rewritten his speech?

Mr. Perry: I will have to do so.

Irish people are being ripped off left, right and centre. One in seven children in Ireland lives in poverty. That is a dramatic statistic, and the Government continues to impose higher charges on people. It is further widening the divide between those with and those without, and while many people are financially stable, that number will decrease if the Government continues its current practice of raising taxes.

The level of competitiveness in the economy is being diminished in terms of the spending value of a weekly wage by indirect VAT, PRSI charges and the stacked-up charges on people operating businesses. Small companies who employ people get little support from the State. The economy has been built by small companies.

An Ceann Comhairle: The Deputy must conclude.

Mr. Perry: In the development of an economy it is vitally important that small companies are given encouragement to grow. The Government has done nothing but impose a further stealth tax on them every day of the week, which will have a dramatic impact on the services sector in the coming months.

Minister for Enterprise, Trade and Employment (Mr. Martin): I move amendment No. 1:

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

“notes:
— the importance to a successful fast growing economy of the effective and independent enforcement of competition law so as to prevent the emergence of anti-competitive practices, restrictions on the freedom to trade and barriers to entry in all sectors of the economy;

— that the enactment of the Competition Act 2002 substantially increased the powers and independence of the Competition Authority and provided Ireland with one of the most modern bodies of competition law in the world;

— that the Competition Act 2002 provides the Garda Síochána with powers of arrest and detention in respect of competition offences, as well as making provision for financial penalties of up to €4 million, or 10% of turnover, for breaches of competition law;

— the doubling of the resources available to the Competition Authority in the past five years and the continuing ongoing review in conjunction with the authority of the resource demands arising out of the increased level of activity in the economy;

— the highly complex and resource intensive nature of criminal proceedings for breaches of competition law;

— the determination of the authority to seek criminal convictions for competition offences where it believes such is justified but also its track record in securing voluntary compliance with the provisions of competition law;

— the existence, as a result of powers available to the authority under the Competition Act 2002, of co-operation sectoral agreements with other statutory sectoral regulators with a view to
guaranteeing effective competition in those sectors of the economy;
— the entitlement of any individual or organisation who becomes aware of anti-competitive practices in the economy to bring complaints in regard to such activities to the attention of the authority;
— the restrictions that would be imposed on the authority as a result of the creation of statutory deadlines for the investigation of such complaints;
— the powers and functions of the authority under the Competition Act 2002 to study and analyse competitive practices, to investigate any breaches of the Act and any complaints in regard to such breaches, to advise the Government of the implications of any new legislation for competition in goods and services, to publish guidance on compliance with the Act, to carry on such activities as it considers appropriate to inform the public of issues concerning competition and to disclose to the Garda Síochána any information relating to the commission of an offence whether under the Act or otherwise; and
— that the practice of predatory pricing is prohibited under section 5 of the Competition Act 2002 and that the substantial penalties provided for under the Act operate as a very convincing deterrent against engaging in such activity;
calls for:
— the reaffirmation of confidence in the independence, determination and resources of the authority to rigorously enforce competition law;
— the rejection of proposals to introduce any measures which might inhibit the powers and functions of the authority in that regard; and
urges all individuals and organisations to report instances of suspected anti-competitive practices and breaches of the Competition Act 2002 to the authority with a view to ensuring their speedy investigation.”

I wish to share time with Deputies Curran and McGuinness.

The bulk of my speech is concerned with the Competition Authority, the subject matter of the motion. Had I known there would be a broad economic debate, a debate on the economic performance of the Government——

Mr. Hogan: The Minister worked a lot of things into his own——

Mr. Martin: ——I might have switched the emphasis somewhat.

Mr. Howlin: The Minister can work off-script.

Mr. Martin: I will do that too but I have to be conscious of the time constraints.

I welcome the tabling of the motion by Deputy Hogan as it presents an opportunity to discuss issues pertaining to competition policy and the Competition Authority. I found the Deputy’s remarks on the lack of consensus on an agreed motion somewhat rich given that prior to the tabling of his motion he never sought such agreement with me, nor was any attempt made to reach consensus on an agreed motion.

Mr. Hogan: I am aware of the Minister’s views. He said over the weekend that he was happy with the Competition Authority.

Mr. Martin: On a broader level, people commented in a partisan manner, through the Chair, on certain aspects of what it is like to be a young person living in Ireland today. I suggest this is the first generation since 1845 that can look forward to genuine employment opportunities, with almost full employment in the country. The reality is that young people have much better access to jobs than any previous generation in the history of the State. There is no question about that. Opportunities today for this generation of young people are far greater——

Mr. Howlin: Are they not shown in any focus group results?

Mr. Martin: ——by any yardstick than for any previous generation since the foundation of the State. The Deputy should consider that.

When we talk about small businesses and so on it must be borne in mind that the most fundamental decision the Government took was to reduce corporation tax to 12.5% in budget after budget, which affects all businesses.

Mr. Crawford: That was done long before this Government came into office.

Mr. Howlin: On a point of order——

Mr. Martin: The Deputy’s party objected to it.

Mr. Hogan: Not at all. That is crazy.

Mr. Martin: In budget after budget, Deputy Howlin’s party leader criticised the then Minister, Charlie McCreevy, for reducing corporation tax.

Mr. Howlin: May I ask the Minister——

An Ceann Comhairle: Deputy, you will have an opportunity to make your contribution.

Mr. Howlin: ——to yield to hear the truth?
Mr. Martin: I will not yield for any revisionism from Deputy Howlin. I have no intention of yielding.

Mr. Howlin: The truth is——

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

Mr. Howlin: ——that the 12.5% rate was negotiated by the rainbow Government. That is a fact.

Mr. Martin: That is rubbish.

An Ceann Comhairle: I ask Deputy Howlin to resume his seat. He will have an opportunity to speak when the Minister has concluded.

Mr. Howlin: I will ask the former Minister for Finance, Deputy Quinn, who negotiated it.

An Ceann Comhairle: Deputy Howlin, please.

Mr. Martin: With respect, the then Minister, Charlie McCreevy, took decisive decisions in budget after budget——

Mr. Howlin: He was sent off to Europe.

Mr. Crawford: They got rid of him.

Mr. Martin: ——to bring down that rate from where it was at around 30% in 1997 to 12.5% today.

Mr. Hogan: That is rubbish.

Mr. Martin: He was criticised for doing that in some budgets.

Mr. Howlin: That is rubbish.

Mr. Martin: I will produce the scripts showing where he was criticised.

Mr. Howlin: We negotiated it.

An Ceann Comhairle: The Minister, without interruption.

Mr. Martin: The reality is that that is the corporate tax rate of today and it scores a first in any competitiveness analysis of Ireland in the overall story.

Mr. Hogan: We agree with that.

Mr. Crawford: Because we introduced it.

Mr. Martin: That must be factored in in terms of all the other issues Deputy Perry referred to in his contribution but it is always ignored in terms of contributions from the other side of the House and the atmosphere that has been created by the Government in respect of employment creation, both indigenous and foreign direct.

Mr. Hogan: The Minister should move on to the next point.

Mr. Martin: Over 440,000 jobs have been created since 1997——

Mr. Howlin: We created more jobs per month before the Minister’s party came into power.

Mr. Martin: ——because we had the right philosophy and the right approach across the taxation scene, whether capital gains, with which Deputy Howlin’s party had difficulties, corporation tax or personal income tax, which again scored a first recently in the national competitiveness report’s analysis of Ireland’s competitiveness against our peers across the globe.

Mr. Howlin: The Minister should have stuck to the script.

Mr. Martin: I could go on and on——

Mr. Howlin: That is what Charlie Haughey said but he did not go on very much longer.

Mr. Martin: He achieved a great deal more than some people on Deputy Howlin’s side of the House.

Mr. Howlin: Is this revisionism again?

Mr. Martin: I do not think it is revisionism.

Mr. Howlin: Is he a good guy now?

Mr. Martin: Please, Deputy Howlin.

Mr. Howlin: He might even be mentioned at the Ard Fheiseanna. The picture will be back.

Mr. Martin: I hope Deputy Howlin’s picture will be back at his party’s Ard-Fheiseanna.

Mr. Howlin: It will be like Chairman Mao coming back.

An Ceann Comhairle: Deputy Howlin, you have a 20 minute slot when the Minister’s slot has concluded.

Mr. Martin: Deputy Howlin should be the last to talk about Chairman Mao, in fairness.

Mr. Crawford: It is important we let the Minister put this stuff on the record.

Mr. Howlin: I suppose.

Mr. Martin: We believe in open and fair competition. It is one of the central keys to both a successful economy and a good deal for consumers. Our decision of last week to repeal the groceries order because it is anti-competitive and anti-consumer is another demonstration of that. The path of least resistance would have involved
trying to fudge the issue but we felt the evidence was overwhelming and that action was required. There is a dramatic contrast between this clear stance and the rather incredible contortions the self-described consumer champions in Fine Gael put themselves through.

Mr. Hogan: Explain that.

Mr. Martin: Having spent a large amount of time and money telling everyone how they were willing to take tough decisions in favour of the consumer. Fine Gael’s behaviour on the groceries order showed that the last thing it is willing to do is take a tough decision.

Mr. Hogan: What is the Minister on about?

Mr. Martin: This year alone it has managed the incredible feat of having three entirely different positions on the future of the groceries order.

Mr. Howlin: We would like to see the Minister’s position.

Mr. Martin: We even got an illustration of that this evening. Deputy Crawford’s contribution is very clear and I am reading between the lines——

Mr. Crawford: I raised a point of order——

Mr. Martin: —— in terms of what he said about the situation.

Mr. Crawford: I did not question the decision.

Mr. Hogan: The Minister has not abolished the order yet.

Mr. Martin: The promotion of competition in the economy requires an effective legal framework. Strong competition legislation contributes to our competitiveness by penalising anti-competitive and anti-consumer behaviour, and by protecting the competitive process in all sectors of the economy.

The positive effect competition has on consumers takes two forms. The most visible one is that companies that compete to win our business will reduce prices, provide enhanced service and variety, and generally become more responsive to our needs. The other benefit, the one that is less visible, is that competition drives companies to cut their costs and find more efficient and productive ways of doing business.

If competition were just about cutting prices it would bring important benefits but when we take account of the effects of competition on cutting costs, they are much more substantial. Lower costs and greater efficiency bring further price cuts for consumers but, more importantly, they mean higher productivity growth for the economy as a whole. When those companies trade their goods and services internationally, the higher productivity they enjoy from competition at home makes them more competitive abroad.

The 2002 Competition Act consolidated, reformed and modernised previous legislation relating to competition policy and merger control. In essence, the 2002 Act increased the penalties for serious cartel activities such as price fixing, enhanced the independence of the Competition Authority and transferred responsibility for controlling mergers and acquisitions from the Minister to the Competition Authority but the 2002 Act did much more than that. The Act was the culmination of a root and branch review of all aspects of competition law in the State, which was undertaken by the competition and mergers review group. The review group comprised eminent lawyers, economists and representatives from across the economic spectrum, including the social partners. It reported in 2000.

The 2002 Act implemented the recommendations of the review group and anticipated developments at EU level. In particular it provided a framework for the application of Regulation I of 2003 in the State whereby the authority was enabled to fully apply European Community competition rules.

The 2002 Act became fully operational on 1 January 2003. Therefore, it is a recent statute and its provisions have not yet impacted fully across the economy. Nonetheless, it forms the basis for one of the most modern competition regimes in the world. I would appreciate it if the Opposition acknowledged that.

Section 4(1) of the Act sets out the general prohibitions on anti-competitive agreements, decisions and concerted practices, and reflects Article 81 of the European Union treaty. Section 5 prohibits the abuse of a dominant position and reflects Article 82 of the EU treaty.

In this respect, I wish to comment on predatory pricing, about which some comments were made this evening, which is an abusive and anti-competitive practice that acts against the interests of consumers. It is a tactic employed by a firm that is dominant in its market and involves the sale of product below cost for a prolonged period of time to damage or eliminate a competitor. It is an expensive practice and the predator must be confident that he will be in a position to raise prices after the event to recoup any losses incurred. A predator could find, for example, that after one competitor has gone out of business, another even bigger competitor enters the market making it impossible to raise prices. Because it is expensive and not guaranteed to succeed, predatory pricing is quite rare. This is the experience internationally.

Predatory pricing must not be confused with other forms of low cost selling, such as for promotional reasons, to dispose of old stock or to match a competitors prices.

The groceries order was not a suitable vehicle to prevent predatory pricing because it was unable to make the distinction between legit-
[Mr. Martin.]

intimate low prices and genuine acts of predation. On the other hand, predatory pricing is prohibited by section 5 of the Competition Act which outlaws abuse of a dominant position in a market. Dominance does not have to be measured on a national scale and the Act allows for measurement “in any part of the State”. The Act is, therefore, sufficiently flexible to allow the authority to tackle predatory pricing in all circumstances. If dominance were more tightly defined, it would make the prohibition of predatory pricing more difficult, not less so as some have claimed.

The provisions of the Competition Act that outlaw predatory pricing are based on the provisions of EU treaty law. There is case law in Europe to support the use of these provisions to prohibit predatory pricing. It is important to bear in mind such case law when interpreting the provisions of the Competition Act. If any individual business or group of businesses believe they are being harmed by predatory pricing, they may make a complaint to the Competition Authority, which has the powers to investigate and take legal action, including by means of bringing an injunction; seek a private injunction in the High Court to stop the illegal activity; and seek compensation in the courts for any damage done, either following a successful authority court case or as a private right of action.

The Competition Authority has extensive powers and a dedicated division of expert staff which investigates allegations of companies abusing a dominant position. The circumstances of each allegation are unique and each complaint is assessed case by case. Under the 2002 Act, moreover, the authority can block anti-competitive mergers and acquisitions. This means large retailers cannot build a dominate position by buying their competitors where this significantly lessens competition. The penalties for any undertaking found to have engaged in predatory pricing are up to €4 million or 10% of the company’s turnover.

These are very substantial penalties and are much greater than those that applied under the groceries order. They are likely to act as a real deterrent to any business contemplating predatory action. In this context, it is important to note that there are constitutional issues in regard to the possibility of the authority being in a position to impose fines, as suggested in the Fine Gael motion. These are genuine constitutional difficulties that undermine the case made in the motion.

The Competition Act 1996, which created criminal offences for breaches of competition law, provided for an “ignorance defence”. In other words, defendants could escape punishment if they could claim they did not know, nor could be reasonably expected to have known, that the activity engaged in was likely to be regarded as anti-competitive. Under the 2002 Act, this defence was abolished, making for much more effective enforcement of the law.

The 2002 Act also created new offences for breaches of the provisions of EU competition law. This greatly facilitates the enforcement of EU competition law in line with recommendations of the competition and mergers review group. An important provision in the Competition Act is that a distinction exists between lesser and more serious offences. The most serious offences, often referred to as hard-core offences, are defined as agreements, decisions or concerted practices involving competing undertakings, the purpose of which is to directly or indirectly fix prices, limit output or sales or share markets or customers. This reflects a more economic approach to competition law enforcement whereby certain offences are regarded as being unequivocally harmful to consumers and to the economy as a whole. Certain other offences, particularly those relating to vertical agreements, are less seriously restrictive of competition.

Section 6(2) introduced a presumption that applies in the prosecution of the more serious offences. This obliges the court to presume, unless the defendant can prove otherwise, that the object of the agreement is to prevent, restrict or distort competition. The Act also provides greater penalties for hard-core offences. Agreements, decisions and concerted practices between competing undertakings attract a penalty on summary conviction of a fine of up to €3,000 for an undertaking. An individual will be liable to a fine of up to €3,000 or six months’ imprisonment, or both. On conviction on indictment, however, the penalty for these offences is a fine of up to €4 million while the penalty for an individual is a similar fine or five years’ imprisonment or both. This five-year penalty of imprisonment also makes this offence arrestable under criminal law.

The authority’s power to investigate breaches of the law can be delegated to any member of the authority or member of staff of the authority. Its search powers were also strengthened with powers to enter premises, by force if necessary, and to search private dwellings. The authority can take away original documents rather than copies. Search warrants obtained under the 2002 Act, unless they state otherwise, operate to authorise members of the Garda Síochána to accompany and assist authorised officers. Furthermore, whistle-blowers are given statutory protection under the 2002 Act and any statements they provide may be admitted into evidence.

The Competition Authority, therefore, one of the most empowered, proactive and successful enforcement agencies of competition law in Europe. It was also the first enforcement agency in Europe to secure a criminal conviction for a competition offence and, to date, has obtained five such convictions. These facts, combined with the authority’s cartel immunity programme and the recruitment to the ranks of the authority of gardaí with powers of arrest and detention for
competition offences should send shivers down the spine of anyone considering cartel membership or participation in the most serious anti-competitive practices.

Section 34 of the Act facilitates co-operation agreements between the authority and other regulatory bodies. The authority has concluded such agreements with the Office of the Director of Consumer Affairs, the Health Insurance Authority, the Broadcasting Commission of Ireland and the energy, aviation and communications regulators. These agreements enable the authority to exchange confidential information with those regulators as well as to consult them and, where appropriate, to act instead of them in a competition matter in which they are both engaged. In addition to the formal co-operation agreements, the financial regulator has a statutory mandate to monitor competition in the financial sector and to pass on to the Competition Authority any information it has about possible breaches of the Competition Act. The Consumer Strategy Group has recommended that the new national consumer agency should be able to liaise formally with the Competition Authority. It is likely that a co-operation agreement will be the most appropriate basis for such liaison.

On the question of a statutory provision that the authority advise the Director of Corporate Enforcement of the conviction for competition offences of company directors, any finding by a court that a company director has infringed competition law will be a matter of public record and the authority is entitled, without the need for amending legislation, to bring this to the attention of the Director of Corporate Enforcement.

I will comment briefly on the nature of investigations by the Competition Authority. Its experience of investigating hard-core cartel activity, such as price fixing, bid rigging and market sharing, is that it is a difficult and painstaking process. Cartels are by their nature conspiratorial. Participants are secretive and hard-core cartels are difficult to detect and prosecute successfully. The evidential standard for indictable offences is high with a beyond reasonable doubt burden of proof on the prosecutor. Following investigation, the authority is then required to prepare a file for the Director of Public Prosecutions after which a book of evidence must be prepared. Following a decision by the DPP to proceed with a prosecution, the authority assists and works with the DPP, the chief prosecution solicitor, legal counsel and the Garda Síochána in getting a case ready for trial.

Yesterday, Ireland was expected to be the first country in Europe to hold a criminal trial in front of a jury for a breach of competition law involving an alleged cartel of oil retailers in the west. Even though the trial has had to be deferred until next year because of a lack of court time, one of the defendants has pleaded guilty and will be sentenced next March. This case has been complex and has taken some time to bring to court. The authority has informed me that it does not view the number of defendants in this case or the length of time it has taken to get to court as unusual or atypical of cartel investigations.

Another Competition Authority investigation of which I am aware relates to alleged business cartels covering a span of ten years. The estimated financial damage caused by the activities in question is between €75 million and €105 million. The investigations are extensive and have involved the authority in 35 searches and 46 cautioned interviews. Files have been referred to the DPP. International experience of cartel investigations is no different to our own. Cartels, wherever in the world they operate, are secretive and their detection and successful prosecution is slow. Even jurisdictions with a much longer history of competition law enforcement, such as the United States of America, recognise that cartel detection, like most other white collar crime, is time consuming to prosecute successfully.

I stress the importance of complaints in the Competition Authority’s campaign to stamp out anti-competitive behaviour. It has substantial powers to investigate complaints if it has reasonable grounds for suspecting that a breach of competition law has taken place. When the information provided through complaints is sufficient to give the authority reasonable grounds for suspicion, a formal investigation may be launched. It is vital that organisations and individuals provide the necessary information where they suspect anti-competitive activities on the part of any business or sector of the economy.

Last week, the Leader of the Opposition asked the Taoiseach to instruct the Competition Authority in a particular matter. This is not the correct way to proceed. If the Leader of the Opposition or anybody else has information about anti-competitive behaviour, it should be sent to the authority. I am not sure whether the Leader of the Opposition has communicated the issue in question to the authority. We must protect the independence of the authority. It is important that we do not embroil it in partisan politics.

Mr. Hogan: That is nonsense.

Mr. Martin: No, it is an important point.

Mr. Hogan: It is a bit rich for Fianna Fáil to tell the Leader of the Opposition not to interfere with a statutory authority.

Mr. Martin: To be effective, the Competition Authority needs evidence rather than mere suspicion of wrongdoing. It is important that complainants to the authority provide as much information as possible. The authority has published on its website and in its annual report information on how to make a complaint. All complaints are subject to a screening process. Any objective analysis of the Competition Authority’s record in dealing
with such complaints must take into account that competition cases are inherently complex. It does not investigate matters by relying solely on information already in its possession but must engage in an evidence gathering process. Imposing a statutory deadline for completion of investigations would inevitably compromise this process. Within the context of an investigation, parties retain a right of reply. Imposing deadlines that do not provide an adequate period for parties to consider and respond on the position taken by the authority would compromise that right of reply.

The setting of a statutory deadline for completing a competition law investigation would also set such investigations apart from all other agencies in the State with a responsibility for investigating breaches of the law, whether criminal or civil. Why should the investigation of an alleged competition law offence be treated differently to an allegation of fraud, assault, theft, murder, smuggling or tax evasion? Voluntary compliance with competition law is an important and frequently overlooked part of the authority’s work. The essence of civil enforcement is to ensure compliance with the law in the speediest, most efficient way possible. In the civil area, court proceedings are, and always should be, measures of last resort.

Compliance, on the other hand, means the parties in breach commit to changing their behaviour rather than forcing the authority to the expense of challenging them in lengthy court proceedings. Examples of compliance of this nature include Statoil, Independent Newspapers, The Irish Times and Irish Actors’ Equity. In all of these cases, the authority subsequently published enforcement decisions to provide transparency and predictability in the enforcement of the Competition Act, resulting in greater legal certainty and in the reduction of compliance costs to undertakings.

I am aware the Competition Authority has recently been considering the idea of an annual review of competition in the light of its broader statutory functions in the area of competition advocacy as set out in section 30 of the Competition Act. The purpose of such a review would be to provide an annual status update on developments affecting competition in liberalising and restricted markets and provide a simple forum where the full impact of State restrictions on competition could be synthesised regularly. In any event the authority’s advocacy division plays an important role in areas where the State, either through direct involvement in the economy or through regulatory systems, may restrict competition. The authority is also made aware of some public restrictions on competition through its own study and observation of individual markets.

While the authority continues to deal with its caseload of competition issues arising from the existing stock of regulation, there is also a regular flow of proposals for new legislation. The importance of the authority’s expertise was recognised by the Oireachtas in 2002 when, in the Competition Act, it gave the authority the specific function of advising the Government, Ministers and Ministers of State about the implications for competition of proposed legislation. Ministers receive the advice of the Competition Authority on how proposed legislation may impact on competition.

Ms Lynch: No wonder they cannot take action.

Mr. Martin: We do not accept Deputy Hogan’s proposals on the category of super complaints. There is nothing stopping anyone from making a complaint to the Competition Authority. The studies undertaken by the authority in banking, insurance and engineering are all bearing fruit, leading to substantive and significant reforms.

Mr. Hogan: Those sectors are quaking in their boots.

Mr. Curran: I thank the Minister for Enterprise, Trade and Employment for the opportunity for getting a word in edgeways.

Mr. Perry: The Deputy should consider himself lucky.

Mr. Curran: I welcome the opportunity to debate this motion on competitiveness in the economy and the Competition Authority. I unfortunately did not hear Deputy Hogan’s contribution but did hear those of Deputies Enright, Crawford and Perry who referred to areas where prices have increased. Increasing prices are not a measure of competitiveness and those Deputies only looked at one side of the argument. The issue of excessive charging is one we take seriously. The Government took seriously the high cost of motor insurance and addressed it. The outcome was that insurance prices have dropped.

Mr. Howlin: Some credit must be given to Deputy Cassidy and his committee for that. He worked very hard on the matter.

Mr. Curran: The motion notes “the continued presence of excessive charging resulting in higher prices and reduced spending power for consumers”. I disagree with this incorrect statement. If that is what Deputy Hogan’s motion is based on, he is going nowhere. Deputy Hogan and his colleagues spoke for a considerable time on a range of issues that reflected increasing prices.

Mr. Hogan: Will the Deputy tell me why? He claims he did not hear my contribution.

Mr. M. Ahern: He heard the Deputy on the monitor.
Mr. Curran: Increasing prices is only one side of the equation. Consumers' spending power, as measured by any reasonable economist or international survey, has not diminished but increased. From 1997 to 2005, the increase in costs has been approximately 30% while average earnings have increased by 50%. Often we talk in terms of percentages which do not have a real impact. However, one survey was conducted by the Swiss bank UBS in 71 cities worldwide on take-home pay and its purchasing power. One part of the study examined the average working time required to purchase a product of universal significance, in this case a Big Mac. Nairobi was the cheapest location to purchase a Big Mac but one would have to work for 181 minutes to earn it. In EU capitals, it took on average 26 minutes of work to purchase one. In Dublin, however, the average time was 14 minutes. Prices and wages cannot be divorced in this argument. Deputy Enright claimed Ireland was a high-cost economy but equally we pay ourselves well.

Ms Lynch: We do in our foot.

Mr. Curran: Ireland is a low tax economy which unfortunately escapes recognition from Members on the other side of the House. When it is referred to, they argue about stealth taxes. To talk about stealth taxes is to misunderstand the situation. We have a choice as to how we raise our taxes. If low income tax rates are available, individuals have more purchasing power which creates and stimulates an economy. For too long we did not have that situation.

Ms Lynch: The choice of whether I pay the ESB bill or heat my home.

Mr. Howlin: The choice of putting oil in the tank or plugging in the fire.

Mr. M. Ahern: How many houses did the Deputy buy in Croatia this summer?

Mr. Curran: We are a low tax economy.

Mr. Howlin: The Government has been in power for too long.

Mr. Curran: The percentage of our GDP, the growth that goes on tax, is 30%. It is 40% in other EU member states.

Mr. McGuinness: The motion refers to the powers of the Competition Authority as laid out in the Competition Act 2002. The Act gave appropriate powers to the authority. The extent of the authority's activities can be seen in its 2004 record of 24 warrants and 58 summonses issued. It was the first enforcement agency in Europe to secure a criminal conviction. What is in place is working. There is a need to constantly review this in light of changing legislation, such as the groceries order.

The contributions so far have referred to the efficiency of the court system and the various people brought before the courts by the Competition Authority. However, that is a matter for the courts. At least the authority is doing its job. Deputy Perry referred to the Committee of Public Accounts which has nothing to do with the issue.

Mr. Perry: It relates to value for money.

Mr. McGuinness: It relates to other issues in the economy which are being dealt with by the Competition Authority. Taxation was referred to which does not fall under the authority's remit. None of these general economic issues can be introduced in a debate on the Competition Authority. Other Members referred to local authority charges. In the last local government elections, Opposition councillors in some local authorities claimed they would halve these charges. However, I note these charges have not been reduced in those local authorities.

Mr. Hogan: Where was that stated?

Mr. McGuinness: They have no intention of reducing the charges.

Mr. Hogan: They could be reduced.

Mr. McGuinness: The Deputy knows it would be a cosmetic exercise. I will be watching it very closely.

Mr. Hogan: They will be reduced. I will also watch it.

Mr. McGuinness: The Deputy is into cosmetics. The matter in which this competition runs through the economy is an issue. The area of telecommunications, the provision of ESB and similar services should be examined. These markets should be opened as this is where the real competition will take place. These will be proper cost-effective services to industry and those who are creating jobs in this country. Such an opening will assist them greatly, whereas this debate will not. I indicate my support for the Government motion, and whatever changes come about in the context of a developing economy must be reflected in the powers given to the Competition Authority.

Mr. Howlin: I propose to share time with Deputy Lynch.

I welcome the opportunity this debate presents to discuss the structure of competition in the
Mr. Howlin: This debate is important and it is a useful consideration. The Minister of State has only a passing interest in the Competition Authority, but as he is the only Minister present, he might pay some attention to what is being said.

The operation of the Competition Authority should be closely analysed. It beggars belief that the Minister produced this amendment. If one was to read this amendment and the Minister's speech tonight one might think that everything is perfect and that we have the most vigorous competitive environment in the world, the most robust law and therefore the most competitive society, but the proof of the pudding is in the eating, and it is clear in the list of prosecutions that whatever power the Competition Authority has is not being exercised. How many convictions have there been? We should get these facts.

The Minister mentioned the power of the Garda Síochána. The law is so robust that when the Competition Authority and its sleuths are finished, there will be divisions of the Garda Síochána to ensure competition. How many specialist gardaí are there dealing with competition policy and law? What prosecutions have the Garda Síochána been involved in and how many investigations have taken place? Where is the proof? Let us see it.

I wish to deal in particular with the issue of predatory pricing. The Minister talked about this matter all this past summer, although I am not yet sure of his opinion. He is constantly content to attack the Opposition's view on such matters but I am still unclear of his transparent view of the issue. I thought I would know at the end of the Minister's speech tonight where he stood on predatory pricing, but that was not the case.

Predatory pricing is defined as “reducing prices below their market value as a competitive weapon to drive weaker competitors out of the market”. The definition of “fair” market value is the cost price with some reasonable profit margin. One might think that predatory pricing is unlawful, as the Minister seems to believe, but it is not, as the Competition Act 2002 only prohibits acts where there is an abuse of dominant position. According to the Competition Authority, section 5 of the Act prohibits the abuse of a dominant position, but it does not prohibit the attainment of a dominant position. A firm is considered dominant when it reaches 40%, according to one court case, but the Minister has stated that there could be a localised dominant market. It was argued that being prescriptive with the legislation was to weaken it. Is the idea that the definition of dominance should be a State secret? This is
the first time I have heard a Minister state that an Act will be weakened through clarity and that it will be stronger by being unclear.

Is it considered abuse of a dominant position when a firm can raise prices unilaterally because it knows that customers have few, if any, satisfactory alternative sources of supply? Is it so if a person has little option but to pay the higher price? We do not know. The Act is not breached when a firm’s vigorous competition lets it sail away from less efficient rivals. This is apparently robustness in the market. If a strong player crushes opposition by what is perceived as fair means, it is not labelled as predatory pricing. The Government has committed to outlawing predatory pricing, but I do not know how it will be done. The Minister’s reliance on section 5 of the Competition Act 2002 is of concern.

I wish to mention the attitude to the groceries order, and the Minister’s views are particularly interesting. According to anybody who is asked, the Minister has abolished the groceries order, although it will come as a shock that the groceries order has not been abolished. Just because one says it like the queen of hearts does not mean it happened. The Taoiseach confirmed to me in the House last week that this would require primary legislation. The Taoiseach also said reinstating some of the elements of the original groceries order that we do not wish to abolish would require an amendment to the Competition Act 2002.

After all the fanfare and ballyhoo and the brazen effrontery of the Minister in attacking Deputy Hogan for not knowing and changing his position on the groceries order, what is the Government’s position? The Government will abolish the order some day and will replace it with something. It will not be this year as legislation will clearly not be enacted in 2005. It will be replaced by amendments to the Competition Act 2002 but we do not know what they are. This is not clarity on competition policy or knowing where one is going. It is a pity the Minister is not present to answer these questions. Perhaps he will get around to doing so before the close of the debate.

I am in favour of competition as it is extremely important. We have seen its benefits in terms of air fares which is the quintessential example everyone points to. However, I do not believe in a market that is entirely unregulated and where competition is the only objective and goal. It is important to say that there is sometimes a need to regulate in the common good. The view that restricting, inhibiting or preventing competition is always bad must sometimes be addressed as one can act in the public interest to inhibit competition. This is not so in all cases but it is a point of principle I wish to put on the record.

There is an important qualification of this presumption. I believe in the regulation of markets in the common good and interest so that we do not have dominant players predating on weaker players, suppliers squeezed out of the market or a lack of consumer choice. It is a normal consequence when an industry, such as the taxi industry, is deregulated that regulations are put in place to ensure some referee is in the market and that it is not completely dog eat dog. This is something that needs to be said before we adopt the notion that competition should not be qualified or that open and unbridled competition is intrinsically good in all circumstances and at all times.

This Fine Gael motion addresses the issue of time limits on the Competition Authority’s responses to complaints. Deputy Hogan has suggested a timeframe of 30 days, which is modelled on the United Kingdom’s enactment concerning the Office of Fair Trading. The idea to have a timeframe for an initial response is good. Not all investigations or complaints can be processed in a period of 30 days, which is not the Deputy’s intention, but a complainant could get some response in that time. I spoke to an individual today who has been pursuing a complaint about anti-competitive behaviour by a major corporate body for eight years. This is not good enough. There must be some finality even if it is by way of explanation about the complexities of investigations.

We could usefully debate the role of the Competition Authority. Under legislation, it seems there are three pillars of activity, namely, advocacy in terms of competition, dealing with proposals for mergers and acquisitions to ensure they are not anti-competitive and enforcement. I do not have the time to develop my points but, in terms of advocacy, one could say the Competition Authority has done a reasonable job. We could debate whether the authority has been effective in all circumstances in the vetting of mergers but, by and large, one would give it a positive mark. However, in terms of enforcement, the judgment I must bring to bear at this point in time is that the authority has not been robust. Part of this is a resource issue and part is a build-up and gradu-
have had for many years, it would lead one to believe that the consumer was well protected in Ireland. However, the consumer is not protected at all.

As Deputy Howlin said, one would imagine we were living in Valhalla from listening to the Minister's speech, a Viking paradise where nothing goes wrong and everything is perfect. When something goes wrong, one has automatic access to an area where redress can be found. This is untrue. The majority of people in this country, who now work longer for the same money and diminished lifestyles, find they have no control. They believe no one has control over their costs of living. We are not speaking about commodities that are traded on a monthly market, such as oil. We are speaking about the price of electricity.

In one of the exchanges that took place, the Minister said it is about choices and that his Government puts more into people's pockets so that they can choose. It is not much of a choice if it must be between paying an ESB bill or not.

**Mr. Howlin:** Or pairs of shoes for children.

**Ms Lynch:** Heating or not heating one’s home is not much of a choice. Sending one’s children to school with shoes on their feet or whether to give them school uniforms are not choices. Taxing a car, which might be one’s only way of getting to work because there is no public transport, is not much of a choice. The Government and a previous Minister for Enterprise, Trade and Employment continually told everyone that, whether it was on the price of drink at Christmas, getting into different venues or the cost of petrol, we should shop around. One cannot shop around for certain items. In my experience as a mother and someone who has raised a family, I have never been able to find a doctor who undercut his neighbour. They are all the same approximate price and, depending on the location, are exactly the same price. One would wonder where is the consumer protection in this respect.

Where is the Government’s protection for consumers concerning private medicine? Where is the protection for consumers in respect of health insurance, petrol or home heating oil? Health and education costs increased by 6% last year. Petrol increased by 9%. ESB and other utilities increased by 15%. We do not trade these on an open market on a monthly basis but they are areas over which the Government has control. This Administration controls the increases. It insisted that development levies be introduced on the building of new houses. At the same time and in the same budget, it removed the first-time buyer's grant which meant the cost of the average house to the first-time buyer increased by €12,000 in one year. Yet the Minister for the Environment, Heritage and Local Government, stands up and tells the House of how concerned he is about the cost of housing. He is not at all concerned and I think at long last people have come to terms with the fact he is not concerned.

Ireland has the highest rate of VAT and everyone pays it, not just those of us who are well paid, but people who are on the minimum wage. The poor, misfortunate immigrants who are not even getting the minimum wage also pay it.

There are elderly people whom we will be told to keep an eye on for fear they will be found dead from the cold. This Government does not give a damn about the fact they cannot afford to heat their houses. The Government could do something about that.

Debate adjourned.

**Adjournment Debate.**

**Hospitals Building Programme.**

**Mr. M. Moynihan:** I thank the Leas-Cheann Comhairle for the opportunity to raise the important matter of the future of Kanturk community hospital and the plans of the Department of Health and Children and the Health Service Executive. I will outline the current position on the planned extension to the hospital.

This proposed extension has been on the cards for quite a long time. Kanturk community hospital, like many other community hospitals throughout the country, serves a wide area including Duhallow. It has served as a community hospital for the past number of years. The care and expertise provided are second to none. The matron and staff of the hospital are doing excellent work for the elderly of the region. As we move into the 21st century, facilities such as Kanturk community hospital are more needed. The proposed extension to the hospital has been mooted by the Department of Health and Children and the old Southern Health Board for many years. There is a great need for extra beds and facilities for the hospital and the wider community. Private nursing homes which have been opened over the past five or six years are now at full capacity. The extension to the hospital has been promised for the past four or five years but has not materialised.

The Department and the HSE southern area will say there has been a vast improvement and refurbishment of the community hospital and I am delighted to acknowledge the upgrading of the outdated facilities. However, further beds are needed in the hospital. Each community needs a vibrant hospital to cater for its needs but community hospitals did not receive priority funding in the past. The Kanturk facility needs priority funding and extra beds.

I ask the Minister of State to outline to the House the Department’s policy. Many people who have recourse to this hospital and many other community hospitals throughout the region,
are full of praise for them. I ask the Minister of State to outline the action that will be taken with regard to St. Patrick’s community hospital in Kanturk.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I thank Deputy Michael Moynihan for raising this matter. I am making this reply on behalf of the Tánaiste and Minister for Health and Children.

Under the former Southern Health Board’s strategy for older people, Aging with Confidence, which was published in 1999, a need for 18 additional beds for Kanturk hospital was identified. Funding was applied for under the NDP indicative funding for services for older people for the period 2000-06.

A draft design brief for the project was prepared by the HSE southern area, the former Southern Health Board, and was forwarded to the Department of Health and Children in September 2002. Approval was sought for the appointment of a design team for the project whose first task will be to identify the optimum location for the new accommodation and the feasibility of integrating it with the existing building.

A further request for approval to commence the process of selecting a design team with a view to progressing to stage two design was again submitted in March 2004.

The HSE is continuing to establish which projects can be progressed, taking account of existing commitments and overall funding resources available and having regard to the additional revenue funding and staffing which will be required for any development and in the light of the HSE’s overall capital funding priorities.

Hospital Staffing.

Mr. Ferris: I wish to share time with Deputy Moynihan-Cronin.

Yesterday I attended a protest meeting outside Kerry General Hospital at which 40 GPs took the serious step of picketing the hospital in support of the staff of the hospital as well as to show their frustration at the lack of proper services available and the lack of funding to deliver those services.

Kerry General Hospital has the same number of medical staff as 20 years ago, despite the fact it is catering for a far bigger catchment area. The hospital caters for all of County Kerry, parts of west Limerick and parts of west Cork.

Last week I saw at first hand the situation in the accident and emergency department and the strain under which the staff work. I have never seen the nurses, doctors and domestic staff with such low morale as a result of the pressure under which they work and the lack of concern at Government level to provide funding for services.

I will cite a number of recent problems at the hospital: the transfer of the medical manager; the resignation of the financial controller; the non-replacement of the third in charge in the maternity unit; the second in charge is out sick; accident and emergency consultant, Mr. Seán O’Rourke, has threatened to resign; and accident and emergency porters have not received training in the application of plaster of Paris because of lack of funds to pay for the course. Such training would alleviate pressure on the nurses in the accident and emergency department.

The hospital was criticised in the recent hygiene report. What the report failed to recognise was that the cleaning of the wards is carried out for five and a half hours per day, six days a week with a skeleton crew working on Sundays. When that cleaning is completed, there is no follow-up service and two or three hours later, the whole hospital may often need to be reclaned.

There is a proposal for contract cleaning tenders and a further cutting of the cleaning hours and an increase in the work involved. No funding has been provided for Kerry General Hospital despite criticism in the hygiene report and a lack of adequate services for the catchment area.

I have asked the Minister on numerous occasions to go to the hospital to see for herself. I ask her again to make herself available to see the situation on the ground. What is more frustrating for those of us who are elected representatives from County Kerry is that the hospital services, the entire constituency and County Kerry has a Minister at the Cabinet table yet we do not have the funding for services forthcoming from Cabinet.

I ask the Minister of State to take on board all the points I have made. This issue is raised time and again by the elected representatives but nothing seems to be happening. I hope the Minister of State will address it in his reply.

Ms B. Moynihan-Cronin: I thank Deputy Ferris for allowing me one minute of his time. I appreciate it because I want to add my voice to the concerns raised by the people in County Kerry about the victimisation we are experiencing in funding for the Kerry General Hospital.

Some 40 general practitioners left their surgeries yesterday to picket a hospital. They were not looking for anything for themselves. They were not looking for a pay rise. They were looking for fair play for patients. That is all they were looking for.

The former Minister for Health and Children, Deputy Martin, is in the House and I must put some of the blame at his door. When he was Minister for Health and Children they kept pumping money into Cork Regional Hospital and kept ignoring Kerry.

The perception, which is being stated around north Kerry and Tralee by Government supporters, is that the reason we are not getting the funding for Tralee general hospital is there is no Minister in north Kerry. This hospital covers the whole of County Kerry. There is a senior Minister
in the county and I have not heard one word from him.

As I have, Deputy Ferris has invited the Tánaiste and Minister for Health and Children, Deputy Harney, to visit the hospital in Tralee. I doubt our Minister in south Kerry would even know the way there. I do not know whether he has visited the hospital in Tralee to see the position.

I met the accident and emergency consultant last year. At that stage he was outlining the difficulties he was experiencing and nobody was listening. The Opposition Deputies in the county are working as a unit on this and they have raised the matter repeatedly.

Who will take responsibility for Tralee general hospital? The position is serious. Nobody wants to take responsibility but the Government must.

The Tánaiste and Minister for Health and Children, Deputy Harney, must take responsibility for the neglect. The Government representatives and the Tánaiste should be ashamed of themselves for allowing the current situation to continue in Kerry General Hospital.

Mr. B. Lenihan: I am replying on behalf of the Tánaiste and Minister for Health and Children, Deputy Harney. My colleague, the former Minister for Health and Children, Deputy Martin, initiated the first doctors’ co-operative in the country in County Kerry for general practitioners, which was a marvellous development.

Ms B. Moynihan-Cronin: The GPs are looking for nothing for themselves. It is the hospital, not SouthDoc, that is the problem. SouthDoc is fine, up to a point.

Mr. B. Lenihan: However, the burden of the Deputy’s complaint was that Cork was being preferred to Kerry and I am simply pointing out——

Ms B. Moynihan-Cronin: I meant the money invested in the hospital.

Mr. B. Lenihan: I am simply referring to the Minister’s record in that regard.

Ms B. Moynihan-Cronin: Not for the hospital.

Mr. B. Lenihan: On taking responsibility, there is clear responsibility now on the health services in the funding for a hospital of this character. It rests with the Health Service Executive,——

Ms B. Moynihan-Cronin: He fobs it off on someone else. He was there for the past ten years and he did not give a damn.

Mr. B. Lenihan: ——as Deputies are well aware. That is their responsibility. It includes responsibility for the funding and the operation of services at Kerry General Hospital. Professor Drumm, as chief executive, is heading up the Health Service Executive and he is also a medically qualified individual. No doubt he would be interested to entertain representations from the doctors in question.

I understand that recently the newly appointed hospital network manager met the executive management board of Kerry General Hospital to discuss priority issues for the hospital in 2006. The development of cardiology services at the hospital is a priority. Hospital management has prioritised the appointment of a full-time cardiologist at Kerry General Hospital and the application for the post is being considered at present by the National Hospitals Office.

Discussions are ongoing regarding the reorganisation of appropriate staffing levels in the accident and emergency department. The HSE in the southern area has also confirmed that there is no change in the status of the accident and emergency consultant in the terms of his employment at Kerry General Hospital.

The HSE and hospital management are making themselves available to discuss matters of concern raised by local general practitioners recently. It is also proposed to establish a general practitioner liaison group with the hospital which will include consultant medical staff, hospital management, general practitioners and a representative from community services in the HSE. If general practitioners are concerned, certainly the door is open at the HSE and with hospital management to discuss these concerns.

A number of developments are being planned for the hospital, including a new emergency department and ambulatory care unit. The design brief for these developments has already been finalised and a notice for the appointment of the design team was posted in EU Journal earlier this month. The construction of the palliative care day unit has commenced on the grounds of the hospital.

The Tánaiste and Minister for Health and Children, Deputy Harney, is confident that the Health Service Executive will continue to develop the services provided at Kerry General Hospital in Tralee to ensure the delivery of high quality services to the people of County Kerry and those from the surrounding areas who depend on that hospital service.

Trade Union Representation.

Mr. M. Higgins: I am pleased to have the opportunity of raising an outrageous abuse of a European directive and competition law for little less than the removal of the right to collective bargaining of some of the most vulnerable workers in the State. I am in a position to know about this for many reasons. I should state immediately that my wife is a member of Irish Equity. She has been for many years and remains so. I have the privilege of knowing many members of Irish Equity, members of the Musicians Union of Ireland and others who have
been precluded from negotiating with the people to whom they sell their services as employees by way of collective bargaining.

The issue is simply this. The members involved — artists, musicians, singers and people who work in the film industries — are often vulnerable workers because of the nature of the work of the film and music industries and of the work of those hired to make, for example, voiceovers and advertisements. I refer the Minister to the report by the Arts Council on artists’ incomes to see the income of the average actor in this State.

Last year Irish Equity was forced to sign an undertaking that the union would not negotiate fees for actors working on commercials for private companies. The result of this is that these actors have suffered serious wage cuts and are denied the right to have unions make representations on their behalf or negotiate collective agreements. The issue facing the Minister is as follows. How can an EU directive on competition be implemented in such a way that it undermines a right that Irish workers have had since 1901? I was a Minister in this area.

Many of these people are humiliated when dealing with social welfare in that when they state their occupation, the question asked is whether they are really looking for work when work is available in hotels and restaurants, even though they are actors, writers, etc. The position has not improved. Many face retirement without pensions.

The Competition Authority, which has had great successes against vulnerable and easy targets like the credit union movement and pet food for chihuahuas, regards each individual artist as a company selling his or her services. This is outrageous and must be redressed. We need a restatement of the 1990 representation Act, which redefined the rights of workers in the categories to which I refer, so that they might be properly represented. We also need to face down the Competition Authority’s abuse of a reasonable principle of competition.

What does it mean practically? The National Union of Journalists cannot publish a fees guide for its freelance photographers and reporters. Except where named musicians are being engaged, the musicians’ union is prohibited from telling its members what is the going rate for a performance. Irish Equity is prevented from negotiating with advertising companies, even those which want to negotiate a performance rate for the union.

Who has asked for this? Many of the people who organise concerts and events are perfectly happy to negotiate a going rate because it is more transparent and efficient. In addition, I listened to the Minister for Enterprise, Trade and Employment, Deputy Martin, on the previous matter on Private Members’ business. How can this bring a benefit to the consumer when those areas, some of them heavily monopolised, are precisely those which whipped the benefits, which they had effectively taken off the most vulnerable part-time workers, into their own pockets? It is yet another outrageous extension driven ideologically against the weakest part of the labour force. Will the Minister take such action as is necessary, either under the 1990 Act or with the Competition Authority, to stop it before it spreads further? I dealt with these workers and I am aware of the efficiency and transparency of film agreements with trade unions.

The Minister spoke about the relationship between the Competition Authority and other bodies, including, for example, the Broadcasting Commission of Ireland. How can the arrangement be reasonable? The Minister has signed up to and accepted an international obligation on the fundamental freedoms and rights of workers, and the right to be represented collectively. More accurately, the Irish people have done so through the International Labour Organisation. How can an ideological shaft at the weakest workers, to whom we have never given proper recognition through social welfare, pensions or income, be permitted? Each individual actor, musician, writer and photographer is defined as a business and not a worker. This is an outrageous violation of the International Labour Organisation convention. It will be subject to an Irish and European campaign to have it redressed.

Minister for Enterprise, Trade and Employment (Mr. Martin): I understand this matter relates to an investigation conducted by the Competition Authority from March 2003 to June 2004 regarding possible price fixing among self-employed actors and advertising agencies. An agreement between Irish Actors Equity SIPTU, on behalf of the actors, and the Institute of Advertising Practitioners in Ireland, on behalf of advertising agencies, provided for both specific fees for services rendered and various other terms and conditions. Following the authority’s investigation, Irish Actors Equity and the institute signed undertakings in which they agreed not to fix fees and to comply with the provisions of the Competition Act.

In August 2004 the Competition Authority published a decision note explaining its decision and published the acknowledgement and undertakings made to it by both Irish Actors Equity SIPTU and the Institute of Advertising Practitioners in Ireland. The authority’s findings centred on the fact that section 4 of the Competition Act prohibits anti-competitive agreements, decisions and concerted practices. Section 4 applies when “undertakings” are engaged in arrangements which have as their object or effect the prevention, restriction or distortion of competition in trade in any goods or services in the State.

Section 3 of the Act defines an “undertaking” as “a person being an individual, a body corporate or an unincorporated body of persons engaged for gain in the production, supply or dis-
Mr. M. Higgins: It is not an association of undertakings. Those concerned are human beings.

Mr. Martin: Put in layperson’s terms, it was a question of whether the actors in question were self-employed independent contractors, who are subject to the Act, or employees, who are generally not subject to the Act. The authority considered this issue to be particularly important in this case where the trade union has both employed persons and self-employed independent contractors as members. The authority stated in its decision that while it was perfectly legal for a trade union to represent employees in collective bargaining with their employers, its trade union mantle could not exempt its conduct when it acts as a trade association for self-employed contractors.

The authority also stated that if one were to take a wooden approach and find that all trade union members were exempt from the Act, the protections afforded to consumers by the Oireachtas in the Competition Act could easily be bypassed in that associations of independent pharmacists, publicans and barristers, to name but a few, could obtain safe haven for their members by adding “union” to their name and obtaining a negotiating licence.

Mr. M. Higgins: That is in contravention of the convention.

Mr. Martin: On the question of whether actors are “undertakings” within the meaning of the Competition Act, I understand that, as a starting point, the Competition Authority considered whether the Revenue Commissioners treated actors as employees subject to PAYE or as independent contractors. The authority’s investigation revealed that the vast majority of actors in the State are not treated as PAYE employees. It also considered other factors, such as the following——

Mr. M. Higgins: Because they do not have continuity of employment.

Mr. Martin: Actors providing advertising services generally are not obliged to work for a single advertising agency — they may work for several at the same time. Such actors generally do not receive the benefits one usually associates with a contract of employment. For example, they generally do not receive holiday pay, health insurance, maternity leave etc.

Mr. M. Higgins: So they can be blackguarded even further.

Mr. Martin: Such actors do not generally have employment security. They are free to accept or decline specific work as they see fit. Actors are not generally thought of as employees of a particular agency. In light of these factors, the Competition Authority took the view that actors are independent contractors and therefore are “undertakings” subject to the Competition Act. However, the authority also said there may be some actors who have genuine contracts of service and who are therefore employees, as is the case with some musicians. However, its investigation revealed that the vast majority of actors providing advertising services under the agreement that it examined were independent contractors and therefore undertakings. Having found the actors to be undertakings, it followed that Irish Actors Equity in this case was an association of undertakings and subject to the Competition Act.

The Competition Authority may enforce competition law by seeking appropriate civil remedy in the High Court or by recommending the prosecution of a criminal action by the Director of Public Prosecutions. Generally, the authority pursues a criminal prosecution only where there is clear evidence that parties are in breach of the more serious “hard-core” provisions of the Act.

Although the authority’s investigation revealed an element of price-fixing, it elected, in this instance, to pursue civil relief. However, prior to the commencement of proceedings, the parties expressed their willingness to address the authority’s competition concerns and signed undertakings. These undertakings are appended to the authority’s decision, which is published on its website. The authority also acknowledges the right of Irish Actors Equity to represent employed actors in collective bargaining with employers.

I understand the view expressed by the authority was in respect of this particular case only as it is the courts alone that can interpret the law.
Mr. M. Higgins: So casual workers are businesses.

Mr. Martin: The parties to the investigation do not appear to have taken issue with the authority’s view——

Mr. M. Higgins: They are doing so now.

Mr. Martin: ——as they entered into undertakings with the authority in settlement of the case, thereby avoiding the need to go to court.

I emphasise that the Competition Authority is an independent statutory agency set up by this House for the enforcement of competition law.

Mr. M. Higgins: It is an outrageous, philistine, anti-democratic decision.

Mr. Martin: In general, I do not consider that it would be appropriate, or good practice, to interfere in the performance by the authority of its statutory functions, which this House has bestowed upon it.

Road Network.

Ms Enright: I raise this issue as it is hard to over-estimate its importance to the town of Tullamore and County Offaly in general. The issue concerns the Tullamore bypass and the fact that after the much-heralded launch of Transport 21, the bypass was not included in the list of works to commence. Of equal concern is that projects to be carried out after 2010 must be subject to NRA approval. Effectively, the Government, in its remit of deciding policy, decided that the routes out of Dublin were a priority but did not deem a bypass for Tullamore important enough to merit a mention or a commencement date.

A bypass for Tullamore was first mooted 25 years ago. In 2001 detailed plans were drawn up in this regard. I was a member of Offaly County Council in that year and noted that hard decisions were taken on route selection. A route was chosen and the matter progressed to oral hearings and confirmation. At a recent meeting, Tullamore Town Council was informed that work might not start until 2009. The announcement of Transport 21 has lead to fears that the date might be delayed even further. The NRA has since said that no decision has been taken on a starting date for the bypass. It is prioritising the national primary routes and has said it will examine the rest of the network afterwards. I can only question the Minister on the reason for this unacceptable delay.

Tullamore is in a relatively central position and is but a few kilometres from the N6. It is vital to have a proper dual carriageway connection from the new M6 to the bypass. It will link the new M6 to the M7 and M8 when they are completed and will serve as a connecting route for various national secondary roads.

Tullamore is a designated national hub under the national spatial strategy, in addition to Athlone and Mullingar. It is the capital of County Offaly and is literally choking with the traffic passing through. At 5.15 p.m. last Friday, AA Roadwatch announced that traffic was crawling in Tullamore. That is only the beginning of the supposed rush hour, yet traffic was crawling. Even larger urban areas in the country were not in such a state so early on Friday evening.

Tullamore is a vibrant town and is anxious to attract new industry, grow and prosper, but Government inaction is standing in the way. The Minister will be aware of the importance of having proper routes to a town if industry is to be attracted. A bypass is the most vital infrastructure required by Tullamore. Edenderry and Birr are also awaiting bypasses. What hope have they if the Minister does not move on this one?

Complaints about the delay are coming not only from local people who are desperately frustrated at the delays and the havoc they wreak in their daily lives, unnecessary delays also occur on the school journey, travelling into town for groceries or business and transporting and delivering goods. Complaints are also coming from people who travel through the town from other counties, which is a particular concern for the future of the hub under the national spatial strategy. It is now 25 years since the first mention of a bypass, yet we are told about topographical, geographical and archaeological surveys and the preparation of contract documents. I accept that the process must be undertaken properly but members of Tullamore Town Council have repeatedly highlighted this issue. I join them in recommending that the road, when it is built, should be upgraded to a dual carriageway.

It is a design and build project, with the design being undertaken by contractors. Surely this can begin and the entire process, including the surveys, can be undertaken by the team that will undertake the design and build. I do not know why this cannot be done. Offaly County Council claims that the bypass could begin in 2007, if there are no delays. “Could” is not good enough. The people of Tullamore and Offaly deserve better. They need a definite date and want to know when real funding, not the pittance given so far, will become available.

The Minister for Enterprise, Trade and Employment will reply on behalf of the Minister for Transport. I ask him to ask the Minister for Transport to meet Offaly County Council, Tullamore Town Council and Tullamore Chamber of Commerce. There is no more important issue facing the county at this time. The fear that Tullamore will be left behind is a genuine concern of mine as a public representative but also of the people of the town and county. If we do not move on this matter without delay, Tullamore will be left behind.
Mr. Martin: I am pleased to have the opportunity on behalf of the Minister for Transport, Deputy Cullen, to respond to Deputy Enright on this matter. The Minister for Finance keeps a watching brief on matters pertaining to Tullamore and the midlands generally.

Ms Enright: It will take more than watchfulness.

Mr. Martin: He is very active in the context of developing the country and ensuring a central role for the midlands in that overall national development. There is no prospect of Tullamore being left behind given the presence of the Minister, Deputy Cowen, at the Cabinet table in such a pivotal position as Minister for Finance.

Ms Enright: There are genuine concerns.

Mr. Martin: In the past 11 months the Department of Transport has developed the most detailed national transport plan ever devised in this country. Transport 21 will give Ireland a first class transport system that, on a national level, connects all regions to each other and to our main seaports and airports and, in the cities, will provide greatly enhanced public transport alternatives to the private car.

Transport 21 has been specifically developed with a view to supporting the Government’s national spatial strategy 2002-20, the purpose of which is to promote more balanced regional development. In this regard the Deputy will be aware that the strategic approach of the national spatial strategy is to improve access to the wide range of attractions in the midlands so that, through the integrated network of towns, it will possess the advantages of a dynamic region containing a large city. This is being achieved by the development of Athlone, Mullingar and Tullamore as a linked gateway, using their complementary capabilities.

Ms Enright: Athlone and Mullingar have bypasses.

Mr. Martin: With regard to roads, the midlands generally and the linked gateway of Tullamore, Athlone and Mullingar have already benefited from the major investment in the upgrade of the national roads programme in recent years. The upgrade of the N7 through the bypassing of Kildare, Monasterevin and Portlaoise has improved access to and from the midlands. Access will be further improved when the Kilcock-Kinnegad project on the N4 opens to traffic shortly and phase one of the upgrade of the Kinnegad-Athlone section of the N6 is completed in 2007.

Transport 21 also makes provision for the targeted improvement of a number of national secondary routes that are particularly important for regional development. These include the N52 from Dundalk to Nenagh via Tullamore and the N80 from Moate to Enniscorthy via Tullamore, both key cross-country routes linking corridors identified by the national spatial strategy. These improvement works will include the construction of a bypass of Tullamore. I understand from the National Roads Authority that An Bord Pleanála approved this scheme in June 2005 and that work has commenced on the preparation of contract documents. The further development of this project is a matter for the NRA having regard to the funding available for the national roads programme and other priorities on the programme.

Ms Enright: No date is given.

Mr. Martin: With regard to rail, Tullamore has benefited from investment in the railway network under the national development plan by virtue of its location on both the Dublin-Galway and Dublin-Westport intercity rail lines. Combined with the fixed infrastructure renewal work already completed or under way, Transport 21 will provide for 120 intercity rail cars to be deployed on the mainline rail network between now and 2008. This will deliver significant benefits to Tullamore passengers in terms of an increased service frequency and a reduction in journey times on the Galway and Westport routes. Dublin-Galway services will move to an hourly frequency during peak hours and a two-hourly frequency off-peak, while the Westport route will also see frequency improvements in each direction.

Under Transport 21 Tullamore will also benefit from the improved rail connectivity with the west that will result from the development of the western rail corridor under Transport 21. Tullamore to Ennis and Limerick by rail will be possible from the end of 2008 when the Athenry to Ennis section of the western rail corridor is due to be completed under Transport 21.

Transport 21 also includes significant funding for the development of provincial bus services, including the upgrading of regional and local bus services. In addition rural areas of the country can expect to benefit from the decision to put the rural transport initiative on a permanent footing from 2007 and to increase significantly the cash funding for this successful and innovative programme.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 16 November 2005.
I propose to take Questions Nos. 102 Coughlan): on the matter. \[33783/05\].

avian flu threat; and if she will make a statement responsible for co-ordinating the response to the planned arising from the discovery of the virus in gers to humans; if additional measures are threat to the avian population but also the dan-
of avian flu here, having regard not just to the taken or proposed to protect against the spread culture and Food the position regarding measures will make a statement on the matter. \[33783/05\].

prevent an outbreak of avian flu here; and if she culture and Food the steps she is taking to possible to say whether the virus isolated had Taiwanese mesia and it had not previously been Surinamese parrot was pooled with tissue from a today by Defra in the UK, that tissue from the been confirmed that 53 birds, all of the mesia H5N1 virus were all from Taiwan. It has now has concluded that the birds infected with the this morning on the deaths in quarantine which and Rural Affairs in the UK published a report on the deaths in quarantine which and 105 together.

Infectious Diseases.

102. Mr. Allen asked the Minister for Agricul-ture and Food the steps she is taking to prevent an outbreak of avian flu here; and if she will make a statement on the matter. \[33783/05\].

105. Dr. Upton asked the Minister for Agricul-ture and Food the position regarding measures taken or proposed to protect against the spread of avian flu here, having regard not just to the threat to the avian population but also the dangers to humans; if additional measures are planned arising from the discovery of the virus in an imported bird in Britain; if her Department is responsible for co-ordinating the response to the avian flu threat; and if she will make a statement on the matter. \[34163/05\].

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 102 and 105 together.

My Department has been taking the threat of an outbreak of avian influenza very seriously. As the House will know, outbreaks of the H5N1 virus have been confirmed in eastern and central Europe since July 2005 but no outbreaks have been confirmed within the EU, other than the birds who died in quarantine in England.

The Department of the Environment, Food and Rural Affairs in the UK published a report this morning on the deaths in quarantine which has concluded that the birds infected with the H5N1 virus were all from Taiwan. It has now been confirmed that 53 birds, all of the mesia species, of the 101 imported died. A further four were dead on arrival. The report also confirms that there is no evidence of transmission from the mesias to any other species of bird, including the Surinamese parrot which had previously been reported as having died from the virus. All the other birds in the quarantine facility were humanely destroyed.

It now appears, from the statement issued today by Defra in the UK, that tissue from the Surinamese parrot was pooled with tissue from a Taiwanese mesia and it had not previously been possible to say whether the virus isolated had originated from the parrot, the mesia or both, though it had always been assumed that the birds from Taiwan were the source of infection. Today’s report does nothing to change the UK’s avian flu-free status and does not, at this time, impact on our contingency arrangements.

It is important to emphasise that avian flu is principally a disease of birds which occasionally infects animals, notably pigs. The virus rarely infects humans. My Department is responsible for taking measures to minimise the risk of introducing the virus into Ireland and, in the event of an outbreak, to ensure its early detection and speedy eradication. The Department of Health and Children is responsible for the public health aspects of a human flu pandemic. The two Departments, each with their own principal areas of responsibility, have been and are continuing to work very closely together at various levels. The issues have recently been considered by the Government and are now standing items on the agenda of the Government task force on emergency planning, chaired by my colleague, the Minister for Defence.

The confirmed outbreaks of the H5N1 virus in eastern and central Europe since the summer suggest the involvement of migratory wildbirds as vectors of the disease. In view of their potential involvement, there are obvious limitations on the measures which can be taken to ensure that the country stays avian flu free. Based on the patterns of confirmed outbreaks in eastern and central Europe, the immediate risk of the virus being introduced to Ireland through migrating wildbirds is considered to be low.

Nonetheless, there is a risk of the disease being introduced and I have, therefore, introduced a series of measures aimed at minimising that risk and my Department has been consistently reassessing the risk of a disease outbreak. That risk assessment has and will continue to inform our measured approach. It is important that our approach is proportionate and important too that we continue to review our contingency arrangements, taking full account of the most up-to-date scientific and veterinary advice to us.

At EU level, the Commission’s standing committee on the food chain and animal health, SCoFCAH, has taken a number of decisions, all of which have since been provided for in Irish law through a series of statutory instruments. These include, inter alia, safeguard measures which ban the importation of poultry and certain specified poultry products into the EU, in respect of all countries affected by H5N1 other than Croatia, where the virus was found only in wildbirds.

Specifically, my Department has put in a place an early warning system, now an EU requirement, with the assistance of the national parks and wildlife service, the National Association of Regional Game Councils and BirdWatch Ireland. My Department is also a full participant in the annual EU avian influenza survey, through which samples are taken for analysis for evidence of an avian flu virus. In addition, samples from poultry sent to the
Department’s laboratories by private veterinary practitioners are routinely tested for avian flu.

My Department has also introduced a statutory register of all poultry flockowners and of other owners of birds which will be of great assistance in the event of an outbreak. Full details of this register were published in the national newspapers last week and my Department has written to 140,000 of its clients advising them of the registration requirements and arrangements. Furthermore, and in accordance with one of the EU Commission decisions, we have introduced a ban on any gathering of poultry for exhibitions, markets and cultural events, other than under licence. A licensing regime has now been put in place that, at this stage, provides only for the licensing of caged bird shows and pigeon shows. The ban will be reviewed by the SCoFCAH before the end of November, though it may well be extended for a further period of time.

I am satisfied that the measures taken to date, both at EU and national levels, represent an entirely appropriate response to the current level of risk of the introduction of avian flu to Ireland. We have been reviewing and updating our contingency arrangements and are maintaining a vigilant approach. We will continue with our risk assessment approach and will not hesitate to introduce such additional precautionary measures as we consider necessary to deal with any increased level of risk, including any new confirmed cases within the EU.

We will also continue to work closely with all of our EU partners, particularly the Department of Agriculture and Rural Development in Northern Ireland, with whom we have a very close working relationship. We will, as a Department, also continue to work closely with our colleagues in the Department of Health and Children on the public health aspects, for which it has responsibility, and will continue to be active participants in that Department’s influenza pandemic expert group.

Environmental Pollution.

103. Mr. Gormley asked the Minister for Agriculture and Food her response to the report by the UK Royal Commission on Environmental Pollution of the toxic threat to humans of the 31,000 tons of chemicals sprayed on British farms each year and if a similar study is to be carried out here. [34229/05]

Minister for Agriculture and Food (Mary Coughlan): The report will be taken into account in the review of the regulatory system for plant protection products being undertaken with our EU partners and the Commission. The report reflects public concerns brought to the attention of the Royal Commission, recognises the lack of evidence of causality and recommends that risk assessment techniques and methodologies be reviewed and that additional monitoring and health surveillance be undertaken.

The arrangements currently in place here for the assessment of risks for workers, bystanders and consumers that may be exposed when crops are sprayed are based on current EU rules and take account of the most extreme exposures likely to occur. They require consideration of health effects on all sectors of the community, including vulnerable groups such as children and the elderly.

EU Directives.

104. Mr. P. Breen asked the Minister for Agriculture and Food the discussions she has had with the EU commission and the Department of the Environment, Heritage and Local Government regarding a derogation under the nitrates directive; and if she will make a statement on the matter. [33799/05]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. In October 2004, Ireland submitted proposals for a derogation from the general organic nitrogen limit of 170 kg per hectare per annum laid down in the nitrates directive. The proposal was designed to allow farmers to operate, under appropriate conditions and controls, up to a level of 250 kg of organic nitrogen per hectare. My Department and Teagasc developed the derogation proposals in consultation with the Department of the Environment, Heritage and Local Government.

The European Commission was not prepared to engage in formal discussions on the derogation proposals until Ireland’s nitrates action programme was agreed. There have been preliminary discussions with the Commission, however, and Ireland’s case for derogation is scheduled to receive its initial presentation to the EU nitrates committee shortly.

My Department and Teagasc will continue to work with the Department of the Environment, Heritage and Local Government toward achieving a successful outcome to our derogation application and I will press strongly to have the process concluded as early as possible in 2006.

Question No. 105 answered with Question No. 102.

Departmental Properties.

106. Mr. Curran asked the Minister for Agriculture and Food her views on the progress made by her Department towards the provision of Department land for social housing. [34111/05]

Minister for Agriculture and Food (Mary Coughlan): Under the affordable housing initiative my Department has identified six sites for
Veterinary Services.

107. **Mr. Timmins** asked the Minister for Agriculture and Food the steps she is taking to provide a countrywide and weekend veterinary service for the issue of prescriptions for animal remedies; and if she will make a statement on the matter. \[33788/05\]

**Minister for Agriculture and Food (Mary Coughlan):** Veterinary practices are primarily commercial entities and their locations are driven by commercial realities. However, in so far as State involvement is concerned, I can point to a number of recent measures which will alleviate difficulties which may arise in certain parts of the country.

First, under the new Veterinary Practice Act, which will come into effect on 1 January next, there is a provision which for the first time will enable the Veterinary Council to recognise qualifications from applicants in third countries generally. This, taken with the recent enlargement of the EU, will make for improved availability of practitioners to meet shortfalls that may arise on the supply side. Second, the new animal remedies regulations, which I am about to sign into law, contain a number of measures which will enable veterinary practitioners and their farmer clients to avoid difficulties in this area. These include changes to the prescribing rules in terms of the need to clinically examine an animal and extended validity of prescriptions, the details of which I have already outlined in the House.

Also, the regulations include provision which, in a genuine emergency and subject to appropriate safeguards, will enable a pharmacist to supply a prescription medicine in advance of receiving a written prescription. I understand that Udarás na Gaeltachta provides funding to subsidise veterinary practices in remote areas in consultation with the local farming community.

Live Exports.

108. **Mr. Perry** asked the Minister for Agriculture and Food the steps she will take to facilitate the live export of lambs to the UK and France; if she will address the current holding period restriction; and if she will make a statement on the matter. \[33785/05\]

**Minister for Agriculture and Food (Mary Coughlan):** I am always prepared to facilitate trade in live sheep which is governed by EU rules governing intra-Community trade. Trade in sheep between member states of the European Union is subject to the provisions of Council Directive 91/68/EEC, as amended, as regards reinforced controls on the movement of sheep and goats.

The controls provide as a minimum requirement that breeding and fattening sheep must be certified as having been continuously resident on a holding for at least 30 days prior to export and that no sheep or goats had been introduced on to the holding in the 21 days prior to export. Slaughter sheep must also be certified as having been continuously resident on the holding of origin for at least 21 days prior to export and are also subject to a “standstill” period of 21 days prior to dispatch, during which no sheep or goats have been introduced on to the holding of origin.

These controls were introduced in the aftermath of the foot and mouth disease outbreak in 2001 and came into effect on 1 July 2004. I am aware that there were certain difficulties with the certification requirements, arising from the fact that the information in respect of which the official veterinarian must certify can only be truly known to the farmer. Accordingly, I had my Department raise this matter with the European Commission in an effort to arrive at a certification procedure that best meets the concerns of farmers and exporters while at the same time protecting animal health.

I am pleased that, in response to our approach, the European Commission has proposed to amend these certification requirements to allow the official veterinarian to issue certification based on written declaration by the farmer or on examination of the flock register and movement documents. The decision providing for these new arrangements was agreed to unanimously by the standing committee on animal health and the food chain on 11 November 2005. The arrangements will apply from 15 February 2006 and I am confident they will resolve most of the outstanding difficulties with the export of sheep to France and the United Kingdom.

Beef Imports.

109. **Mr. P. Power** asked the Minister for Agriculture and Food if she has been in contact with the European Commission on the issue of veterinary equivalence in terms of beef production in Brazil. \[34101/05\]
Minister for Agriculture and Food (Mary Coughlan): I fully support the policy that animal products imported into the EU from third countries meet standards at least equivalent to those required for production in, and trade between, EU member states.

In this context, I wrote last month to the Commissioner for Health and Consumer Protection, Mr. Markos Kyprianou, concerning the sanitary rules applying to the import of livestock products, especially beef, into the European Union. In the letter, I raised the matter of “equivalence” on the specific and important issues of animal traceability, controls on veterinary medicines, prohibited substances and residue monitoring programmes in these countries and in particular with regard to Brazilian beef in view of its increasing presence on the European market. I requested the Commission to consider the matter and invited it to put appropriate proposals before the EU standing committee on the food chain and animal health, SCoFCAH.

Irish farmers are required to ensure that their production systems and farm practices fully comply with a wide range of EU directives on important matters, including traceability, animal health and welfare and consumer protection. These all have significant in-built cost factors and, bearing in mind that our beef farmers are in competition on European and international markets with beef from low cost producers such as Brazil, I will continue to seek real equivalence in these areas, both in discussions within the EU and in the context of the WTO talks on market access.

Food Industry.

110. Mr. P. Breen asked the Minister for Agriculture and Food her plans to develop the marketing potential of Bord Bia; and if she will make a statement on the matter. [33798/05]

Minister for Agriculture and Food (Mary Coughlan): Exchequer funding of more than €20 million is provided annually to Bord Bia for the purposes of carrying out its statutory function of promoting and marketing the Irish food, horticulture and drink industries. This grant-in-aid is augmented by a statutory levy and voluntary contributions from the industry, in keeping with the requirements of the EU state aid rules. The annual operating budget of Bord Bia is, therefore, in excess of €29 million and the board makes optimum use of these funds to deliver an effective and strategic service to its clients. That food and drink exports exceeded €7 billion in 2004 speaks highly for the impact the board is making.

Effective marketing and promotion activities are essential as competition is becoming even more intense with greater trade liberalisation, competition from low cost countries and concentration at retail level. Allied to this, consumer requirements are changing with more emphasis being placed on health, convenience and well-being, all of which must be underpinned by value. Bord Bia is responding to these challenges with the development of a more strategic approach to identifying new and emerging markets and sectors.

An independent review of the activities, operations and structures of Bord Bia has been completed. Resulting from the review and extensive consultation, the board has drafted a strategic plan to guide its development over the next five years in the light of changing dynamics in the marketplace. The plan does not envisage a radical departure from Bord Bia’s current role and remit but envisages a repositioning to enhance the organisation’s capacity to deliver strategic market development, promotion and information services. Specifically, it commits Bord Bia to the development and delivery of a range of strategically focused market development programmes and services to build upon and support current programmes and services. The strategic plan, which does have resourcing implications, is being examined by my Department.

This year an additional €800,000 was provided by way of Supplementary Estimate towards the Bord Bia, Irish Beef in Europe, campaign and new activities in markets in the Far East. The “Irish Beef in Europe” campaign is the second phase of the board’s strategy to build sales of Irish beef in European supermarkets. The campaign has been running for two months and involves on-pack promotions in 8,000 European stores frequented by some 40 million shoppers per week. It is a concentrated and sophisticated marketing initiative and has by all accounts been very successful.

A great deal has already been achieved in implementing Bord Bia’s strategy in recent years to increase market penetration in the high value EU marketplace. In 2001, Ireland exported 72,000 tonnes to continental Europe and only two retailers stocked Irish beef. Last year, exports had more than doubled to 174,000 tonnes and more than 30 retail groups are currently stocking Irish beef. This represents significant progress by Bord Bia and the industry in a short period and points to the type of progress which can be made in the new, more market oriented CAP environment.

Export Subsidies.

111. Mr. Ring asked the Minister for Agriculture and Food the position regarding the abolition of export credit refunds by the EU; and if she will make a statement on the matter. [33811/05]

Minister for Agriculture and Food (Mary Coughlan): The framework agreement for the next WTO round which was concluded in Geneva in August 2004 commits member countries, including the EU, to negotiate detailed rules, including an end date, for the parallel elimination of all forms of export subsidies and for the intro-
dution of disciplines on export measures with equivalent effect. The framework agreement covers export refunds, export credits, the trade distorting practices of state trading enterprises and food aid practices which are not in conformity with disciplines to be introduced. The new WTO agreement should ensure equal competition on the world market for all exporters. Negotiations are ongoing within the WTO and further efforts towards an agreement will be made at the WTO ministerial conference in Hong Kong in December.

EU Sugar Regime.

112. Mr. Broughan asked the Minister for Agriculture and Food the response she has received to the letter sent by her and ten other EU agriculture Ministers to the agriculture Commissioner, Mariann Fischer Boel, urging a more balanced approach to the reform of the EU sugar regime; and if she will make a statement on the matter. [34167/05]

Minister for Agriculture and Food (Mary Coughlan): The joint ministerial letter in question was submitted to the Commission in advance of the formal discussion at last month’s Council meeting, setting out the objections of the group to the proposals. A formal written response has not been received from the Commission to this letter. However, the sugar reform proposals will be considered again at next week’s Council of Ministers, at which the UK Presidency is striving to reach political agreement. I remain resolute in pursuing my overall objective of achieving a more balanced agreement, which will take Irish interests into account.

Beef Imports.

113. Mr. G. Murphy asked the Minister for Agriculture and Food if she intends to introduce a total ban on Brazilian beef imports into the European Union based on health issues in view of the fact that there are many outbreaks of foot and mouth disease in the Brazilian herds; her views on whether a partial ban being imposed by the EU cannot be effectively implemented due to the lack of movement, control and traceability in the Brazilian livestock herd; if her attention has been drawn to the fact that the United States, Australia, Japan, New Zealand and Korea do not permit the importation of fresh Brazilian beef imports on health grounds; her further views on whether the health status of the EU livestock sector and the Irish livestock sector is being put at risk by continuing to import beef from a country where there is inadequate movement control and traceability and where there are a number of outbreaks of foot and mouth disease as well as a vaccination programme for foot and mouth disease; and if she will make a statement on the matter. [33762/05]

Minister for Agriculture and Food (Mary Coughlan): I am aware that at least 40 countries, including 25 member states of the EU, have introduced partial or complete bans on the importation of meat from Brazil. In accordance with the principles of harmonisation of the internal market, the EU operates as a single entity with regard to international trade. The European Commission, therefore, introduces safeguard measures that have EU wide application limiting or banning the export of animal products from third countries where the conditions of an animal disease outbreak could seriously affect production and trade in animal products in the EU or where there is risk to human health.

In the application of such measures the Community will apply the regionalisation principle that can allow trade to continue from non-affected regions. This principal is fundamental to membership of the World Organisation of Animal Health, OIE, to which all members of the EU subscribe. In practice, this means that where there is a disease outbreak, restrictions on trade are applied to products from this affected region while trade can continue from other unaffected parts of this country or region. It will be recalled that this principle was applied to trade here during the FMD outbreak in 2001.

Following confirmation of an outbreak of foot and mouth disease on a farm in the Eldorado district of Mato Grosso do Sul in the southern part of Brazil, the European Commission immediately introduced proposals at the EU standing committee on the food chain and animal health, SCoFCAH, to suspend imports of de-boned and matured beef from the regions of Mato Grosso do Sul, Parana, and also Sao Paulo. Accordingly, beef produced in the affected regions from cattle slaughtered since 29 September 2005 may not be traded.

I fully support the policy that animal products imported into the EU from third countries meet standards at least equivalent to those required for production in, and trade between, EU member states. In this context I wrote last month to the Commissioner for Health and Consumer Protection, Mr. Markos Kyprianou, concerning the sanitary rules applying to the import of livestock products, especially beef, into the European Union. In the letter, I raised the matter of “equivalence” on the specific and important issues of animal traceability, controls on veterinary medicines, prohibited substances and residue monitoring programmes in these countries and in particular with regard to Brazilian beef in view of its increasing presence on the European market. I requested the Commission to consider the matter and invited it to put appropriate proposals before SCoFCAH.

Irish farmers are required to ensure that their production systems and farm practices fully comply with a wide range of EU directives on important matters, including traceability, animal health and welfare and consumer protection.
These all have significant in-built cost factors, and bearing in mind that our beef farmers are in competition on European and international markets with beef from low cost producers such as Brazil, I will continue to seek real equivalence in these areas, both in discussions within the EU and in the context of the WTO talks on market access.

Food Industry.

114. Mr. Cassidy asked the Minister for Agriculture and Food her initiative to promote local and regional food economies. [34106/05]

Minister for Agriculture and Food (Mary Coughlan): The food industry must be developed at all levels in the new, more market-oriented CAP framework. In this context, an initiative involving the holding of regional food fora to promote local and regional food economies was launched recently. The first regional food forum organised by my Department and Bord Bia with all other State agencies responsible for food industry development was held in Donegal recently.

The north-west forum — Market Focus for small food enterprises — focused on some of the issues confronting small food producers and key speakers shared experiences on regional food marketing and development with food enterprises from Counties Donegal, Sligo and Leitrim. State agencies and service providers were in attendance to offer advice and assistance to producers or enterprises interested in building small food businesses and a variety of food products from the north west was showcased, emphasising the importance of the food industry to the region’s economy. I also launched the “North West Food and Drink Trade Directory”, a comprehensive guide to small food businesses in the north west, as well as agencies at national and regional level. Access to timely and up-to-date industry information is important for small businesses and the guide is a valuable reference source for the food industry in the region.

This initiative aims to stimulate and expand interest in regional and local food production and to encourage the formation and growth of more small rural-based food enterprises on a regional basis. The speciality and artisan food sectors have developed a new momentum and research indicates that further opportunities exist for the right products. There is considerable scope to develop new opportunities in Ireland and the United Kingdom where the market is forecast to reach €7.5 billion over the next three years.

It is my intention to use this forum model in other areas to ensure a continued focus on the potential for local food production. By working closely with farmers, small food producers and local agencies we can successfully promote food enterprise and innovation to develop unique products reflecting the strengths of each region.

Agriculture Policy.

115. Mr. O'Shea asked the Minister for Agriculture and Food if she will expand on her recent comments at the National Ploughing Championships that farming is in severe decline and that an alternative strategy is needed; the steps she is taking to address the decline in farming; the effect this is having on rural Ireland; and if she will make a statement on the matter. [30705/05]

Minister for Agriculture and Food (Mary Coughlan): I did not say, and do not believe, that farming is in severe decline. In 2004, farm incomes rose by 3.5%, farm investment increased by 10% and land prices went up by 13%. None of this suggests a sector in severe decline.

It is, however, important that we focus on the future and on the challenges and opportunities that lie ahead. This means we must constantly update and renew our strategies for the sector, particularly in a time of considerable change. In this regard, I welcome the very helpful report of the agri-vision 2015 committee and I will respond to the content and recommendations contained in that report. The agri-vision 2015 committee provided a comprehensive analysis of what is required to enable the agri-food sector maintain and improve its competitiveness over the next ten years and contribute to a healthy and vibrant rural economy and environment. It is in this context that the plan of action is currently being drafted by officials within my Department and will be launched in the New Year.

Food Industry.

116. Mr. Curran asked the Minister for Agriculture and Food her views on the work being undertaken under the food institutional research programme. [34112/05]

Minister for Agriculture and Food (Mary Coughlan): The food institutional research measure, FIRM, is a public good research programme in the food sector funded under the National Development Plan 2000-2006. Progress under the measure has been very satisfactory, with 123 projects awarded funding of €55.7 million following general calls in 2000 and 2004 and a targeted call in 2001. More than €36 million has been paid to date to the institutions involved. Awards are currently being finalised in respect of a further 17 projects, with indicative funding of €7.5 million, arising from a targeted call issued earlier this year under the food safety and beverages themes.

The main objectives of the FIRM programme are to provide a base of information and expertise in generic technologies that supports innovation and product development in the food industry, and assists in assuring consumer protection by ensuring that product development is underpinned by attention to food safety and quality issues. The research is carried out at suitable
institutions that can demonstrate the necessary research capabilities, including universities, institutes of technology and Teagasc food centres.

The areas targeted under the programme include: development of technologies to build a more competitive, innovative, consumer focused and sustainable food production and marketing sector; development of the scientific knowledge to underpin effective food safety practices at all stages in the food chain; consumer foods technology; innovation in functional foods; cheese diversification; production of new food ingredients; nutrition; new technologies for added value meat products.

The FIRM programme has contributed to the formation of recognised centres of excellence in food research in Ireland. A number of research teams have been created at the various institutions and the capability and critical mass that has been developed, together with the associated knowledge base, represents a major resource for industry. In addition, the public good food research programmes have been instrumental in the development of a number of food products which contribute to the health and nutritional intake of the consumer. The outcomes of the research are disseminated widely for the benefit of the industry as a whole.

This programme has been valuable in assisting public good food research. It provides a platform for the food industry to engage in further research and product development, which is vital in an increasingly competitive and market oriented environment.

EU Directives.

117. Ms O'Sullivan asked the Minister for Agriculture and Food the discussions she has had with other Departments and State agencies with a view to meeting the EU biofuels directive requiring Ireland to replace the 2% of petrol and diesel with renewable fuels by end of 2005; and if she will make a statement on the matter. [34180/05]

Minister for Agriculture and Food (Mary Coughlan): The Minister for Communications, Marine and Natural Resources has overall responsibility for energy policy and is primarily responsible for the promotion and development of renewable energy, including biofuels, with a view to meeting the requirements of the EU transport biofuels directive. The development of the biofuels industry is a cross-sectoral issue impinging on several policy areas, for example, environmental and fiscal policy as well as energy policy, and involving several Departments and agencies. My Department has been represented on a number of interdepartmental groups considering the issue and there has also been direct contact between my Department and the Department of Communications, Marine and Natural Resources.

I am conscious of the central role agriculture can play in supplying the necessary raw materials for the production of biofuels. Energy crops such as oilseed rape, wheat and sugar beet can be used for the manufacture of liquid transport biofuels, forestry by-products are a rich source of wood biomass and various farming by-products, such as meat and bonemeal and tallow, can be used for energy-heat generation and biodiesel manufacture respectively.

For the purposes of contributing to the development of policy on biofuels, my Department, in conjunction with COFORD and Teagasc, has examined the potential of energy crops, wood biomass and farming and food by-products. In general, the production of energy crops for biofuels will have to be demand led and production by farmers will only occur if the economic returns are greater than those offered by traditional crop enterprises. The production of liquid biofuels from energy crops is not economic at current oil price levels. However, the scheme announced by the Minister for Communications, Marine and Natural Resources for mineral oil tax relief on pilot biofuel projects has stimulated the production of oilseed rape for biofuel.

The exploitation of wood resources for energy purposes, mainly for heat or electricity generation, offers significant potential. There are also significant opportunities for using by-products of farming and food processing for bioenergy purposes. Approximately 140,000 tonnes of meat and bonemeal is produced annually and its use in place of fossil fuels could reduce carbon dioxide emissions by up to 19%.

I am anxious to encourage further research to assist the development of the biofuels industry. Teagasc has already done some valuable work in this area and I also arranged for research projects on biofuels and other non-food uses of crops to be included in the latest call under my Department’s research stimulus programme. The outcome of this call is not yet available but the nature of the projects to be funded will depend on the proposals received.

EU Sugar Regime.

118. Mr. Stanton asked the Minister for Agriculture and Food, further to the meeting of the Council of Ministers in October 2005, if she has succeeded in protecting the interests of Irish farmers and the Irish sugar beet industry; and if she will make a statement on the matter. [34206/05]

Minister for Agriculture and Food (Mary Coughlan): I reiterated my firm opposition to the Commission’s proposals when I addressed last month’s meeting of the Council of Ministers in Luxembourg. I emphasised that the price cuts proposed are too severe, the reforms should be based on a longer lead-in time for the EBA and we should await the outcome of the WTO meet-
[Mary Coughlan.]

ing in Hong Kong before seeking to agree a more equitable and balanced outcome.

I have also continued to remain in contact with like minded colleague Ministers from other member states who are opposed to the reform proposals. In this context, a joint ministerial letter from a group of 11 member states, including Ireland, was submitted to the Commission in advance of the formal discussion at last month’s Council meeting, setting out the objections of the group to the proposals. I had previously met the Agriculture Commissioner on a number of occasions to voice my strong reservations. Meanwhile, there has been ongoing contact at official level with other member states and the Commission about the reform proposals.

Negotiations have become more intensive over recent weeks and the UK Presidency is striving to reach political agreement at next week’s Council of Ministers. However, I will continue to be resolute in pursuing my overall objective of achieving a more balanced agreement, which will take Irish interests into account.

World Trade Negotiations.

119. Ms B. Moynihan-Cronin asked the Minister for Agriculture and Food the implications for Irish agriculture of the proposals recently made by EU Commissioners Mandelson and Fischer Boel in regard to the current round of world trade talks; and if she will make a statement on the matter. [34176/05]

124. Mr. Durkan asked the Minister for Agriculture and Food the extent to which in the context of the World Trade Organisation and through the EU she is prepared to ensure the viability of the agricultural sector having particular regard to Ireland’s position as a food producing country; and if she will make a statement on the matter. [34257/05]

137. Mr. McCormack asked the Minister for Agriculture and Food her views regarding Commissioner Peter Mandelson who clearly has exceeded the EU mandate on agriculture in the World Trade Organisation negotiations; the action she will take to endeavour to restrict the role of Commissioner Mandelson in this regard; and if she will make a statement on the matter. [33760/05]

138. Mr. Penrose asked the Minister for Agriculture and Food her plans to seek the retention of the highest possible subsidies for Irish farmers and to protect Irish agricultural products from foreign competition; and if she will make a statement on the matter. [34184/05]

152. Mr. Cuffe asked the Minister for Agriculture and Food if she will report on the Government’s position on the policies to abolish CAP being pursued by Commissioner Mandelson. [34233/05]

173. Mr. Rabbitte asked the Minister for Agriculture and Food her priorities for the current round of world trade talks and the summit due in Hong Kong in December 2005; and if she will make a statement on the matter. [34177/05]

184. Mr. Hogan asked the Minister for Agriculture and Food the discussions she has had with the EU Commission on the WTO talks; and if she will make a statement on the matter. [33780/05]

442. Mr. Ferris asked the Minister for Agriculture and Food if adequate steps are being taken at EU level to maintain and identify Ireland’s position as a food producing and food exporting economy; and if she will make a statement on the matter. [34556/05]

467. Mr. Durkan asked the Minister for Agriculture and Food if she will make a statement on the implications for EU and Irish agriculture of the Trade Commissioner’s proposals relating to the World Trade Organisation. [33990/05]

468. Mr. Durkan asked the Minister for Agriculture and Food the position in regard to preparation for the World Trade Organisation talks with particular reference to the European influence; and if she will make a statement on the matter. [34557/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 119, 124, 137, 138, 152, 173, 184, 442, 467, 468 and 469 together.

The Government is committed to achieving a balanced agreement between the various elements of the WTO negotiations. I expect that further progress will be made towards conducting a new agreement at the ministerial conference in Hong Kong in December. In so far as agriculture is concerned, the outcome of the negotiations will determine the levels of protection and support which the EU may provide for the duration of the next agreement. The negotiations represent, therefore, a serious challenge to the future of the Common Agriculture Policy, CAP.

My overriding objective is to ensure that the terms of the final agreement can be accommodated without the need for further reform of the CAP. More specifically, my priorities are to ensure that: the phasing out of all forms of export subsidies will be applied in parallel, as provided
for under the WTO framework agreement which was concluded in August 2004, that the phasing out arrangements will be as flexible as possible and that the end date will extend as long as possible; Ireland’s agricultural exports will remain competitive in the EU market through the continuation of adequate levels of tariff protection on imports from third countries; to secure the best combination of tariff cuts and the “sensitive product” status, to which lower tariff cuts will apply, for the products of particular interest to Ireland; the EU’s system of direct payments which, following decoupling, qualify as non-trade distorting, will continue to be exempt from reductions under the new agreement — direct payments make a major contribution to farm incomes in Ireland and I will strongly resist any attempt to amend the qualifying criteria to undermine their status as non-trade distorting payments under a new agreement.

The Commission negotiates in the WTO on the basis of a mandate which was agreed by the Council of Ministers. The mandate is designed to defend the CAP as it has evolved under successive reforms, including Agenda 2000 and the midterm review. At a meeting of the General Affairs and External Relations Council on 18 October 2005, which I attended, the Council again endorsed the mandate and confirmed that it constitutes the limits for the EU’s negotiating brief in the WTO.

The latest EU offer, which was submitted on 28 October, was made by the Commission on the basis that it is within the terms of the negotiating mandate. I continue to have some reservations in this regard. Technical briefing was provided by the Commission on 10 November to explain the position which it adopted and to provide clarification for member states. While the Commission has pointed out that the latest proposal is the EU’s final offer on agriculture, extreme vigilance is required to protect the EU’s and Ireland’s interests in the negotiations.

I have been in regular contact with the Commissioner for Agriculture and Rural Development in recent months. I discussed the WTO agriculture negotiations and Irish concerns relating thereto at a bilateral meeting with the Commissioner on 23 June 2005. The Council of Agriculture Ministers, which reviews the situation on a regular basis, discussed the developments in the negotiations at its meetings on 18 July 2005, 19 September 2005 and 25 October 2005, all of which I attended with Ministers from other member states and the Commissioner.

I have pressed strongly for the inclusion of the WTO negotiations on the Council agenda as a substantive issue in the run up to Hong Kong. I also spoke, by telephone, with the Commissioner on a number of occasions. On each occasion, I outlined my concerns that the Commission should continue to adhere to the mandate on agriculture which was given to it by the Council and that it should not deviate from this as the negotiations proceed. I have also indicated my concerns at the General Affairs and External Relations Council on 18 October 2005, and in bilateral discussions with other EU ministerial colleagues.

Earlier this month, I travelled to Geneva for a meeting with Pascal Lamy, the director general of the WTO, at which I took the opportunity of making it clear to him where Ireland’s concerns lie with regard to agriculture and food.

I will continue to monitor developments in the negotiations very closely and will participate fully in discussions in the run up to the WTO ministerial conference in Hong Kong. I intend to be in Hong Kong for the conference in December. I will avail of every opportunity to pursue my objectives to achieve the best possible outcome for Irish agriculture.

Genetically Modified Organisms.

120. Mr. Gilmore asked the Minister for Agriculture and Food the position regarding her consideration of the report of the interdepartmental committee that was asked to develop proposals for a national strategy and best practices to ensure the coexistence of genetically modified crops with conventional and organic farming; and if she will make a statement on the matter. [34169/05]

Minister for Agriculture and Food (Mary Coughlan): In August 2003, an interdepartmental group comprising representatives of the Department of Agriculture and Food, the Department of the Environment, Heritage and Local Government, Teagasc and the EPA, was established to examine issues relating to the coexistence of authorised GM crops alongside non-GM crops and to develop proposals for a national strategy and best practices in Ireland. In drawing up this report the group considered submissions from many interested stakeholders. I have just recently received the completed report and its recommendations.

While the group engaged extensively with relevant stakeholders when preparing the reports, I consider it prudent to invite further observations on the report from all interested parties. For that reason I am in the process of placing the report on my Department’s website and I will invite observations shortly. I will then take into account all observations received before putting in place coexistence arrangements for Ireland.

EU Directives.

121. Mr. O’Shea asked the Minister for Agriculture and Food if she will make a statement on her decision to defer introduction of EU Directive 2004/28, regarding the prescribing of veterinary medicines. [34178/05]

Minister for Agriculture and Food (Mary Coughlan): While transposition of Directive
2004/28 into national law is being finalised, article 67 of the directive provides that implementation of the requirement that all veterinary medicines for food producing animals must be subject to prescriptions may be deferred and national rules may continue to apply until a decision is taken at EU level on the criteria for exempting certain medicines from this new requirement or until 1 January 2007, at the latest. I have decided to avail of this provision and, in the interim, existing off-prescription medicines will remain off-prescription and the writing of prescriptions will be restricted to veterinarians.

However, I have made it clear that I intend to review the regulations and, in particular, the provisions relating to the categories of persons who will be permitted to prescribe veterinary medicines, in light of the outcome of the exemption criteria. Full consultations will be held with all stakeholders on the matter at that stage before final decisions are taken on this issue.

122. Mr. Naughten asked the Minister for Agriculture and Food when she intends to introduce new grant rates provided to farmers under the CFP scheme in view of the increasing cost of steel and the demands which will be placed on farmers due to the nitrates directive; and if she will make a statement on the matter. [33763/05]

161. Mr. Glennon asked the Minister for Agriculture and Food her plans to introduce a new farm waste management scheme to assist farmers meet the requirements of the nitrates directive. [34104/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 122 and 161 together.

To assist farmers meet the additional requirements of the nitrates action programme, I have announced details of a proposed revised farm waste management scheme for which EU approval has been sought. I hope early approval of the scheme will be forthcoming so that it can be introduced next January.

Subject to the required EU approval, the scheme will: introduce a standard grant rate of 60%, with 70% being available for zone C counties, in place of the current grant rate of 40%; additional aid will be available for young farmers at rates of 10% in less favoured areas and 5% in other areas; extend the maximum income unit ceiling for farmers from 450 to 650 income units, with no upper limit being applied in the case of pig and poultry farmers; raise the maximum eligible investment from €75,000 to €120,000; remove any minimum income requirements from farming from the scheme so that all small farmers can participate in the scheme; extend the scheme to include horses, deer, goats, pigs and poultry, and mushroom compost; introduce a new 40% grant rate for specialised equipment with specific environmental advantages, subject to maximum eligible investment of €80,000 in the case of decanter centrifuge systems and dry feeding systems for pigs and €40,000 in the case of specialised slurry spreading tankers and related equipment; increase the maximum eligible investment for standard mobile equipment from €11,000 to €15,000 with the grant rate remaining at 20%.

I am satisfied that, if approved, the revised scheme will provide a very satisfactory platform for Irish farmers who need to carry out additional investment works to meet the requirements of the nitrates directive. I urge farmers to make the necessary arrangements to ensure that they are ready to avail of the scheme by the proposed implementation date.

Horticulture Industry.

123. Mr. Carty asked the Minister for Agriculture and Food her views on the level of investment taking place in the horticulture sector here. [34108/05]

Minister for Agriculture and Food (Mary Coughlan): The level of investment taking place in the horticulture sector is now at a very high level and indicates a high degree of confidence in the sector. One of the major catalysts for this investment are the grant aid schemes operated by my Department for the development of the sector. Over the past year the level of funding has been increased considerably.

Under the scheme of investment for the commercial horticulture sector more than €6 million grant aid will be paid out this year to 129 growers, involving investments of €20 million, bringing the total grant payable to date under the programme — NDP 2000-2006 — to €14 million. This scheme is primarily aimed at growers engaged in horticultural production or are planning to start new horticultural projects. The scheme has made an immense contribution to the growth and development of the horticulture sector across all areas — mushrooms, field vegetables, protected crops, nursery stock and soft fruit — through investments in specialised facilities and equipment aimed at efficiently producing high quality products for a very discerning and highly competitive market.

Grant aid is also available under my Department’s capital investment scheme for the marketing and processing of agricultural products. Proposals are invited periodically and are evaluated on a competitive basis. In the period of the NDP to date, grant aid totalling €5.2 million has been awarded to 20 such projects in the horticulture sector. A call for horticulture proposals in 2005 has attracted applications for grant aid towards investments of more than €25 million for development of facilities and improvement of the marketing infrastructure. The applications are currently being evaluated.
In addition to the NDP schemes, financial assistance is available under the EU producer organisation scheme for fruit and vegetables towards the cost of implementation of approved operational programmes. A key requirement of this scheme is that members of producer organisations must undertake to market all of their production through the organisation. A total of €5.6 million was paid out this year to ten producer organisations in respect of operational programmes for 2004.

Question No. 124 answered with Question No. 119.

Food Labelling.

125. Mr. G. Murphy asked the Minister for Agriculture and Food if the Government proposes to introduce legislation on mandatory origin labelling for beef in Irish restaurants, hotels, pubs and catering outlets; when she proposes that a scheme for compulsory country of origin labelling will operate and in practice; the person who will implement same; and if she will make a statement on the matter. [33759/05]

Minister for Agriculture and Food (Mary Coughlan): The Deputy will be aware that we already have comprehensive origin labelling for beef sold at retail level which is governed by EU regulations. These requirements also apply up to the point of delivery into hotels, restaurants and catering establishments and are enforced by the Food Safety Authority of Ireland, FSAI.

I am currently in the process of extending the existing beef labelling laws to require information on the country of origin of beef to be provided to all consumers in Irish restaurants, hotels, pubs and catering outlets. I put specific proposals to Government at the end of June for a legislative framework to facilitate this, by way of an amendment to the 1947 Health Act. The necessary provisions will be included in amendments to the Irish Medicines Board (Miscellaneous Provisions) Bill 2005, which is currently before the Oireachtas. The appropriate regulations are being worked on concurrently and it is the intention to have these cleared at EU level as soon as possible. When the Act is amended and the regulations made, country of origin information will be available to consumers in respect of all beef served in restaurants, hotels, pubs and throughout the catering sector in Ireland on a mandatory basis. These requirements will also be enforced by the FSAI.

In the meantime, the main representative bodies, including the Irish Hotels Federation, the Restaurants Association of Ireland and the two vintners groups, following discussions with my Department, have all agreed to recommend to their members to provide this information to their customers on a voluntary basis in advance of the mandatory legal requirement. I expect this to be in place shortly.

Alternative Farm Enterprises.

126. Mr. Ring asked the Minister for Agriculture and Food her plans to develop the biofuel industry; and if she will make a statement on the matter. [33810/05]

Minister for Agriculture and Food (Mary Coughlan): The Minister for Communications, Marine and Natural Resources has overall responsibility for energy policy and is primarily responsible for the promotion and development of renewable energy, including biofuels. The development of the biofuels industry is, of course, a cross-sectoral issue impeing on several policy areas, for example, environmental and fiscal policy as well as energy policy, and involving several Departments and agencies. My Department has been represented on a number of inter-departmental groups considering the issue and there has also been direct contact between my Department and the Department of Communications, Marine and Natural Resources.

I am conscious of the central role agriculture can play in supplying the necessary raw materials for the production of biofuels. Energy crops such as oilseed rape, wheat and sugar beet can be used for the manufacture of liquid transport biofuels, forestry by-products are a rich source of wood biomass and various farming by-products, such as meat and bone meal and tallow, can be used for energy/heat generation and biodiesel manufacture respectively.

For the purposes of contributing to the development of policy on biofuels, my Department, in conjunction with COFORD and Teagasc, has examined the potential of energy crops, wood biomass and farming and food by-products. In general, the production of energy crops for biofuels will have to be demand led and production by farmers will only occur if the economic returns are greater than those offered by traditional crop enterprises. The production of liquid biofuels from energy crops is not economic at current oil price levels. However, the scheme announced by the Minister for Communications, Marine and Natural Resources for mineral oil tax relief on pilot biofuel projects has stimulated the production of oilseed rape for biofuel.

The exploitation of wood resources for energy purposes, mainly for heat or electricity generation, offers significant potential. There are also significant opportunities for using by-products of farming and food processing for bioenergy purposes. Approximately 140,000 tonnes of meat and bonemeal is produced annually and its use in place of fossil fuels could reduce carbon dioxide emissions by up to 19%.

I am anxious to encourage further research to assist the development of the biofuels industry. Teagasc has already done some valuable work in
Women in Farming.

127. Ms Lynch asked the Minister for Agriculture and Food if her attention has been drawn to the decreasing number of women involved in farming; her plans to reverse this trend; and if she will make a statement on the matter. [34183/05]

Minister for Agriculture and Food (Mary Coughlan): In leading the development of Irish agriculture my objectives include the retention of the maximum number of farm families and ensuring that farming is an attractive career option for young people generally, irrespective of gender. Policies pursued by my Department are geared towards achieving these objectives.

In so far as my Department’s approach is concerned, the schemes and services administered by it are administered in a gender neutral fashion. Subject to the relevant eligibility criteria, it is open to women involved in farming and in rural life to avail of the full range of services operated by my Department and other agencies. In recognition of the importance of attracting young farmers into agriculture, the Government has put in place a range of incentives to attract people into farming — the installation aid scheme; new entrant/parent milk production partnerships; Teagasc advisory and education services and taxation measures.

The advisory committee’s report on the role of women in agriculture, published in September 2000, contained 36 recommendations in total, covering a broad range of policy and operational areas. These areas were — statistical evaluation of women farmers; employment, training and information technology; representation; social inclusion, and personal finance/economic and legal issues. While recognising the contribution of women to agriculture, the advisory committee’s central concerns related to broader issues affecting women in rural communities more generally. The advisory committee’s report did not identify any specific barriers to entry into farming for women.

I would also make the observation that where women choose to work off-farm, it is because of the multiplicity of employment opportunities which our vibrant economy has made available, many of which may particularly suit the circumstances of such women. It is a good thing that the women of rural Ireland have such choice and opportunity in addition to the option of working in farming.

Food Industry.

128. Mr. Perry asked the Minister for Agriculture and Food the steps she is taking to promote farmers markets; and if she will make a statement on the matter. [33786/05]

Minister for Agriculture and Food (Mary Coughlan): I fully support the farmers markets concept and my Department, in co-operation with Bord Bia, the statutory food promotion agency, is actively engaged in developing the concept on a sustainable basis. Bord Bia provides a range of support services for farmers markets, including advice and mentoring assistance, and has also published a comprehensive information guide on the running and operation of these markets in co-operation with Invest Northern Ireland.

With more than 100 farmers markets now in operation, I recognise the important contribution they are making to local and regional economies through encouraging local produce, assisting start-ups of new businesses and creating local employment. The growth of these markets also reflects changing consumer preferences and demand for more locally produced foods. They offer a real opportunity to promote sustainable production of more locally produced speciality and high quality artisan type products that reflect the unique characteristics of a locality and region. They also give producers the opportunity to sell directly to consumers and from a consumer perspective provide a special shopping experience and greater choice.

Over the past three years, Bord Bia and the Office of Public Works have worked closely together on developing the “Food at Farmleigh” programme. This programme has proved very successful both from a consumer and a trader perspective, featuring more than 40 small food producers and attracting on average 6,000 visitors each Sunday. In 2006, it is intended to roll out the “Food at Farmleigh” model to other OPW heritage properties around the country, including Donegal, Laois, Wexford and Cork.

In addition, Bord Bia is co-operating with the Dublin City Council on the Smithfield regeneration programme, with particular emphasis on the development of the fruit, vegetable and fish markets and surrounding areas.

129. Dr. Devins asked the Minister for Agriculture and Food her views on the progress of the prepared consumer food sector within the food industry here. [34110/05]

Minister for Agriculture and Food (Mary Coughlan): The prepared consumer foods sector, which is the fastest growing segment of our valuable food industry, plays a significant role in the Irish economy with output of €2.6 billion and exports of €1.3 billion. Some 16,000 people are directly employed in 180 companies in the sector, which now accounts for 12% of food exports.
The food development agencies work closely with companies to assist them to develop, commercialise and market products that satisfy consumer demand and preferences. The key drivers of demand in the sector are: changes in consumer eating habits; health focus; snacking products; cook times; food service and new eating occasions, for example, in-car dining. The sector also faces challenges, principally retail consolidation, a very competitive and cost focused international market and issues of scale. The food related measures in the national development plan are focused on enhancing the competitiveness and innovative capability of the industry and exploiting market opportunities. My Department is committed to supporting the food development agencies and the industry to achieve continued growth in value added products and exports.

Obesity Levels.

130. Mr. M. Higgins asked the Minister for Agriculture and Food the action which has been taken or is intended to be taken arising from the recommendations of the report of the task force on obesity in so far as they relate to her Department’s areas of responsibilities; and if she will make a statement on the matter. [34172/05]

Minister for Agriculture and Food (Mary Coughlan): The Food Dude programme launched in October, and which will be run in 120 primary schools over three years, addresses one of the two recommendations to my Department in the report, namely, that “the Department of Agriculture and Food together with the Department of Health and Children should promote the implementation of evidence-based healthy eating interventions.”

The programme, funded jointly by the EU Commission, my Department and WPI, a trade body, and managed by Bord Bia aims to increase consumption of fresh fruit and vegetables by primary school children in school and at home. It was developed by the University of Wales, Bangor, and is based on positive role models — the Food Dudes characters, repeated tasting and rewards. Studies show that it can deliver long lasting results across the primary age range, regardless of gender, school size, geographic and socio-economic factors. It is designed to enable children enjoy healthy diets and to create a healthy eating culture within schools.

The other specific recommendation directed at my Department in the obesity task force report, is that “the Department of Agriculture and Food should review policies in partnership with other government departments to promote access to healthy food. Such policies should encompass positive discrimination in the provision of grants and funding to local industry in favour of healthy products.” Positive discrimination in the provision of grants and funding to local industry in

favour of healthy products, envisages a form of subsidisation that is not permissible under EU state aid rules and could be challenged on competition grounds.

The scientific study on children’s diet, which was co-funded by my Department and the Food Safety Authority of Ireland, was the first study to benchmark dietary intakes of a nationally representative sample of Irish children. The work was carried out by researchers in Trinity College, Dublin, and University College, Cork, who surveyed 600 children aged five to 12 years from primary schools throughout Ireland during 2003 and 2004 and collected information on diet, physical activity and body measurements on each child as well as lifestyle information for both the children and their parents. With regard to diet, the study identified that intake of fruit and vegetables was low and on average well below international recommendations. Fat and salt intakes were higher than recommended and food eaten outside the home accounted for less than 10% of total calorie consumption. Overweight and obesity in five to 12 year old schoolchildren was relatively high and increasing.

I consider it important that the data on diet and physical exercise collected in the study should be further analysed and cross referenced with other available information to assist in evidence based policy formulation and implementation and to provide the public and the food industry with useful information. My Department has had discussions with the Food Safety Authority of Ireland and the FIRM funding committee under the aegis of my Department on how this might best be done and I expect to have more detailed proposals very shortly. Obesity, particularly among the young, has been identified as a serious concern for society and it has to be tackled through long-term sustained commitment from relevant Departments, agencies and food industry stakeholders.

Genetically Modified Organisms.

131. Dr. Twomey asked the Minister for Agriculture and Food her plans to evaluate the economic implications of the use of genetically modified organisms; and if she will make a statement on the matter. [33793/05]

Minister for Agriculture and Food (Mary Coughlan): An interdepartmental working group was established within my Department in August 2003 to develop proposals for a national strategy and best practices to ensure the coexistence of GM crops with conventional and organic farming. I have just recently received the report of the group and I am in the process of examining it.

While part of the group’s work programme included an appraisal of economic implications of coexistence, the wider economic issues should also be examined. Accordingly, I have asked Teagasc to explore the possibility of carrying out
an evaluation of the implications for the agri-food industry from the possible use of GMOs in crop and livestock production. I have been informed that this evaluation is near finalisation.

Cross-Border Smuggling.

132. Mr. Sargent asked the Minister for Agriculture and Food the steps she is taking to ensure smuggling of cattle in the Border counties is eradicated in view of the recent discovery of calves wandering on a road near Ballybofey on 12 October 2005; and if she will make a statement on the matter. [33761/05]

Minister for Agriculture and Food (Mary Coughlan): A number of measures are in place to deter illegal cross-Border traffic in cattle. In Ireland, cattle do not have any legitimacy unless they are tagged with official tags, registered on the central CMMS database and accompanied by official cattle identification documents — cattle passports. The processes of tag supply, passport issue and registration on the central database are subject to a series of validation checks designed to verify the origin, identity and status of each animal.

The main elements are as follows. Official tags contain security features to prevent tampering. Tags are issued to active herd owners only and the number of tags supplied to each keeper is controlled. A proof of delivery system is in place for tag issue to ensure that tags are not delivered to a person other than the registered keeper and are signed for on receipt. Each tag contains a check digit which is used for validation purposes.

Tags are county and herd and animal specific. In so far as replacement tags are concerned, no replacement tag may be issued unless the animal has been recorded alive on the central database in the applicant herd.

A number of checks are also conducted on all applications for registration. Any discrepancies uncovered are followed up and must be resolved before the registration is accepted and a passport issued. Calf birth registrations are not accepted onto CMMS unless the herd number of the applicant is valid, has an active status and has been supplied with a herd identifier. In addition, registrations are not accepted unless the tag number applied on is valid, the dam is alive in the herd of birth at the time of birth, is over 18 months of age, has not had a calf in the previous 300 days and has matching breed details. Additional checks are carried out in respect of high twinning levels and late registrations.

In addition, there are systematic location and status checks of the tag numbers of animals presented at slaughter plants and live export points and in respect of private sales. They are designed to prevent the acceptance of any animal unless the tag number has a live status on the database and unless its current location on the database corresponds to the holding number of the applicant for slaughter/export/clearance to move from farm to farm.

These validations are augmented by a system of removal from the database of animals that disappear in suspicious circumstances to the extent that animals marked as “disappeared” no longer have a status according to the database and would also fail status and location checks already mentioned. The above mentioned validations have been introduced and strengthened on an incremental basis over the years since the initial development of the CMMS database.

In the case referred to in the question, six unidentified young male calves were found in a state of distress close to the Border on the date in question. In line with normal practice, these animals were destroyed because the identification and origin details could not be confirmed.

Live Exports.

133. Mr. M. Brady asked the Minister for Agriculture and Food her views on the level of live exports of cattle to date in 2005 compared to the same period in 2004. [34114/05]

Minister for Agriculture and Food (Mary Coughlan): Live exports continue to be an important outlet for our cattle providing an essential element of competition with the beef trade. Live exports to date in 2005 stand at approximately 148,000 head against 99,000 for the same period last year. This represents an increase of almost 50%. Live exports in 2004 were, however, sluggish and our exports this year are more in line with our traditional export levels of 2003.

Beef Imports.

134. Mr. McCormack asked the Minister for Agriculture and Food her views on the reports published by the EU Commission Food and Veterinary Office that the production standards in Brazil are totally inferior to those applied within the European Union; her further views on whether the Brazilian standards are totally inadequate on the important issues of traceability, movement and control of foot and mouth disease, residue testing and the control and use of veterinary medicines and environmental conditions; if her attention has been drawn to the fact that it is the stated policy of the EU Commission directorate on health and consumer affairs that the production standards on imports into the European Union must be equivalent to the standards applying within the Union; the reason the European Union accepts imports of beef from Brazil which do not meet the requirements set down by the EU control authority; and if she will make a statement on the matter. [33757/05]

Minister for Agriculture and Food (Mary Coughlan): The principle underlying the harmon-
ised EU regulations on imports is that animal products imported from third countries must meet standards at least equivalent to those required for production in, and trade between, member states. To be an approved third country, it must: be entered on to a listing of approved countries following a proposal by the Commission and agreed by the standing committee on the food chain and animal health, SCoFCAH, and updated on the basis of EU audits and guarantees given by the competent authority of the exporting country; have veterinary controls equivalent to those applicable in the EU, particularly in terms of legislation, hygiene conditions, animal health status, veterinary medicines controls, zoonoses controls and other food law; have in place a residues programme approved by the European Commission.

Animal products must be sourced from establishments that are approved and must bear a EU approved health mark. Exporting establishments must have: standards equivalent to the requirements for EU export establishments; effective control systems and supervision by the competent authorities; traceability/labelling in accordance with the systems approved by the FVO and accepted and notified to the EU member states. The FVO carries out inspections to ensure that only establishments that meet hygiene and health standards equivalent to those operating within the EU are approved. Where the FVO considers that public health requirements are not being met, an establishment may be removed from the EU approved list. If outbreaks of animal diseases occur in a third country, approval to export to the EU is suspended for the infected regions of the country, or the whole country, as appropriate, until the disease risk has been eliminated.

The Deputy is referring to three reports of the Food and Veterinary Office of the EU of audits and inspections it carried out between 2001 and 2004 on production and export controls and on residue controls operated by the Brazilian competent authorities for beef destined for export to the European Community. These audits were undertaken in compliance with the provisions of EU legislation on food hygiene and on health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and in accordance with the conditions under which Brazil has been approved by the EU to trade with it in certain animal products.

I fully support the policy that animal products imported into the EU from third countries meet standards at least equivalent to those required for production in, and trade between, EU member states. In this context I wrote last month to the Commissioner for Health and Consumer Protection, Mr. Markos Kyprianou, concerning expressing my unease on the sanitary rules applying to the import of livestock products, especially beef, into the European Union. In the letter, I raised the matter of “equivalence” on the specific and important issues of animal traceability, controls on veterinary medicines, prohibited substances and residue monitoring programmes in these countries and in particular with regard to Brazilian beef in view of its increasing presence on the European market. I requested the Commission to consider the matter and invited it to put appropriate proposals before the EU standing committee on the food chain and animal health, SCoFCAH.

Irish farmers are required to ensure that their production systems and farm practices fully comply with a wide range of EU directives on important matters, including traceability, animal health and welfare and consumer protection. These all have significant in-built cost factors and bearing in mind that our beef farmers are in competition on European and international markets with beef from low cost producers such as Brazil, I will continue to seek real equivalence in these areas, both in discussions within the EU and in the context of the WTO talks on market access.

National Reserve Allocations.

135. Mr. English asked the Minister for Agriculture and Food her plans for the allocation of entitlements under the national reserve; when she intends to issue the entitlements; and if she will make a statement on the matter. [33776/05]

160. Mr. Connaughton asked the Minister for Agriculture and Food her views on the rules covering the allocation of the national reserve with the farming organisations; and if she will make a statement on the matter. [33774/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 135 and 160 together.

The position is that over the past year a number of meetings of the single payment advisory committee, comprising representatives of my Department, the farming organisations and Teagasc, were held to discuss the rules governing the allocation of entitlements from the national reserve. Two recent meetings of the committee assessed progress on processing the national reserve applications and discussed, in particular, what should constitute the “regional average value of entitlements”.

Under the regulations governing the national reserve, allocations to farmers who are successful under certain categories must not have the effect of increasing their entitlements above the regional average value of entitlements. I am considering the various views expressed at the single payment advisory committee meetings and some further clarification may be required from the European Commission before taking a definitive decision on this matter.

Some 17,000 farmers submitted applications to the 2005 national reserve but when account is taken of the number of farmers who applied
under two or more categories, about 23,000 files have to be processed. While good progress has been made in processing applications, more time is needed before deciding on the maximum value of entitlements to be made to successful applicants under certain categories. Crucially, some 20% of the applications received are still under query with the farmers concerned. I believe, therefore, that it is more prudent to concentrate for the time being on processing single payment scheme applications to the payment stage and to revert to allocating the national reserve early in 2006. With this in mind, processing of national reserve applications will continue over the coming weeks.

Afforestation Programme.

136. Mr. McHugh asked the Minister for Agriculture and Food her views on the value of the forestry sector to the economy here. [34103/05]

Minister for Agriculture and Food (Mary Coughlan): The forestry sector provides a high value input to the national economy and makes a significant contribution to the economic well being of rural communities. The forestry sector contributes €698 million annually to the economy. While it is difficult to provide economic values for the non-timber benefits or Irish forests, the 2004 Bacon review estimated an annual value in the region of €88.4 million for the recreation, carbon-storage and biodiversity benefits.

More than 14,000 private plantations have been established, the vast majority of these by farmers. In 2004, a total of €54.1 million in forestry premiums was paid out to forest owners. In addition to forest owners, it is estimated that total employment generated by the sector amounts to just over 16,000.

Questions Nos. 137 and 138 answered with Question No. 119.

Live Exports.

139. Mr. Crawford asked the Minister for Agriculture and Food the steps she intends to take to promote the export of live sheep; and if she will make a statement on the matter. [33767/05]

162. Mr. Timmins asked the Minister for Agriculture and Food, further to Question No. 258 of 17 May 2005, the steps the she will take to facilitate the export of live lambs; and if she will make a statement on the matter. [33787/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 139 and 162 together.

I am always prepared to facilitate trade in live sheep which is governed by EU rules governing intra-Community trade. Trade in sheep between member states of the European Union is subject to the provisions of Council Directive 91/68/EEC, as amended, as regards reinforced controls on the movement of sheep and goats.

These controls provide as a minimum requirement, that breeding and fattening sheep must be certified as having been continuously resident on the holding for at least 30 days prior to export and that no sheep or goats had been introduced on to the holding in the 21 days prior to export. Slaughter sheep must also be certified as having been continuously resident on the holding of origin for at least 21 days prior to export and are also subject to a “standstill” period of 21 days prior to dispatch during which no sheep or goats have been introduced on to the holding of origin.

These controls were introduced in the aftermath of the foot and mouth disease outbreak in 2001 and came into effect on 1 July 2004. I am very much aware that there were certain difficulties with these certification requirements arising from the fact that the information in respect of which the official veterinarian must certify can only be truly known to the farmer. Accordingly, I have had my Department raise the matter with the European Commission in an effort to arrive at a certification procedure that best meets the concerns of farmers and exporters, while, at the same time, protecting animal health.

I am pleased that, in response to our approach, the European Commission has proposed to amend these certification requirements to allow the official veterinarian to issue certification based on a written declaration by the farmer or on an examination of the flock register and movement documents. The decision providing for these new arrangements was agreed to unanimously by the standing committee on the food chain and animal health on 11 November 2005. This will apply from 15 February 2006 and I am confident the new arrangements will resolve most of the outstanding difficulties relating to exports of sheep to France and the United Kingdom.

EU Sugar Regime.

140. Mr. Stanton asked the Minister for Agriculture and Food, further to the reform of the EU sugar regime and Question No. 169 of 4 October 2005, the outcome of the Council of Ministers on 24 and 25 October 2005; her progress in ensuring a more balanced agreement which takes Irish interests into account; and if she will make a statement on the matter. [34205/05]

Minister for Agriculture and Food (Mary Coughlan): I maintained my firm opposition to the Commission’s proposals when I addressed last month’s meeting of the Council of Ministers in Luxembourg. I emphasised that the price cuts proposed are too severe, the reforms should be based on a longer lead-in time for the EBA and we should await the outcome of the WTO meeting in Hong Kong before seeking to agree a more equitable and balanced outcome.
I have also continued to remain in contact with like minded colleague Ministers from other member states who are opposed to the reform proposals. In this context, a joint ministerial letter from a group of 11 member states, including Ireland, was submitted to the Commission in advance of the formal discussion at last month's Council meeting, setting out the objections of the group to the proposals. I had previously met the Agriculture Commissioner on a number of occasions to voice my strong reservations. Meanwhile, there has been ongoing contact at official level with other member states and the Commission about the reform proposals. Negotiations have become more intensive over recent weeks and the UK Presidency is striving to reach political agreement at next week's Council of Ministers. However, I remain resolute in pursuing my overall objective of achieving a more balanced agreement, which will take Irish interests into account.

**Dairy Sector.**

141. Mr. Gogarty asked the Minister for Agriculture and Food the initiatives she proposes to take to safeguard what remains of the liquid milk dairy sector due to the fact that a decision has been taken to abolish the groceries order. [34227/05]

Minister for Agriculture and Food (Mary Coughlan): The biggest single competitive challenge to the liquid milk market here is the growing penetration of liquid milk imports from Northern Ireland through increased reliance on own brand sales by supermarkets and symbol groups. This type of trade is an integral part of commercial activity on the EU internal market. Increased productivity, improved scale and a more competitive configuration are the key to increasing output and improving the profitability of the dairy sector at farm and industry level. As regards the abolition of the groceries order, the Government has agreed to the introduction of amending legislation to strengthen certain provisions of the Competition Act which will be of benefit to the dairy sector.

142. Mr. Neville asked the Minister for Agriculture and Food the discussions she has had at EU level to protect dairy supports; and if she will make a statement on the matter. [33766/05]

144. Mr. Neville asked the Minister for Agriculture and Food the steps she intends to take to protect the dairy industry here; and if she will make a statement on the matter. [33765/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 142 and 144 together.

The Irish dairy industry continues to contribute very substantially to the national economy, with an output value of some €2.3 billion and exports of €1.86 billion last year. This year exports are again performing very well despite adjustments to market management supports brought about by the implementation of the Luxembourg agreement on the reform of the CAP.

The Commission market management policy has been too aggressive and I have consistently and resolutely challenged the Commission at every opportunity, including raising the matter at the Council of Ministers. In enlisting the support of many other member states for my point of view, I believe that the Commission policy has moderated in recent times, now having closer regard to the market implications of its actions rather than its previous emphasis on budgetary policy.

While acknowledging that some adjustment in market management measures is warranted if the Luxembourg agreement is to be implemented in full, my concern has been to ensure that the transition is implemented in a more measured way. Sustained downward pressure on market supports would effectively reduce our international competitiveness and put pressure on our ability to fully exploit opportunities to export milk products to international markets. A longer period in which to make the necessary adjustment will instead provide a more solid platform on which to build new market opportunities while consolidating our position in existing markets.

The stability prevailing in producer prices over recent times is welcome and the direct payment, amounting to €120 million this year, rising to €180 million next year, as compensation for the reduction in institutional support prices should result in a higher return for dairy farmers this year. In the meantime, I will continue to exert every possible pressure on the EU Commission to ensure that in its management of the EU dairy regime, we achieve a satisfactory outcome for the Irish dairy industry in terms of enhanced industry competitiveness and stable farm incomes into the future.

**Common Agricultural Policy.**

143. Mr. Sherlock asked the Minister for Agriculture and Food the implications for farming here of the recent proposal from the President of the EU Commission, Mr. Jose Manuel Barroso, for a further reduction in EU farm payments; and if she will make a statement on the matter. [34185/05]

428. Mr. Stanton asked the Minister for Agriculture and Food her success in ensuring that direct payments are not further reduced; and if she will make a statement on the matter. [34933/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 143 and 428 together.
The proposal for the introduction of further modulation of direct payments is one of a series of proposals which was put forward by the Commission with a view to facilitating agreement on the next financial perspective for the period 2007-2013. The negotiations broke down at the European Council in June and the UK Presidency is aiming to conclude an agreement next month. The effect of the Commission’s proposal, if agreed, would be to reduce direct payments to farmers by 1% per annum, beginning in 2009, to provide additional funding for rural development. The Irish position in the negotiations, as decided by the Government, is that the decision of the European Council in October 2002 on the budgetary allocations to the Common Agricultural Policy in respect of direct payments and market supports should be fully respected and that adequate funding for rural development should be provided separately.

Question No. 144 answered with Question No. 142.

Afforestation Programme.

145. Mr. Cassidy asked the Minister for Agriculture and Food the progress in forestry planting in 2005. [34102/05]

Minister for Agriculture and Food (Mary Coughlan): Progress has been reasonably satisfactory this year to date and I expect planting levels to be about the same as last year, in the region of 10,11,000 hectares. Obviously I would have liked to have seen more planted but I accept that farmers have had to consider their options with the introduction of the new single payment regime, the nitrates situation and the revised REP scheme. I hope that as the new changed situation beds down, farmers will start to look in greater detail at the contribution that forestry can make to their long-term farm income.

I remind farmers that they can plant up to 50% of their land without affecting their single payment and draw down forestry premiums of up to €500 per hectare a year, for 20 years. I urge farmers to avail of this package now and remind them that if they are thinking about planting next year, they need to start planning properly now.

EU Directives.

146. Mr. McGinley asked the Minister for Agriculture and Food the status of the nitrates directive; and if she will make a statement on the matter. [33792/05]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. At the end of July, his Department formally submitted Ireland’s national action programme under the directive to the European Commission. The next step is for the Minister to make regulations to give legal effect to the action programme.

My Department, supported by Teagasc, has been assisting the Department of the Environment, Heritage and Local Government in finalising these regulations. The Minister for the Environment, Heritage and Local Government published the draft regulations on 7 October 2005 for public consultation. The consultation period closed on 4 November and I understand that some 70 submissions were received. The two Departments now are assessing these submissions and when that is done the regulations will be finalised.

The final stage of the process, but an extremely important one, is for Ireland to secure a derogation from the general organic nitrogen limits in the directive so that farmers can operate, under appropriate conditions and controls, up to a level of 250kg of organic nitrogen per hectare. My Department and Teagasc developed the derogation proposals in consultation with the Department of the Environment, Heritage and Local Government. Preliminary discussions have commenced with the Commission about the derogation application and I will press strongly to have these discussions concluded as early as possible in 2006.

To help farmers meet their obligations under the action programme, I am seeking approval from the European Commission for very significant improvements in the farm waste management scheme. These include increasing the grant rate for both animal housing and slurry storage from the current rate of 40% to 60%, with 70% being available in the four zone C counties; significantly higher investment ceilings; the extension of the scheme to sectors such as pigs and poultry; and the removal of any minimum income requirement from farming from the scheme.

Organic Farming.

147. Mr. Eamon Ryan asked the Minister for Agriculture and Food if she will report on organic week and the lessons learned to improve on promotion of organic growing and marketing. [34235/05]

Minister for Agriculture and Food (Mary Coughlan): National Organic Week ran from 7 to 13 November. It was undertaken by Bord Bia on behalf of my Department. The objective was to raise consumer awareness of organic food, what it is, its benefits, where and how it is produced and where to buy it. A key message on organic food that the National Organic Week attempted to put across was that it involves an alternative method of food production which is environmentally friendly.

The main focus of National Organic Week was on a media campaign with national and local
press and radio advertising. This was supported by a public relations campaign and point-of-sale material. Window stickers, posters and recipe and information leaflets were distributed to retailers. The food service sector was encouraged, through the Féile Bia programme, to include organic food on menus. There was a special organic section on the Bord Bia website and consumers were directed there for general information and for listings of activities taking place during National Organic Week. My own Department’s website has an extensive list of suppliers of organic food and consumers were directed to this site for information on product sourcing. The week and its highlights attracted a wide range of press, television and radio coverage.

It is too soon to try to assess in detail what the week achieved. An evaluation is now being carried out to assess consumer awareness and understanding of the campaign messages. The campaign will also be reviewed in December at the next meeting of the national steering group on the organic sector. I am confident, however, that it has been a valuable and productive effort and I pay tribute to Bord Bia in particular for the competence and commitment which it showed throughout the week.

Animal Health.

148. **Ms Enright** asked the Minister for Agriculture and Food the steps she intends to take to develop an all-Ireland animal health regime; and if she will make a statement on the matter. [33768/05]

**Minister for Agriculture and Food (Mary Coughlan):** There is already a long history of co-operation between the administrations North and South on animal health issues. The administrations have traditionally shared information at local and national levels on disease control and surveillance issues and have worked together to combat illegal movements of animals and animal products. The foot and mouth disease emergency of 2001 is a testament to the extent of co-operation and consultation that exists at official, ministerial and political levels. Likewise, both administrations are co-operating on measures relating to avian influenza.

The establishment of the North South Ministerial Council offered an opportunity to build on existing co-operation arrangements and provided a framework for the development of an all-island animal health policy. The main objectives of the council are to foster co-operation and to devise a common, unified animal health strategy for the island as a whole. This involves the convergence of animal health policies and the development of joint strategies for dealing with animal diseases. The ultimate objectives are to establish a common import regime and equivalent internal arrangements with a view to achieving free movement of animals and animal products within the island.

Nine policy working groups have been established at official level under North-South arrangements to take forward various initiatives. The remit of these groups includes TB and brucellosis, TSEs — BSE and scrapie, veterinary medicines, other zoonoses and animal diseases, disease surveillance, animal welfare, import and export of live animals and animal products, animal identification, traceability and cross-Border aspects of fraud. These groups continue to report progress in exchange of information and in implementation of initiatives aimed at policy convergence and the development of a common unified strategy for the island as a whole.

The main achievements to date are the development of a co-ordinated and complementary approach towards import policies and portal controls at points of entry to the island, the development of similar approaches to combat the introduction of animal diseases, the convergence of policies in regard to animal identification and strengthening of co-ordination and co-operation on issues such as contingency planning.

In addition, there has been a significant deepening and strengthening of co-operation, information exchange and ongoing co-ordination between the two administrations on a variety of issues such as FMD, BSE, avian influenza and cross-Border fraud, while the farm animal welfare advisory council includes representation from DARD. On cross-Border fraud, the two administrations have worked together successfully in a number of joint enforcement actions and ongoing exchanges of expertise and information are taking place.

Farm Retirement Scheme.

149. **Mr. Hayes** asked the Minister for Agriculture and Food her plans to implement the recommendations of the report of the Joint Committee on Agriculture and Food on the early retirement scheme; and if she will make a statement on the matter. [33804/05]

**Minister for Agriculture and Food (Mary Coughlan):** The joint committee’s examination of the early retirement scheme provided a welcome opportunity to air a wide range of issues and this in itself has been helpful in clarifying the position. I have provided a detailed response to the report.

Regrettably, there are a number of the committee’s recommendations that I have not been able to accept. They are precluded by elements of the EU regulations under which the current scheme and its predecessor are operated. When the same issues were raised by retired farmers with the European Commission, the Commission concluded that my Department was operating the scheme correctly. However, the committee made other recommendations which I am still considering.
Proposed Legislation.

150. Mr. Deasy asked the Minister for Agriculture and Food when she intends to publish the Animal Health Bill; and if she will make a statement on the matter. [33778/05]

Minister for Agriculture and Food (Mary Coughlan): Work on drafting the Animal Health Bill is proceeding in my Department. There is still a significant body of preparatory work to be completed and it is not possible at this stage to indicate a date for publication.

Animal Diseases.

151. Mr. P. Power asked the Minister for Agriculture and Food her views on the incidence of brucellosis in the cattle herd in 2005 compared to 2003 and 2004. [34105/05]

Minister for Agriculture and Food (Mary Coughlan): The incidence of brucellosis has been falling progressively since 1998: for example, the number of laboratory positives has fallen from 6,417 in 1998 to 664 in 2004. The total number of animals slaughtered under the eradication programme fell from 29,778 to 6,195 during the same period.

There has been a further improvement in the situation in 2005 compared with 2003 and 2004. In the period to the end of September, the number of blood positives in 2005 was 210 compared with 583 in 2004 and 744 in 2003. The number of animals slaughtered fell from 10,799 and 5,830 respectively during the same period in 2003 and 2004 to 1,685 in 2005.

The substantial improvement in the disease situation is due to a number of factors, including continued co-operation from all parties with the eradication regime, the tightening up on illegal cattle movements through the cattle movement monitoring system, the regulation of dealers, prosecutions for breaches and the imposition of penalties for failures to comply with animal disease and identification regulations.

I am confident that this progress can be maintained into the future with the continued operation of the existing measures and the ongoing co-operation of farmers and all involved in the livestock industry. It is, however, vital that we continue to recognise that brucellosis is a highly contagious disease and that we do not relax or relent in our efforts to eradicate it from our national herd. In view of this, we need to continue in the medium term with the existing comprehensive control and eradication measures, which have brought about positive results in recent years in terms of reduced incidence of the disease.

Question No. 152 answered with Question No. 119.

Organic Farming.

153. Mr. Penrose asked the Minister for Agriculture and Food the proportion of agricultural land currently used for the production of organic foodstuffs; the steps she is taking to increase land used for organic farming; the target for the production of organic foodstuffs; and if she will make a statement on the matter. [34182/05]

Minister for Agriculture and Food (Mary Coughlan): The percentage of agricultural land under organic production in Ireland currently stands at just under 0.7%. The original timescale for a target of 3% of the land area in organic production by 2006 has been extended to 2010, on the advice of the national steering group.

To attract additional numbers into the organic sector, my Department provides substantial financial support through REPS and the scheme of grant aid for the development of the organic sector. The organic supplementary measure in REPS 3 was redesigned to provide maximum flexibility for those entering the sector.

Organic farmers participating in REPS can avail of additional payments under the organic supplementary measure. On top of the basic REPS rate, an organic farmer gets an extra €181 per hectare up to 55 hectares during the two-year conversion period and €91 per hectare once he or she has reached full organic status. Thus an organic farmer with 55 hectares can get an annual payment of €18,505 a year for the first two years and €13,555 each year for the rest of his or her time in the scheme. Organic farmers got €4 million in REPS payments in 2004. Since REPS began in 1994, it has delivered some €31 million to the sector.

My Department also operates the scheme of grant aid for the development of the organic sector, which supports investment both on-farm and off-farm. For on-farm investments, grant aid can be given for 40% of the cost up to a maximum grant of over €50,000. For off-farm investments, the maximum grant is over €500,000.

One of the recommendations in the organic development committee report was the establishment of demonstration farms. This initiative has been very successful to date, as these farms provide a useful means of disseminating information and data to existing and potential organic operators. Valuable financial and practical production data can also be collected, as the farms participate in the Teagasc national farm survey and the Teagasc monitor farm network.

Horticulture Sector.

154. Mr. Gogarty asked the Minister for Agriculture and Food if her attention has been drawn to the issues facing landscape gardeners; if she will liaise with the Department of the Environment, Heritage and Local Government to facilitate the development of composting collection points and facilities in view of the growing
importance of the amenity sector for horticulturists. [34237/05]

**Minister for Agriculture and Food (Mary Coughlan):** I am aware of the issues facing landscape gardeners relating to the disposal of waste material and the development of composting collection points.

Waste management planning is primarily a matter for local authorities, including ensuring that recycling and recovery facilities, identified as being necessary in regional waste management plans, are provided. The obligation on local authorities to provide for such facilities relates to household waste only. It is, therefore, the responsibility of those producing green waste, such as landscape gardeners, as a consequence of commercial activity to ensure that such waste is appropriately managed and to meet the associated costs. This is consistent with an appropriate application of the polluter pays principle.

I understand that local authorities are currently reviewing their waste management plans and that the Department of the Environment, Heritage and Local Government met landscapers’ representatives earlier this summer and recommended that the landscape contractors liaise directly with the relevant local authorities in this regard.

That Department has consulted my Department on the preparation of the draft national strategy on biodegradable waste. The strategy, currently being finalised following a public consultation process, will set out a range of integrated measures designed, in accordance with the waste hierarchy, to facilitate the achievement of specified targets for the reduction of biodegradable municipal waste consigned to landfill.

**Farm Retirement Scheme.**

155. **Mr. Deenihan** asked the Minister for Agriculture and Food if she intends to introduce changes to the early farm retirement scheme or, as she indicated recently, to scrap the scheme entirely; and if she will make a statement on the matter. [34238/05]

**Minister for Agriculture and Food (Mary Coughlan):** I have not taken a decision on the future of the early retirement scheme. The EU Council regulation covering the current scheme will expire in December 2006. The Council regulation on rural development for the period from 2007 to 2013 again includes provision for member states to operate early retirement measures. No decisions have yet been taken regarding the schemes to be operated in Ireland under this regulation.

The early retirement scheme was introduced as one of a number of instruments to improve the age structure of Irish farming and improve the viability of farm holdings. From that point of view, the first scheme from 1994 to 1999 was not unsuccessful. However, take up of the current scheme has fallen short of expectations and an expenditure review carried out in my Department in 2004 raised a number of questions about the effectiveness of the scheme in achieving its objectives.

Structural reform is still a priority both at home and at European level and we still need to provide opportunities for young farmers. In framing proposals for the next rural development round we need to consider how best to achieve those results in the light of the funding and the options that are available.

**Environmental Pollution.**

156. **Dr. Upton** asked the Minister for Agriculture and Food if, given the Environmental Protection Agency’s finding in its IPC licence audit report for a company’s (details supplied) limited operation at Aughinish island, dated 18 August 2003, that in 2002 this company was unable to account for 76,000 tonnes of caustic soda and given the previous findings of her Department and other State agencies, that there was no evidence of environmental pollution causing ill effects in livestock, she will consider reviewing said findings; and if she will make a statement on the matter. [34164/05]

190. **Mr. Boyle** asked the Minister for Agriculture and Food if her attention has been drawn to the traumatic effects of animal disease problems on farmers, farm families and farm animals in Askeaton, County Limerick; her views regarding the Environmental Protection Agency, Health Service Executive or others and requested action in the interests of farms in the area. [34232/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 156 and 190 together.

From 1995 to 1998 the reported animal disease problems in the Askeaton area were the subject of a comprehensive multi-agency investigation under the auspices of the Environmental Protection Agency, EPA. A number of interim reports detailing the progress of the investigations were published, while the final report of this investigation was published in August 2001. That report concluded that although a small number of farms experienced notable difficulties, there was no evidence of serious or unusual problems in the Askeaton area.

There is no objective evidence available to my Department to suggest that there has been any change in the general animal health situation in the area since the final report was published. On that basis I do not believe that there are grounds which would justify embarking on any further animal health investigation in the area. Where individual problems occur, as they do from time to time on farms throughout the country, the vet-
Veterinary laboratory service of my Department is available to support local veterinary practitioners and their clients and this will remain the case. The Limerick regional veterinary office has been authorised to carry out tests free of charge for farmers in the Askeaton area where the farmer’s private veterinary practitioner considers such tests warranted.

The Environmental Protection Agency and the Health Service Executive are independent agencies which do not come under the aegis of my Department.

Genetically Modified Organisms.

157. Mr. O’Dowd asked the Minister for Agriculture and Food, further to Question No. 124 of 4 October 2005, the steps she intends to take on the issue; and if she will make a statement on the matter. [33812/05]

158. Mr. O’Dowd asked the Minister for Agriculture and Food, further to Question No. 162 of 23 June 2005, the steps she intends to take on the issue; and if she will make a statement on the matter. [33813/05]

159. Mr. Sargent asked the Minister for Agriculture and Food the guarantees which can be given to farmers here that genetically modified oilseed rape animal feed due to be imported here will not germinate and cross contaminate other brassica crops, ending farm livelihoods which depend on genetically modified free production. [34228/05]

430. Mr. Sargent asked the Minister for Agriculture and Food the guarantees she can give to Irish farmers that genetically modified oilseed rape animal feed due to be imported here will not germinate and cross contaminate other brassica crops, ending farm livelihood’s which depend on GM free production. [34475/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 159 and 430 together.

I presume the Deputy is referring to the genetically modified oilseed rape, known as GT73, which was authorised by the European Commission last August for importation and placing on the market within the EU for use in animal feed and industrial purposes. The authorisation of this product took place within an EU legislative framework that has been adopted by the European Parliament and Council of Ministers. This legislation is binding on all member states and is aimed at ensuring that the highest standards of food safety and environmental protection are in place within the EU. It should be noted that the product has been scientifically assessed by the European Food Safety Authority as being as safe as any conventional oilseed rape.

The issue of the accidental spillage of this product was addressed in the Commission decision which authorised the product when it specifically stated that the consent holder, Monsanto in this case, shall directly inform operators and users concerning the safety and general characteristics of the product and of the conditions as to monitoring, including the appropriate management measures to be taken in case of accidental grain spillage. The appropriate management measures, which include plans to eradicate volunteer oilseed
rape plants, are set out in a separate Commission recommendation.

**Question No. 160 answered with Question No. 135.**

**Question No. 161 answered with Question No. 122.**

**Question No. 162 answered with Question No. 139.**

**Departmental Staff.**

163. **Ms Lynch** asked the Minister for Agriculture and Food the progress made with regard to the redeployment of the estimated 400 staff previously employed in administering farm income support schemes; the number of such staff redeployed to date in 2005; the locations and the sectors of her Department to which they have been redeployed; and if she will make a statement on the matter. [34181/05]

Minister for Agriculture and Food (Mary Coughlan): The redeployment of staff is being actively managed within my Department to ensure that the service levels for our clients in existing schemes are maintained and that the preparations for the introduction of the single payment scheme are progressed satisfactorily. To this end, many staff who are being freed from the livestock and premium schemes have been transferred, on a temporary basis, to work on the new single payment scheme.

My Department has also been in contact with other Departments with networks of existing local offices, in particular the Revenue Commissioners, the Departments of Social and Family Affairs, Justice, Equality and Law Reform, Communications, Marine and Natural Resources, the Courts Service and the Land Registry about the transfer of staff to other Departments. A total of 49 staff — one PO, one AP, seven HEOs, 11 EOs, four SOs and 25 COs — from local offices and Castlebar have already been redeployed. Further transfers are expected to take place in coming weeks.

**Single Payment Scheme.**

164. **Mr. Coveney** asked the Minister for Agriculture and Food the discussions she has had with the EU Commission to index link the single farm payment; if she intends to make the payment in two instalments; and if she will make a statement on the matter. [33795/05]

Minister for Agriculture and Food (Mary Coughlan): The agreement on the mid-term review of Agenda 2000 provided a financial envelope to each member state. This envelope represented the average value of livestock and arable aid premia paid in the member state during the three year reference period 2000-2002, calculated at 2002 rates of payment. The outcome, which will reshape the Common Agricultural Policy and secure its future in making it more relevant to modern society, was a balanced one which addressed Ireland’s principal objectives. Among these objectives was the preservation of the financial benefits achieved under the Agenda 2000 agreement and the establishment of a policy framework that will allow farmers and the agri-sector the flexibility to adapt to evolving consumer and market demands and international circumstances.

Index linking of the single payment scheme was not an element of the Commission’s proposals. There was, however, a proposal to provide for a reduction of up to 13% in the single payment, known as degression, to meet future financing needs. I believe one of the major achievements in the negotiations was the removal of this proposal. The removal of this particular provision means a saving of some €420 million for Ireland over the lifetime of the agreement. The compromise agreed was to allow the Council to review, from 2007 onwards, the financial situation annually if budget deficits arise.

Payments under the 2005 single payment scheme are due to commence on 1 December. I have no plans to make advance payments.

165. **Mr. Gilmore** asked the Minister for Agriculture and Food if her attention has been drawn to the discrepancy between the number of farmers here which, according to her reply to Question No. 122 of 4 October 2005, was 135,300 in 2003 and the figures given in reply to Question No. 145 of 4 October 2005 which said that 149,000 applications had been received for the new single payment scheme; the reason for this discrepancy; and if she will make a statement on the matter. [34171/05]

Minister for Agriculture and Food (Mary Coughlan): The single payment scheme has been implemented in Ireland for the first time in 2005. It replaces the livestock premia schemes and arable aid scheme in place until this year. I was determined to ensure that all potential applicants who farmed during the three year reference period of 2000-2002, or their successors, would be given every opportunity to apply under the single payment scheme. My Department mounted a major publicity campaign to ensure that those with entitlements were made fully aware of the need to submit single payments scheme applications.

The need to maximise applications under the scheme is particularly important since entitlements not activated by the deadline for the receipt of applications in 2005 — 16 May and up to 10 June 2005 in respect of late applications — are lost forever to the entitlement holder and revert to the national reserve. Entitlements that are activated can secure payment only if the
applicant also declares eligible hectares which he/she is farming in the year of application.

The setting up of the single payment scheme involved the migration of data from source systems supporting arable aid and livestock premium schemes. Data for these systems were merged to calculate payment entitlements for every farmer in the country who received relevant payments during the reference period 2000-2002. This process resulted in 147,000 statements of provisional entitlements being issued to potential applicants. In addition, applications have been received from new applicants, dairy farmers whose only entitlement involved the dairy premium and from some people who do not have entitlements.

A number of entitlement holders for a variety of reasons, including persons who are not currently actively involved in farming, have only applied to activate their entitlements in respect of 2005 without claiming payment of aid and with the sole purpose of avoiding surrender of entitlements to the national reserve. Other applicants are activating their entitlements as required prior to transferring them to another person and are not applying to claim the single payment themselves. In these cases, as one would expect, there is a necessary element of double counting; for example, where a person who had established entitlements during the reference period had subsequently transferred his or her holding, both the transferor and transferee were obliged to submit application forms.

Submission of a single payment scheme application or possession of a single payment scheme entitlement does not automatically confer a payment right. In conformity with the relevant EU regulations, only active farmers, that is, those farming land in 2005 and with entitlements, are entitled to benefit from the payment under the 2005 single payment scheme.

Departmental Reports.

166. Mr. Connaughton asked the Minister for Agriculture and Food the steps she is taking to implement the Crosby report; and if she will make a statement on the matter. [33773/05]

Minister for Agriculture and Food (Mary Coughlan): Taking account of the issues addressed in the Crosby report, I sought approval of the EU Commission under state aid rules to make additional payments to the flockowners concerned. I have now received approval from the Commission and my Department will shortly make the necessary arrangements for processing payments on foot of applications that may be received.

Farm Accidents.

167. Mr. Howlin asked the Minister for Agriculture and Food the steps being taken to address the serious problems of death and injuries through farm accidents; and if she will make a statement on the matter. [34174/05]

189. Ms B. Moynihan-Cronin asked the Minister for Agriculture and Food if her attention has been drawn to reports of increased deaths and injuries to farmers arising from more aggressive farm animals; if any particular steps are planned to counter this threat; and if she will make a statement on the matter. [34175/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 167 and 189 together.

I am very concerned about the level of safety on our farms and I support wholeheartedly the work of the Health and Safety Authority, HSA, which is the State authority charged with overall responsibility for promotion of workplace health and safety. I look forward to the launch next Thursday, 17 November, of the code of practice for the agriculture sector, the first code of practice under the Safety, Health and Welfare at Work Act 2005 for employers with three or fewer workers. The publication of this code will contribute greatly to farm safety generally.

My Department is also funding Teagasc to carry out a project into animal behaviour, in conjunction with the HSA and experts from member states of the European Union. The results of this project are expected to make a positive contribution to dealing with farm animal safety issues.

Single Payment Scheme.

168. Mr. McGinley asked the Minister for Agriculture and Food her plans for the modulation fund; and if she will make a statement on the matter. [33791/05]

180. Mr. Hogan asked the Minister for Agriculture and Food her plans for the modulation fund under the single farm payment; and if she will make a statement on the matter. [33779/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 168 and 180 together.

For 2006, I decided last June, following extensive consultation, that the modulated funds should be used on a once-off payment under the disadvantaged areas scheme. Following contact with the European Commission, that decision has recently been confirmed. My decision reflects the importance of the disadvantaged areas scheme in ensuring continued agricultural land use in the less favoured areas. This in turn leads to economic and environmental benefits.

For the 2007-2013 period, the use of modulated funds will be considered in the context of the new rural development strategy and programme to be drawn up for that period.
EU Sugar Regime.

170. Mr. Coveney asked the Minister for Agriculture and Food the position regarding the ownership of the Irish sugar quota; and if she will make a statement on the matter. [33803/05]

Ownership of the sugar quota had never been an issue in the past because the relevant EU regulations do not provide for the buying and selling of quota. Speculations about quota ownership only arose when the Commission, in July 2004, raised the possibility of cross-border quota mobility, in the context of their initial thinking on reform of the EU sugar regime. Several member states, including Ireland, voiced strong opposition to the idea of cross-border mobility and I am pleased to say that it does not form part of the Commission’s legislative reform proposals which were published in June. In any event, the EU Commission has confirmed that the quota is not an asset owned by the member state or any other party but is simply a mechanism for regulating the market.

Minister for Agriculture and Food (Mary Coughlan): The 24 European directives to be implemented by my Department are set out in the following schedule. Four of these directives are overdue for transposition. Council Directive 2004/117/EC 22 December 2004 amending Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC and 2002/57/EC as regards examinations carried out under official supervision and equivalence of seed produced in third countries was due to be transposed by 1 October 2005 and is in the final stages of implementation. Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products which was due to be transposed by 30 October 2005 will be finalised shortly. My Department is currently in the process of taking over responsibility for the remaining two directives from the Department of Enterprise, Trade and Employment; Commission Directive 2004/1/EC of 6 January 2004 amending Directive 2002/72/EC as regards the suspension of the use of azodicarbonamide as blowing agent and Commission Directive 2004/19/EC of 1 March 2004 amending Directive 2002/72/EC relating to plastic materials and articles intended to come into contact with foodstuffs. These directives were due to be transposed by 2 August and 1 September respectively and will be given priority by my Department. In all other cases, I intend to have the directives implemented by the due date.

Schedule: Directives to be implemented by Department of Agriculture and Food: 24

<table>
<thead>
<tr>
<th>Title of Directive</th>
<th>Date by which Directive is to be implemented</th>
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31 December 2005


31 December 2005


1 January 2006


9 January 2006


16 February 2006


18 February 2006


18 February 2006


24 February 2006


1 March 2006


1 March 2006


21 April 2006

Grant Payments.

172. **Mr. P. McGrath** asked the Minister for Agriculture and Food the measures she intends to take to address the problems experienced by farmers in the Shannon Callows, as a result of proposals which do not allow them to split their lands for grant aid purposes between REPS funding and funding allocated under the SAC and SPA designation; and if she will make a statement on the matter. [33797/05]

*Minister for Agriculture and Food (Mary Coughlan): The designation of land under the EU birds and habitats directives is a function of the*
Department of the Environment, Heritage and Local Government. The question of compensation for farmers in the Shannon Callows area is a matter, in the first instance, for that Department, and I understand discussions on the matter with the farming bodies have been going on for some time and are still continuing.

As far as REPS is concerned, arrangements are already in place designed specifically to address the situation of farmers in the Shannon Callows. Farmers in this area who wish to join REPS, but believe that the REPS payments do not fully offset any income loss arising from the restrictions placed on their farming activities because of designation under the birds and habitats directives, may now also apply to the National Parks and Wildlife Service of the Department of the Environment, Heritage and Local Government for additional compensation. Before this arrangement was introduced in September 2004, such farmers had to choose between REPS and the compensation arrangements operated by NPWS but could not benefit from both.

This further concession was additional to the inclusion of a new supplementary measure in REPS when REPS 3 was introduced in June 2004. Designated areas are already eligible for payments under REPS Measure A of €242 per hectare for the first 40 hectares and lesser amounts for areas over 40 hectares, and the new supplementary measure provides for an additional payment of €100 per hectare on particular sites in the Callows which are important corncrake habitats. Those sites are monitored by BirdWatch Ireland, and REPS farmers can qualify for the additional payment by subscribing to BirdWatch Ireland management prescriptions for them.

REPS is a highly successful agri-environment measure and is acknowledged as such by the European Commission. One of the features of REPS which the Commission have commended is the fact that the whole farm is subjected to the full range of basic undertakings. This model has served Irish farmers well since the introduction of REPS in 1994 and it is not my intention to depart from the whole farm approach to accommodate a situation which has already been addressed adequately.

Question No. 173 answered with Question No. 119.

Environmental Policy.

174. Mr. Gormley asked the Minister for Agriculture and Food the action taken in relation to atrazine and related weedkillers following a ban introduced in France and the promise to take action once EU reviews on the matter were complete. [34230/05]

Minister for Agriculture and Food (Mary Coughlan): In accordance with EU rules, the registration of plant protection products contain-
ing atrazine for non-essential uses was withdrawn on 10 September 2005. The remaining essential uses, weed control in maize and in forestry, will be withdrawn by 30 June 2007. Similarly the registration of plant protection products containing simazine for non-essential uses was withdrawn on 10 September 2005. The remaining essential uses, weed control in potatoes, field beans, rhubarb, soft fruit, tree fruit, ornamentals and amenity use, will be withdrawn by 30 June 2007.

Essential uses are uses for which there are no registered alternatives and for which continued use does not result in unacceptable risk to man, animals or the environment. Such uses have been designated for atrazine and simazine in Belgium, Greece, Ireland, UK, Netherlands, Spain and Portugal.

EU Directives.

175. Mr. Crawford asked the Minister for Agriculture and Food the status of Ireland’s application for a derogation to the nitrates directive; and if she will make a statement on the matter. [33769/05]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. In October 2004, Ireland submitted proposals for a derogation from the general organic nitrogen limit of 170 kg per hectare per annum laid down in the nitrates directive. The proposal was designed to allow farmers to operate, under appropriate conditions and controls, up to a level of 250 kg of organic nitrogen per hectare. My Department and Teagasc developed the derogation proposals in consultation with the Department of the Environment, Heritage and Local Government. The European Commission were not prepared to engage in formal discussions on the derogation proposals until Ireland’s nitrates action programme was agreed. There have been preliminary discussions with the Commission, however, and Ireland’s case for derogation is scheduled to receive its initial presentation to the EU nitrates committee shortly.

My Department and Teagasc will continue to work with the Department of the Environment, Heritage and Local Government toward achieving a successful outcome to our derogation application and I will press strongly to have the process concluded as early as possible in 2006.

Food Industry.

176. Mr. Kehoe asked the Minister for Agriculture and Food the steps she is taking to reduce red tape within the food sector; and if she will make a statement on the matter. [33781/05]
Minister for Agriculture and Food (Mary Coughlan): The regulation of food safety will be simplified under the new food hygiene legislation which comes into effect from 1 January 2006. This legislation consolidates and updates 17 EU regulations and directives which will be repealed next January. However, food safety is non-negotiable and our experience is that consumer confidence is essential for the development of the food industry. It requires in the first place best practice from all in the food chain and appropriate responsibility being accepted by producers and processors themselves. In addition, there must be objective, independent, and transparent systems for ensuring maintenance of high standards and prompt and pro-active measures taken where risks emerge.

The enforcement of legislation within the food sector is centralized in the Food Safety Authority of Ireland, FSAI, which comes under the aegis of the Department of Health and Children. These controls are carried out by way of service contract with a number of Departments and agencies as provided for under section 48 of the Food Safety Authority of Ireland Act 1998. These include my own Department, the Department of Communications, Marine and Natural Resources, the Office of Director of Consumer Affairs, the 33 local authorities and the ten Health Service Executives.

My Department is responsible for certain food products and is committed to giving a quality service that is efficient, effective, courteous and user friendly to all its customers and clients. In doing this there is an action plan which establishes standards and guidelines for the delivery of services, dealings with its customers and clients, including service delivery targets from the entire range of Department activities. The plan also invites feedback, from individual customers and staff alike, on our services so as to ensure that they meet the changing needs of our customers.

In this regard, my Department endeavours to ensure that any regulatory requirements are implemented in a fair and even manner, while also bearing in mind the need for appropriate controls in certain circumstances. My Department would be happy to examine any suggestions to eliminate unnecessary red tape if instances are brought to my attention.

EU Sugar Regime.

177. Mr. Broughan asked the Minister for Agriculture and Food further to the continued problems regarding the EU sugar regime, her plans to examine alternative uses for the beet farmers produce, especially in regard to the possible production of ethanol or other bio-fuels; and if she will make a statement on the matter. [34168/05]

Minister for Agriculture and Food (Mary Coughlan): The Commissions proposals for reform of the sugar regime are currently the subject of intensive discussions in Brussels and will be the main item on the agenda of next week’s Council of Agriculture Ministers meeting. My objections to the Commission’s proposals are well known and I remain resolute in seeking to achieve a more balanced arrangement which will take Ireland’s interests into account.

The production of ethanol from sugar beet is a possible alternative outlet for farmers but, as matters stand, Irish Sugar Limited has arrangements in place to process the full Irish sugar quota at its Mallow plant, which has been upgraded for that purpose. The question of an alternative use for sugar beet does not therefore arise at present.

Farm Retirement Scheme.

178. Ms O’Sullivan asked the Minister for Agriculture and Food the progress she has made on the implementation of the report by the Joint Committee on Agriculture and Food on the early retirement scheme; and if she will make a statement on the matter. [34179/05]

Minister for Agriculture and Food (Mary Coughlan): The joint committee’s examination of the early retirement scheme provided a welcome opportunity to air a wide range of issues and this in itself has been helpful in clarifying the position. I have provided a detailed response to the report. Regrettably, there are a number of the committee’s recommendations that I have not been able to accept. They are precluded by elements of the EU regulations under which the current scheme and its predecessor are operated.

When the same issues were raised by retired farmers with the European Commission, the Commission concluded that my Department was operating the scheme correctly. However, the committee made other recommendations which I am still considering.

Food Production.

179. Mr. Durkan asked the Minister for Agriculture and Food the steps which have been taken to prevent the spread of animal disease and avian flu with obvious consequences for the food chain and public health, through imported foods or food products, the husbandry, production and traceability of which may not be subject to Irish and EU standards; and if she will make a statement on the matter. [34258/05]

464. Mr. Durkan asked the Minister for Agriculture and Food if adequate steps have been taken to ensure that all poultry imports into Ireland comply with the highest international standards in terms of husbandry, production and traceability; and if she will make a statement on the matter. [34552/05]
465. **Mr. Durkan** asked the Minister for Agriculture and Food if she has satisfied herself that all food imports into Ireland have been subject to best practise in terms of hygiene and production; and if she will make a statement on the matter. [34553/05]

466. **Mr. Durkan** asked the Minister for Agriculture and Food if she has satisfied herself that all imports of meat and meat products into Ireland are compliant with husbandry production and traceability standards applicable here; and if she will make a statement on the matter. [34554/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to answer Question Nos. 179, 464, 465 and 466 together.

Detailed EU legislation lays down the conditions that member states must apply to the production of and trade in food products of animal origin, including fish, as well as to imports of these products from third countries. Under harmonised legislation a series of health and supervisory requirements are applied in the member states to ensure that animal products are produced to standards that guarantee the safety of food and the protection of human and animal health. The application of these standards in the member states is monitored by the FVO (Food and Veterinary Office) of the EU. It is a requirement that animal products imported from third countries meet standards at least equivalent to those required for production in, and trade between, member states. All such imports must come from third countries or areas of third countries approved for export to the EU.

To be an approved third country it must appear on a list drawn up and updated on the basis of EU audits and guarantees given by the competent authority of the exporting country; have veterinary controls equivalent to those applicable in the EU, particularly in terms of legislation, hygiene conditions, animal health status, veterinary medicines controls, zoonoses controls and other food law and have in place a residues programme approved by the European Commission. The animal products must be sourced from establishments that are approved and must bear a EU approved health mark. Exporting establishments must have standards equivalent to the requirements for EU export establishments; effective control systems and supervision by the competent authorities and traceability-labelling in accordance with the systems approved by the FVO and accepted and notified to the EU member states.

The FVO carries out inspections to ensure that only establishments that meet hygiene and health standards equivalent to those operating within the EU are approved. Where the FVO considers that public health requirements are not being met, an establishment may be removed from the EU approved list. If outbreaks of animal diseases occur in a third country approval to export to the EU is suspended for the infected regions of the country, or the whole country, as appropriate, until the disease risk has been eliminated. Importers of animal products must be registered with my Department. They are required to give advance notice of importation and, following import, are required to keep records of importation available for inspection by the Department for a period of three years. Imported animal products must be accompanied by the appropriate commercial documentation showing country and approval number of the establishment of production and health certification conforming to the models set down in EU legislation.

While there is free movement for trade within the EU all consignments from third countries must first be landed at a border inspection post, BIP, that has been approved by the FVO and undergo documentary, identity and physical checks. These latter checks are carried out at frequencies laid down in EU law. In Ireland, BIPs approved for the processing imports of animal products are located at Dublin Port and Shannon Airport. The FVO carries out monitoring and inspection of each member state’s BIPs to ensure the conditions for import of animal products into Europe, provided under the harmonised legislation, are being correctly applied.

While responsibility for general controls in the area of marketing of fish and fish products lies with the Department of my colleague, the Minister for Communications, Marine and Natural Resources, under a special arrangement with that Department, and in accordance with authorisations issued by the Minister, officers of my Department with the co-operation of the sea fishery control officers, administer the BIP controls on third country imports.

Once it has been established that imported animal product has met all the required conditions it is released for free circulation within the community. Copies of the BIP clearance document and the health certificate must accompany the consignment to its destination. Imports failing to comply with these veterinary control checks may be detained for further examination. If non-compliance is established they are returned to the exporting country or destroyed. Where there are concerns with regard to the effectiveness of controls being operated in an approved third country, the Commission, in consultation with the Standing Committee on Animal Health and the Food Chain, may introduce specific controls by means of a safeguard measure to ensure the protection of human and animal health. Safeguard measures limiting or banning the export of animal products from EU countries or regions of countries may also be implemented where, for example, the conditions of an animal disease outbreak could seriously effect production and trade in animal products in the EU.
Since the outbreak of high pathogenic avian influenza H5N1 in Asia, the EU has introduced a number of safeguard decisions banning trade in live poultry, live birds other than poultry, fresh poultry meat and untreated feathers from those third countries where an outbreak has been confirmed — Cambodia, Croatia, China, including the territory of Hong Kong, Indonesia, Kazakhstan, Laos, Malaysia, Mongolia, North Korea, Pakistan, Romania, Russia, Thailand, Turkey and Vietnam. In the case of Croatia, where the outbreak is confined to wild birds, the ban on import relates to import of fresh wild bird meat. The safeguard decisions apply controls on imports from each of these countries in accordance with its EU approval status to export animals and animal products. The EU Standing Committee on its EU approval status to export animals and animals from each of these countries in accordance with its EU approval status to export animals and animal products. The EU Standing Committee on the Food Chain and Animal Health has also extended control on the import of all captive live birds and the movement from third countries of live pet birds accompanying their owners into the Community. Poultry meat which has been cooked with a heat treatment of at least 70°C may continue to be imported from a third country that has been approved to export this product to the EU.

I fully support the policy that animal products imported into the EU from Third Countries meet standards at least equivalent to those required for production in, and trade between, EU member states. In this context, I wrote last month to the Commissioner for Health and Consumer Protection, Mr Markos Kyprianou, concerning the sanitary rules applying to the import of livestock products, especially beef, into the European Union. In the letter, I raised the matter of “equivalence” on the specific and important issues of animal traceability, controls on veterinary medicines, prohibited substances and residue monitoring programmes in these countries and in particular with regard to Brazilian beef in view of its increasing presence on the European market. I requested the Commission to consider the matter and invited them to put forward appropriate proposals before the EU Standing Committee on the Food Chain and Animal Health, SCoFCAH. Irish farmers are required to ensure that their production systems and farm practices fully comply with a wide range of EU directives on important matters including traceability, animal health and welfare and consumer protection. These all have significant in-built cost factors, and bearing in mind that our beef farmers are in competition on European and international markets with beef from low cost producers such as Brazil, I will continue to seek real equivalence in these areas, both in discussions within the EU and in the context of the WTO talks on market access.

In regard to fruit and vegetables, the main concern for human health relates to pesticide residues. Produce, regardless of origin, is sampled and analysed by the Pesticide Control Services of my Department and reports on that service’s monitoring controls are published annually and are available from the Government Publications Office, Molesworth Street, Dublin 2.

**Question No. 180 answered with Question No. 168.**

**EU Directives.**

181. Ms Enright asked the Minister for Agriculture and Food the status of the nitrate action plan; and if she will make a statement on the matter. [33770/05]

**Minister for Agriculture and Food (Mary Coughlan):** The implementation of the nitrates directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. At the end of July, his Department formally submitted Ireland’s national action programme under the directive to the European Commission. The next step is for the Minister to make regulations to give legal effect to the action programme. My Department, supported by Teagasc, has been assisting the Department of the Environment, Heritage and Local Government in finalising these regulations. The Minister for the Environment, Heritage and Local Government published the draft regulations on 7 October 2005 for public consultation. The consultation period closed on 4 November and I understand that some 70 submissions were received. The two Departments are now assessing these submissions, and when that is done the regulations will be finalised.

The final stage of the process, but an extremely important one, is for Ireland to secure a derogation from the general organic nitrogen limits in the directive so that farmers can operate, under appropriate conditions and controls, up to a level of 250 kg of organic nitrogen per hectare. My Department and Teagasc developed the derogation proposals in consultation with the Department of the Environment, Heritage and Local Government. Preliminary discussions have commenced with the Commission about the derogation application and I will be pressing strongly to have these discussions concluded as early as possible in 2006.

To help farmers meet their obligations under the action programme, I am seeking approval from the European Commission for very significant improvements in the farm waste management scheme. These include increasing the grant-rate for both animal housing and slurry storage from the current rate of 40% to 60%, with 70% being available in the four zone C counties, significantly higher investment ceilings, the extension of the scheme to sectors such as pigs and poultry and the removal of any minimum income requirement from farming from the scheme.
Food Industry.

182. Mr. Bruton asked the Minister for Agriculture and Food the number of meetings of the Food Agency Co-Operation Council in 2004; and if she will make a statement on the matter. [33801/05]

Minister for Agriculture and Food (Mary Coughlan): The Food Agency Co-operation Council met on 20 occasions since its inception in 2000. The council did not meet in 2004 as a number of factors contributed to the difficulties in re-scheduling meetings that year. The food development agencies directly concerned with the food programme components of the National Development Plan 2000-2006 did, however, meet with my Department in 2004 and 2005 to assess progress on the plan in preparation for meetings of the monitoring committee for the programmes concerned.

My Department is examining the role and format of the Food Agency Co-Operation Council, and the manner in which the various food agencies can most effectively co-operate to develop the agri-food industry, in the light of the more market orientated CAP framework, the 2015 agri-vision report and the enterprise strategy report. A number of initiatives are planned at regional level which will see the various agencies engage and co-operate with my Department to develop the food industry. The first of these initiatives, the North West Food Forum — Market Focus for Small Food Enterprises — took place in Killybegs earlier this month. At the forum, significant time was allocated for the agencies to network with the industry's stakeholders and to showcase the services available to assist food company development in the region. Similar events focussed in other regions as well as other initiatives involving inter-agency co-operation to promote the development of the food industry at all levels are planned and will be rolled out in the coming months.

Biocidal Products Register.

183. Mr. Boyle asked the Minister for Agriculture and Food the progress being made in establishing a biocidal products register. [34231/05]

Minister for Agriculture and Food (Mary Coughlan): The biocides register is now being finalised and will be published on the Department of Agriculture and Food website during the first quarter of 2006.

Question No. 184 answered with Question No. 119.

EU Sugar Regime.

185. Ms Burton asked the Minister for Agriculture and Food the steps she has taken arising from the publication on 22 June 2005 of proposals from the European Commission for reform of the EU sugar regime; if, in view of her description of the proposals as unacceptable; the steps taken to date to have same modified; and if she will make a statement on the matter. [34166/05]

Minister for Agriculture and Food (Mary Coughlan): I have already made it clear that the Commission's proposals for reform of the EU sugar regime, which were published on 22 June, are unacceptable in their present form. 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.

While the need for reform of the EU sugar regime is acknowledged, the Commission's proposals are unbalanced, go beyond the principles of previous Common Agricultural Policy reforms and could lead to drastic consequences for the sugar beet industry in a number of member states, including Ireland. This is an unprecedented situation in terms of CAP reform proposals presented by the Commission for any sector.

I expressed my concerns about the proposals when I met Commissioner Fischer Boel on her visit to Ireland in June, and again at the Council of Agriculture Ministers in July. I emphasised that the price cuts proposed are too severe, the reforms should be based on a longer lead-in time for the Everything But Arms agreement and it would be preferable to await the outcome of the World Trade Organisation meeting in Hong Kong in December before seeking to conclude an agreement on sugar reform. I have also continued to remain in contact with like minded colleague ministers from other member states who are opposed to the reform proposals.

In this context, a joint ministerial letter from a group of 11 member states, including Ireland, was submitted to the Commission in advance of the formal discussion at last month's Council meeting, setting out the objections of the group to the proposals. I have met with the Agriculture Commissioner on a number of occasions to voice my strong reservations. Meanwhile, there has been ongoing contact at official level with other member states and the Commission in regard to the reform proposals.

I maintained my firm opposition to the Commission's proposals when I addressed last month's meeting of the Council of Ministers in Luxembourg. Negotiations have become more intensive over recent weeks and the UK Presidency is striving for political agreement at next week's Council of Ministers. However, I will con-
[Mary Coughlan.]

continue to be resolute in pursuing my overall objective of achieving a more balanced agreement, which will take Irish interests into account.

**Food Labelling.**

186. **Mr. Cuffe** asked the Minister for Agriculture and Food if a more comprehensive labelling of imported and local farm produce including restaurant and processed produce will be introduced. [34234/05]

**Minister for Agriculture and Food (Mary Coughlan):** The main legislation covering the labelling of imported and local farm produce including restaurant and processed produce will be introduced.

In respect of beef, we already have in place a full identification, traceability and labelling system under comprehensive EU regulations. The labelling requirements under those regulations extend up to and including retail level and to the point of delivery into hotels, restaurants and catering establishments. These compulsory labelling regulations require all operators and organisations marketing beef within the Community to provide information on the label to enable the beef to be traced back to the animals from which it was derived and must include details on the slaughterhouse, de-boning hall and the country in which the animal was born and reared.

These requirements apply to all beef sold at retail level regardless of whether that beef was produced within the Community or in a third country. Where beef is imported into the Community from a third country and all the above details are not available, that beef must, at a minimum, be labelled as “Origin: non-EC” along with an indication of the third country in which slaughter took place. This information must accompany the beef at retail level, including up to the point of delivery into hotels, restaurants and catering establishments. These regulations are enforced by the Food Safety Authority of Ireland, FSAL.

In respect of poultry meat, there are EU regulations which provide for the labelling of unprocessed poultry meat at retail level. The regulations require such poultry meat to be labelled with the information regarding class, price per kg, condition, registered number of slaughterhouse or cutting plant and, where imported from a third country, an indication of country of origin. There are no specific EU regulations governing the labelling of pigmeat or sheepmeat beyond the general food labelling regulations which do not require “country of origin” information.

The next step in meat labelling generally is to seek to extend the requirements on the provision of information on “country of origin” at retail level to cover poultry meat coming from other EU member states. The extension of labelling requirements to the pigmeat and sheepmeat sectors in relation to the country of origin is not a straightforward matter. The proposed amendment to the 1947 Health Act will include the enabling provisions to facilitate the making of national regulations along these lines. However, EU approval will also be required and there is no precedent so far for individual member states being allowed to extend meat labelling requirements internally beyond providing information which is already required in EU laws.

There has also been a lot of concern expressed about products imported into the Community and then processed in some way allowing it to be described as a product of that member state. This is known as “substantial transformation” in the context of European customs regulations. Accordingly, any changes in this regard would have to be made with the agreement of the other member states. In this context, the Commission is at present conducting a review of food labelling and my Department will continue to pursue this matter with the EU authorities. However, I

amendments to the Irish Medicines Board (Miscellaneous Provisions) Bill 2005 which is before this session of the Oireachtas. The appropriate regulations are being worked on concurrently and it is the intention to have these cleared at EU level as soon as possible. When the Act is amended and the regulations made “country of origin” information will be available to consumers in respect of all beef served in restaurants, hotels and the whole catering sector in Ireland on a mandatory basis. In the meantime, the various representative bodies including the Irish Hotels Federation, the Restaurants Association of Ireland and the two vintners groups, following discussions with my Department, have all agreed to recommend to their members to provide this information to their customers on a voluntary basis in advance of the mandatory legal requirement. It is expected that the voluntary code will be in place in the near future.

Regarding the labelling of poultry meat, there are EU regulations which provide for the labelling of unprocessed poultry meat at retail level. The regulations require such poultry meat to be labelled with the information regarding class, price per kg, condition, registered number of slaughterhouse or cutting plant and, where imported from a third country, an indication of country of origin. There are no specific EU regulations governing the labelling of pigmeat or sheepmeat beyond the general food labelling regulations which do not require “country of origin” information.

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intend to pursue further the question of labelling of other meats at EU level.

**Beef Exports.**

187. Mr. Glennon asked the Minister for Agriculture and Food the progress of Irish beef exports to continental Europe in 2005 and her efforts to promote the trade. [34107/05]

**Minister for Agriculture and Food (Mary Coughlan):** The Irish beef industry is worth €1.4 billion in foreign earnings to the national economy annually. Ireland produced 560,000 tonnes of beef in 2004, exporting 495,000 tonnes with domestic consumption at 86,000 tonnes.

We are the number one exporter of beef into Europe where there is a widening gap between consumption and production resulting in an EU import requirement of an estimated 280,000 tonnes this year. Irish companies are major suppliers across Europe and have gained a top class portfolio of retail accounts there. In 2004, we exported 264,000 tonnes to the UK and 174,000 tonnes to continental EU countries which together represents almost 90% of our total beef exports. Based on performance to date in 2005 and current predictions for the remainder of the year, export volumes are expected to be down by 3% overall. However, it is anticipated that a greater proportion of these exports will go into the continental EU market.

Our aim is to consolidate our position in the EU market. Bord Bia is responsible for the promotion of our beef and I take every opportunity to support them in their efforts in this regard. At the beginning of September, I launched the board’s “Irish Beef in Europe” autumn promotion campaign which is targeted at building sales of Irish beef in European supermarkets and establishing the “Irish Beef” brand firmly in the minds of consumers. This particular campaign involves on-pack promotions in 8,000 European stores which are frequented by some 40 million shoppers every week. This is certainly a major and sophisticated marketing initiative. I also participated in one of the on-site supermarket promotions in Italy last month. Initial feedback is already encouraging in terms of improved demand in response to the promotion. An increased presence in this high value market is seen as the key to the success of the beef industry in the long term.

**Food Labelling.**

188. Mr. Deenihan asked the Minister for Agriculture and Food the steps she is taking to introduce a clear and transparent food labelling system here; and if she will make a statement on the matter. [33796/05]

**Minister for Agriculture and Food (Mary Coughlan):** My Department has given considerable attention to food labelling as I regard it of great importance that consumers are provided with full information on foodstuffs. Food labelling is a complex area where account has to be taken of EU legislation and the single market. In this context, a food labelling group was established in 2002 to the detailed issues involved. Since then, my Department has pursued assiduously the implementation of the recommendations of the food labelling group. Some 19 of the 21 recommendations, many of which were beyond the remit of my Department and some which were to be activated only after others had been completed, have been addressed. The remaining two recommendations, which relate to aspects of origin labelling, are also being addressed.

Arising from the implementation of the groups recommendations, the enforcement of all food labelling regulations has been centralised in the Food Safety Authority of Ireland, FSAI. This not only streamlines the enforcement measures but it also provides a one-stop shop for any complaints on mislabelling of food. In addition, the responsibility for food labelling policy, with the exception of fish, has been assigned to the Department of Health and Children and my Department in accordance with another recommendation of the food labelling group. Accordingly, the Department of Health and Children is responsible for general labelling regulations which require information on food labels to be given clearly, accurately and in a language understood by the consumer. My Department is responsible for more detailed legislation on the labelling of specific food products including beef and poultry meat.

I am in the process of extending the existing beef labelling laws to require information on the “country of origin” of beef to be provided to all consumers in the restaurant and catering sectors. The various representative bodies including the Irish Hotels Federation, the Restaurants Association of Ireland and the two vintners groups, following discussions with my Department, have all agreed to recommend to their members to provide this information to their customers on a voluntary basis in advance of the mandatory legal requirement. It is expected that the voluntary code will be in place in the near future.

Regarding the labelling of poultry meat, there are EU regulations which provide for the labelling of unprocessed poultry meat at retail level. The regulations require such poultry meat to be labelled with the information regarding class, price, condition, registered number of slaughterhouse or cutting plant and, where imported from a third country, an indication of country of origin. There are no specific EU regulations governing the labelling of pigmeat or sheepmeat beyond the general food labelling regulations which do not
require "country of origin" information. However, I intend to pursue further the question of labelling of other meats at EU level. There has also been a lot of concern expressed about products imported into the Community and then processed in some way allowing it to be described as a product of that member state. This is known as "substantial transformation" in the context of European Customs regulations. Accordingly, any changes in this regard would have to be made with the agreement of the other member states. My Department is continuing to pursue the matter in the context of a general review of food labelling being conducted by the European Commission.

Question No. 189 answered with Question No. 167.

Question No. 190 answered with Question No. 156.

Animal Diseases.

191. Ms Burton asked the Minister for Agriculture and Food if she will make a statement on the outcomes of the avian influenza and human pandemic influenza executive meeting at the World Health Organisation headquarters in Geneva on 7-9 November 2005. [34165/05]

Minister for Agriculture and Food (Mary Coughlan): I welcome the outcome of the meeting held in Geneva last week to discuss the issues of avian influenza and human pandemic influenza executive meeting at the World Health Organisation headquarters in Geneva on 7-9 November 2005. [34165/05]

EU Funding.

192. Mr. G. Mitchell asked the Minister for Agriculture and Food the discussions she has had with the European commission on the rural development budget; and if she will make a statement on the matter. [33807/05]

Minister for Agriculture and Food (Mary Coughlan): The proposed EU rural development funding for 2007 to 2013 will form part of the overall EU budget or financial perspective for the same period. Decisions on the overall amount and its allocation will be taken in that context. The new rural development regulation No. 1698/2005 that was adopted in September confirms this situation.

The rural development regulation provides that the distribution of funding between member states will be on the basis of the convergence objective, past performance and particular situations and needs. In discussions at the Agricultural Council, I have emphasised that particular importance must be attached to the past performance criterion. This will allow due account to be taken of current successful programmes and the need to build on them.

Farmer Numbers.

193. Mr. Timmins asked the Taoiseach the number of farmers in counties Wicklow and Carlow for the year 1997; the numbers in each county in 2004; and if he will make a statement on the matter. [34438/05]
Minister of State at the Department of the Taoiseach (Mr. Kitt): The exact information requested by the Deputy is not available. The farm structure survey provides regional estimates and the following table shows the figures for June 1997 and 2003, together with corresponding data from the full census of agriculture conducted in June 2000:


<table>
<thead>
<tr>
<th>Year</th>
<th>Mid-East (including Dublin)</th>
<th>South-East</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>11,100</td>
<td>18,600</td>
</tr>
<tr>
<td>2000</td>
<td>10,500</td>
<td>17,000</td>
</tr>
<tr>
<td>2003</td>
<td>10,100</td>
<td>15,900</td>
</tr>
</tbody>
</table>

The latest figures at county level are from the June 2000 census of agriculture, when there were 1,900 farms in Carlow and 2,400 in Wicklow.

Note: The composition of the mid-east, including Dublin, and south-east regions is as follows:

(1) Mid-east comprises Dublin County Borough, Dún Laoghaire-Rathdown, Fingal, South Dublin, Kildare, Meath and Wicklow.

(2) South-east comprises Carlow, Kilkenny, Tipperary SR, Wexford, Waterford County and Waterford County Borough.

Household Expenditure.

194. Mr. Morgan asked the Taoiseach the average percentage of income which the bottom 20% of households spend on housing, food, fuel and electricity, medical expenses and child care. [34443/05]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The information requested by the Deputy is presented in the following table.

Table: Average weekly household expenditure for certain items as a percentage of household disposable income, 1999-2000, classified by household income quintiles.*

<table>
<thead>
<tr>
<th>Item Description</th>
<th>1st. Quintile</th>
<th>2nd. Quintile</th>
<th>3rd. Quintile</th>
<th>4th. Quintile</th>
<th>5th. Quintile</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Food</td>
<td>37.22</td>
<td>30.66</td>
<td>25.47</td>
<td>21.36</td>
<td>15.47</td>
<td>21.34</td>
</tr>
<tr>
<td>Housing</td>
<td>11.69</td>
<td>12.33</td>
<td>11.76</td>
<td>10.09</td>
<td>8.57</td>
<td>10.04</td>
</tr>
<tr>
<td>Fuel and Light</td>
<td>11.53</td>
<td>6.71</td>
<td>4.58</td>
<td>3.57</td>
<td>2.29</td>
<td>3.93</td>
</tr>
<tr>
<td>Medical expenses</td>
<td>2.00</td>
<td>2.49</td>
<td>2.29</td>
<td>2.07</td>
<td>1.66</td>
<td>1.97</td>
</tr>
<tr>
<td>Childcare</td>
<td>0.12</td>
<td>0.35</td>
<td>0.61</td>
<td>0.90</td>
<td>0.86</td>
<td>0.74</td>
</tr>
<tr>
<td>Total</td>
<td>62.56</td>
<td>52.54</td>
<td>44.71</td>
<td>37.99</td>
<td>28.85</td>
<td>38.03</td>
</tr>
</tbody>
</table>


195. Mr. Morgan asked the Taoiseach the average percentage of income which the bottom 20% of households save or invest. [34444/05]

Private Rented Accommodation.

196. Mr. Curran asked the Taoiseach the number of private rental properties and landlords in the areas of south Dublin County Council in the figures available from the Central Statistics Office from the most recent period for which figures are available. [33819/05]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The most recent information available is in respect of the 2002 census and is contained in the following table.

Private dwellings in permanent housing units in South Dublin local electoral areas, 2002.

<table>
<thead>
<tr>
<th>Local Electoral Area</th>
<th>Private rented unfurnished</th>
<th>Private rented furnished or part furnished</th>
<th>Total private rented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clondalkin</td>
<td>171</td>
<td>627</td>
<td>798</td>
</tr>
<tr>
<td>Lucan</td>
<td>149</td>
<td>1,111</td>
<td>1,260</td>
</tr>
<tr>
<td>Tallaght-Central</td>
<td>99</td>
<td>568</td>
<td>667</td>
</tr>
<tr>
<td>Tallaght-South</td>
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197. Mr. Quinn asked the Taoiseach the number of proposals that his Department is opposing at European Council at any state; the names of such proposals; the reason his Department is taking this position; and if he will make a statement on the matter. [33821/05]

The Taoiseach: The European Council does not, as a rule, act as a legislative body. As such, there is no ongoing agenda for the Council. The business for each European Council is fixed by the Presidency in consultation with the other member states. The key challenge for the next meeting of the European Council in December will be to reach political agreement on the European Union’s financial perspectives for 2007-2013. I have set out our national position in these negotiations on a number of occasions, most recently in the statement I made to the Dáil on 21 June on the June European Council.

198. Mr. Quinn asked the Taoiseach the exemptions from EU directives or regulations that Ireland has achieved in his Department’s competency area; the reason his Department requested each exemption; if it is intended to give up any of these exemptions; and if he will make a statement on the matter. [33836/05]

199. Mr. Quinn asked the Taoiseach the exemptions from EU directives or regulations that his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33851/05]

The Taoiseach: I propose to take Questions Nos. 198 and 199 together.

My Department did not seek, nor is it seeking, exemptions from EU directives or regulations which fall within the Department’s competency area.

Ministerial Travel.

200. Mr. Cuffe asked the Taoiseach the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34059/05]

The Taoiseach: Since becoming Taoiseach, I have had the opportunity to travel by both mainline train and Luas. Unfortunately, my schedule is such that it generally prevents me from using such transport regularly. However, these options are kept under review by my office.

National Spatial Strategy.

201. Mr. Cuffe asked the Taoiseach the significant changes which have been implemented by his Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34074/05]

The Taoiseach: My Department’s role with regard to the national spatial strategy mainly relates to strategic, high-level co-ordination rather than implementation of individual policies or spending programmes. The national spatial strategy is overseen by the Cabinet committee on housing, infrastructure and PPPs, which I chair. The Cabinet committee is supported by a cross-departmental team, which is chaired by my Department.

My Department also works closely with the Department of the Environment, Heritage and Local Government in the implementation of the national spatial strategy, both through bilateral contacts and through the inter-departmental committee on the national spatial strategy. We also liaise with other offices and agencies, notably the Central Statistics Office and the National Economic and Social Development Office, in the context of monitoring and implementation of the national spatial strategy.

The importance of the national spatial strategy is reflected in the relevant departmental business plans and in the work programme of the Cabinet committee.

Departmental Staff.

202. Mr. Carey asked the Taoiseach the percentage of persons, with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the three per cent quota; and if he will make a statement on the matter. [34139/05]

The Taoiseach: The percentage of persons with disabilities employed in my Department is 3.64%. Of the bodies under the aegis of my Department, the Central Statistics Office figure is 4.39%, the Office of the Chief State Solicitor figure is 3.36% and the Law Reform Commission figure is 4.54%.

In regard to the Office of the Director of Public Prosecutions and the Office of the Attorney General where the figures are 2.3% and 0.41%, respectively, a significant proportion of staff are recruited as barristers or solicitors and consequently statistics for these offices would be influenced by the proportion of persons with disabilities in those professions. Both these offices are committed to the provision of equal opportunities of employment and to the Department of
Finance guidelines regarding the employment of persons with disabilities.

The NESDO has no staff with disabilities. However, NESDO’s policy and that of its constituent bodies is to give equality of employment opportunity and this is reflected in their recruitment advertisements and promotion competition notices. In regard to the guidelines by which data relating to the employment of persons with disabilities is recorded, I refer the Deputy to the Department of Justice, Equality and Law Reform, which is responsible for them.

Given the relatively small size of my Department, it would be inappropriate to disclose the nature of the disabilities, the grades of employment or the qualifications of disabled staff as this could possibly make these individuals identifiable. This also applies to the bodies under the aegis of my Department. The definition of a person with a disability for the purposes of the 3% target is the positive action definition set out in the Code of Practice for the Civil Service, 1994. In this context, the term “people with disabilities” means people with a physical, sensory or psychological impairment which may “have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited.”

**Family Units.**

203. **Mr. Timmins** asked the Taoiseach the percentage of parents who are lone parents. [34439/05]

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** The most recent information comes from the 2002 census which indicates that lone parent with children type family units make up 22.2% of the total number of family units with children.

**Land Acquisitions.**

204. **Mr. McHugh** asked the Tánaiste and Minister for Health and Children if she has initiated plans to sell off six acres of land in Tuam, County Galway (details supplied); and if she will make a statement on the matter. [33703/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. In accordance with the Government decision to release State lands in the health sector for affordable housing under Sustaining Progress in 2004, the Health Service Executive western area identified a number of sites for consideration for inclusion in this initiat-

ive, which included a portion of the lands owned by the executive in Tuam. The executive is engaged in a process of reviewing the lands identified as well as all other lands in its portfolio to establish health service needs. This process is ongoing and meanwhile no final decisions have been made in regard to the lands involved.

During a visit to Galway last week, the Tánaiste was apprised of the executive’s development plans for the Tuam area, including a community hospital, an ambulance base, a primary care centre, mental health services and administrative facilities. These plans will be advanced in accordance with its service plan and capital programme.

It is not, nor was it ever intended, that the affordable housing initiative would have a negative impact on planned developments in the health sector. The Health Service Executive will strive at all times to strike a balance, in relation to individual proposals, to satisfy, in the most realistic way possible, both its own objectives and those of the AHI.

**Civil Marriage.**

205. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if she has made provision for conducting a civil marriage ceremony in places other than a registry office; when the public will be able to avail of this opportunity; and if she will make a statement on the matter. [34116/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** An tArd-Chláráitheoír, Registrar General, is the person with statutory responsibility for the administration of the civil registration system in Ireland. I have made inquiries with an tArd-Chláráitheoír and the position is as follows. The Civil Registration Act 2004 provides for the commencement of various provisions of the Act on a gradual basis. Preparatory work for the commencement of Parts 1, 2, 3, 5 and 8 of the Act, which relate to the administration of the service and the registration of births, stillbirths and deaths, is at a very advanced stage.

The new provisions for marriage are set out in Part 6 of the 2004 Act and include universal procedures for notification, solemnisation and registration of marriages, as well as a choice of venue for civil marriage ceremonies. Before these provisions can be commenced, a substantial body of work needs to be completed, including drafting and publication of regulations, guidelines and detailed procedures, establishment of a register of solemnisers in consultation with religious bodies, establishment of a register of approved venues for civil marriages and the further development of the computer system to facilitate the administration of the new marriage provisions introduced in the Act.

An tArd-Chláráitheoír is unable to give a specific date for the implementation of the new mar-


riage procedures but it is unlikely to be before the autumn of 2006. It is intended to give as much public notice as possible and a comprehensive public information campaign will be undertaken at the appropriate time.

**Services for People with Disabilities.**

206. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the funding which will be provided for 2006 for development of independent living services for persons with disabilities and for measures which promote this, including personal assistance services; and if she will make a statement on the matter. [34268/05]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** The development of independent living services for persons with disabilities, including personal assistance services, is being examined in the context of the Estimates process for 2006.

**Special Educational Needs.**

207. **Ms Enright** asked the Tánaiste and Minister for Health and Children the way in which parents of children with a moderate, severe or profound mental handicap and/or autism in Laois and Offaly can access pre-school services; and if she will make a statement on the matter. [34324/05]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** The direct provision of pre-school services which are educational in focus is not part of the remit of the health services. The HSE, through the former health boards, has, however, over the years and within the resources available to it, grant-aided some special needs specific pre-school services, in addition to assisting individual children with disabilities to attend mainstream pre-school services. While primary responsibility for the support of children with special educational needs aged between nought and five approximately rests with the health services under the Education for Persons with Special Educational Needs Act 2004, the National Council for Special Education Services has a role in providing appropriate educational support services for this group. This is reflected in the fact that additional funding has been specifically committed, through the Department of Education and Science, to assist the council to enhance access to these services over the period 2006 to 2009 as part of the national disability strategy. Discussions are at an exploratory stage between my Department and the Department of Education and Science in relation to the progression of this matter.

The provision of health services in Laois and Offaly 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 have a reply issued directly to the Deputy.

208. **Ms Enright** asked the Tánaiste and Minister for Health and Children the way in which parents of children with a moderate, severe or profound mental handicap and/or autism in Laois-Offaly can access multidisciplinary child psychiatry team assessments and therapeutic interventions; and if she will make a statement on the matter. [34334/05]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

**Genetically Modified Organisms.**

209. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she has satisfied herself that there is no risk of contamination from the importation of genetically modified foods or food products; and if she will make a statement on the matter. [34580/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** In response to consumer concerns, the European Union’s new regulatory framework for genetically modified organisms, GMOs, entered into force in 2004. Ireland, in common with other member states and as required by EU rules, applies EU legislation on GM foods, produced within the EU or imported. Under EU rules, only authorised GM foods, or foods containing ingredients thereof, can be placed on the market. The safety of GM products is independently assessed by the European Food Safety Authority, EFSA, on a case by case basis and GM food is required to be clearly labelled, thus ensuring greater consumer confidence and choice.

In the production of food, feed and seed, it is almost impossible to achieve products that are 100% GM free. Minute traces of GMOs can arise in conventional food and feed during cultivation, harvest, transport and processing. Accordingly, to ensure legal certainty, thresholds have been established above which conventional foods must be labelled as consisting of or containing or being produced from a GMO. The labelling requirement is not for food safety reasons, rather a consumer choice measure and does not apply to foods with GM content in a proportion no higher than 0.9% of the food ingredients considered individually or food consisting of a single ingredi-
ent, provided that this presence is adventitious or technically unavoidable; previously, the level had been 1%. The new threshold applies to all GMOs authorised under the current regulations and also applies to those authorised under the novel foods regulation.

The Food Safety Authority of Ireland, FSAl, is the competent authority in Ireland for the enforcement of EU legislation regarding genetically modified foods. The FSAl carries out checks of the marketplace for compliance with the GM legislation.

**European Council Meetings.**

210. Mr. Quinn asked the Tánaiste and Minister for Health and Children the number of proposals that her Department is opposing at European Council at any state; the names of such proposals; the reason her Department is taking this position; and if she will make a statement on the matter. [33822/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department is not proposing any proposals at European Council.

**EU Directives.**

211. Mr. Quinn asked the Tánaiste and Minister for Health and Children the exemptions from EU directives or regulations that Ireland has achieved in her Department’s competency area; the reason her Department requested each exemption; if it is intended to give up any of these exemptions; and if she will make a statement on the matter. [33837/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has not sought any exemptions from EU directives or regulations.

212. Mr. Quinn asked the Tánaiste and Minister for Health and Children the exemptions from EU directives or regulations that her Department is seeking; the reason her Department is requesting each exemption; and if she will make a statement on the matter. [33852/05]

Tánaiste and Minister for Health and Children (Ms Harney): My Department is not seeking any exemptions from EU directives or regulations.

**Site Acquisitions.**

213. Mr. Connaughton asked the Tánaiste and Minister for Health and Children if the Health Service Executive western region have plans to sell off a major portion of the land it owns surrounding a former hospital (details supplied) in County Galway; if the future plans and development of a community hospital for Tuam is doomed to failure if such a sale takes place; the reason the Government purchased this property in the first place if it was not intended to develop the site for a community hospital as promised prior to the 2002 general election. [33877/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question relates to property in the ownership of the Health Service Executive. The Deputy will be aware of the Government’s strong commitment, in accordance with the national agreement Sustaining Progress, to deliver 10,000 affordable housing units through the ambitious affordable housing initiative, AHI. It is envisaged that housing provided under the AHI would be aimed at those who, in the past, would have expected to purchase a house from their own resources but who find that they are unable to do so in the current housing market.

In accordance with the Government decision to release state lands in the health sector for affordable housing under Sustaining Progress, in 2004, the Health Service Executive, western area, identified a number of sites for consideration for inclusion in this initiative, which I am advised included a portion of the lands owned by the executive in Tuam. The executive is engaged in a process of reviewing the lands identified as well as all other lands in its portfolio to establish health service needs. This process is ongoing and meanwhile no final decisions have been made in regard to the lands involved.

During a visit to Galway last week, I was apprised of the executive’s development plans for the Tuam area, including a community hospital, an ambulance base, a primary care centre, mental health services and administrative facilities. These plans will be advanced in accordance with its service plan and capital programme.

I wish to stress that it is not, nor was it ever, intended that the affordable housing initiative would have a negative impact on planned developments in the health sector. The Health Service Executive will strive at all times to strike a balance, in relation to individual proposals, to satisfy, in the most realistic way possible, both its own objectives and those of the AHI.

**Human Rights Issues.**

214. Ms McManus asked the Tánaiste and Minister for Health and Children the reason the Government is going to the Supreme Court to refuse recognition for transsexuals in view of the European Court of Human Rights findings that the UK was in breach of the Human Rights Convention in its failure to provide legal recognition for transsexual persons; the further reason transsexuals are not entitled to have their birth certificates amended to show their new gender status; and if she will make a statement on the matter. [33878/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy may be aware that the Supreme Court, on 8 November 2005, referred the case in question back to the High Court to

Written Answers

215. [Ms Harney.] have that court consider the issues raised in the case, having regard to the European Convention on Human Rights Act 2003 which has come into effect in Ireland since the High Court’s determination of the matter in July 2002. In the circumstances, I do not propose to comment further until such time as the courts have completed their deliberations and issued findings on this issue.

Health Service Staff.

215. Mr. Ring asked the Tánaiste and Minister for Health and Children the number of health inspectors who have been appointed to the Health Service Executive western area for each of the past five years; the number employed as health inspectors for each of the past five years; the salary grades or range in relation to health inspectors employed; and if she will make a statement on the matter. [33879/05]

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Source: Health Service Personnel Census.

Nursing Homes Charges.

216. Mr. Kehoe asked the Tánaiste and Minister for Health and Children if the family of a person who was resident in a public bed in a nursing home from 1975 to 1988 is entitled to a refund; and if not the reason therefor. [33880/05]

Tánaiste and Minister for Health and Children (Ms Harney): I assume that the Deputy is referring to environmental health officers. Information on the numbers of environmental health officers employed in the former Western Health Board and in the Health Service Executive western area for each of the past five years and at end-June 2005 is set out in the table — wholetime equivalents. Salary scales as at 1 June 2005 are also shown.

The Deputy has also asked about the numbers of environmental health officers appointed for each of the last five years. This relates to the management of human resources and is a matter for the Health Service Executive under the Health Act 2004. The Department has therefore requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

It is expected that the scheme will cost approximately €1 billion and at this stage it is envisaged that applications for the scheme can be received up to 31 December 2007. Figures provided by the Health Service Executive show an estimated 60,000 people are likely to be due a repayment, approximately 20,000 of these are living and 40,000 relate to estates of deceased patients.

It is my intention to have legislation brought before the Oireachtas in the next parliamentary session and to have repayments commencing shortly after the Bill is approved and signed into law. In the case of those who were charged and are still alive, the repayments will be exempt from tax and will not be taken into account in assessing means for health and social welfare benefits. The normal tax and means assessment arrangements will apply to those who benefit from repayments to estates. The legislation will include appropriate safeguards to prevent exploitation of those who receive repayments and are not in a position to manage their own financial affairs. The scheme will include a provision to allow those eligible for a repayment to waive their right to a repayment and have the money assigned to fund service improvements in elderly, mental health and disability services.
A national oversight committee has been appointed and has already begun its work. It will provide an independent input into the design of the scheme and will monitor the operation of the scheme in order to ensure that it is being implemented quickly and in the most equitable and effective way possible.

The scheme will be designed and managed with the aim of ensuring that those who are eligible for repayments receive them as soon as possible and with the minimum possible imposition in terms of bureaucracy. Priority will be given to those who are still alive. Many of those eligible for repayments have already been identified under the ex gratia payments process. The scheme will include a transparent and thorough appeals process.

The Health Service Executive has informed the Department that an outside company with experience in handling mass claims will be in a position to sign a contract and commence work within the next few weeks to provide an independent input into the design and administration of the scheme. The national helpline set up by the HSE to allow people to register if they believe they are due a repayment will continue to operate but there is no need for anyone who has already registered using this facility to make contact with the HSE again to register for the scheme.

Any person who considers that they or a family member may be eligible for repayment may register their interest in advance with the Health Service Executive by writing to the national helpline 1800 777737 during office hours or by calling the helpline scheme@mailq.hse.ie, or by e-mail refund-scheme@mailq.hse.ie, or by e-mail refund-scheme@mailq.hse.ie, or by e-mail refund-scheme@mailq.hse.ie.

**Health Services.**

217. Mr. Sargent asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the case being put by parents and friends at a school (details supplied) which is seeking the appointment of speech and occupational therapists which are needed in the school; and her willingness to accede to this request. [33888/05]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

219. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children the reason subvention was refused in the case of a person (details supplied) in County Louth; if the case will be reviewed; and if she will make a statement on the matter. [33911/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

**Hospital Staff.**

220. Mr. Lowry asked the Tánaiste and Minister for Health and Children when a start date will be given to a physiotherapist at a hospital (details supplied); when funding will be made available by the Health Service Executive for same; and if she will make a statement on the matter. [33915/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

**National Lottery Funding.**

221. Mr. Lowry asked the Tánaiste and Minister for Health and Children the grant programmes available from her Department and from agencies under her responsibility; and the deadlines of each programme. [33916/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** In addition to funding a number of statutory bodies, the Department administers a national lottery funded grant scheme. This scheme provides funding, on a once-off basis, to voluntary organisations with an involvement in the provision of health services to specific client groups, national groups providing information...
and support regarding disability and illness, and groups with a specific interest.

There is a set protocol in place in the Department for dealing with applications and requests for grants from discretionary national lottery funds. An application form is made available to any individual, group or agency which requests a grant. When the completed application form is received in the Department, it is registered in the finance unit and forwarded to the relevant services division for its assessment, evaluation and recommendation. All applications are then considered in the context of the recommendation and the overall level of funds available to me. Application forms are accepted from voluntary organisations throughout the year while funding remains available. However, organisations are advised that applications made late in the year may be held for consideration in the context of the following year’s national lottery allocation.

The health promotion unit of the Department operates a grant system whereby community and voluntary organisations, with charitable status, are provided with moneys for health promotion initiatives. All initiatives must be once off ventures and must make provision for an evaluation. Initiatives should include health information and education elements and-or assist in raising awareness on a particular health related matter. Where necessary, organisations should have the approval of the local health office-agency or relevant division within the Department. Completed grant application forms are considered quarterly, in line with the unit’s business plan.

The Department has also requested the parliamentary affairs division of the Health Service Executive to arrange to have a reply issued directly to the Deputy about such grants as may be available from the executive.

Waste Disposal.

222. Mr. Kehoe asked the Tánaiste and Minister for Health and Children the guidelines which have been drawn up by the Department for the disposal of clinical waste materials by persons with MRSA being cared for in their own homes. [33920/05]

Tánaiste and Minister for Health and Children (Ms Harney): Clinical or health care risk waste generated in hospitals is disposed of under strict conditions in disinfection treatment plants licensed by the Environmental Protection Agency. Guidelines dealing with the safe segregation, packaging and storage of health care risk waste have been circulated to hospitals and health agencies by my Department for a number of years. The latest edition of the guidelines was circulated in April 2004.

The guidelines were drawn up in consultation with personnel in the health services, the Health and Safety Authority and a committee representative of the Infection Control Nurses Association — Irish regional group, and the Irish Society of Clinical Microbiologists. Comprehensive recommendations for the handling and packaging of all forms of infectious waste in the hospital environment are included in the guidelines.

No specific guidelines have been drawn up by my Department on the management of clinical waste materials from patients with MRSA treated in their own homes. However, my Department is requesting the parliamentary affairs division of the Health Service Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

EU Directives.

223. Mr. Nolan asked the Tánaiste and Minister for Health and Children if she has satisfied herself with the process the Health Service Executive are using to assess applicants for pre-qualification for tendering; if the most up-to-date financial information is being sought from companies intending to tender; her views on their capacity to adequately and fairly assess all proposals; and if she will make a statement on the matter. [33928/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Service Executive is governed by public law and as such is obliged to comply with the requirements of public procurement law. Public procurement law requires adherence to the appropriate European Union procurement directives. In addition, the national public procurement policy unit of the Department of Finance issues national procurement policy and guidance material, which is available on the website www.etenders.gov.ie.

While relevant information is freely available on this website, the Department also routinely brings any new developments to the attention of the Health Service Executive. As the Health Service Executive is responsible for the issues raised by the Deputy, the Department is requesting the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

224. Mr. Ellis asked the Tánaiste and Minister for Health and Children if her Department will arrange for the north western Health Service Executive to provide orthodontic treatment for a person (details supplied) in County Leitrim. [33930/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of
the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

225. Mr. Ellis asked the Tánaiste and Minister for Health and Children if her Department will arrange for the north western Health Service Executive to provide orthodontic treatment for a person (details supplied) in County Leitrim. [33931/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Community Pharmacy Contracts.

226. Mr. Perry asked the Tánaiste and Minister for Health and Children if health centres are open to Government funding; if same are awarded GMS contracts; if there are restrictions put on the health centres in receipt of such contracts for the opening of pharmacies in such health centres; her views on whether pharmacies operating within health centres will lead to less competition and less opportunities for smaller pharmacies; and if she will make a statement on the matter. [33946/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question refers to facilities which would support the delivery of primary care services on a multidisciplinary basis. The provision of modern, well equipped, accessible premises will be central to the effective functioning of primary care teams and networks. It is therefore necessary to facilitate and encourage the development, where appropriate, of modern, well equipped, user-friendly buildings in which the broad range of primary care services, including general practice, can be delivered.

To ensure that appropriate facilities are developed on the required scale, resources other than those of the Exchequer will be required and this is line with the historic practice, whereby there has been a mix of public and private facilities provision, with, for example, general practitioners in many cases funding their own practice premises. In this regard, the primary care strategy emphasises the need to gain full benefit from existing buildings and to fully explore opportunities for private investment and public-private partnerships in implementing the development programme. The Government is committed to developing policy in such a way as to encourage innovative approaches to the provision of primary care facilities and services in line with the objectives of the primary care strategy.

The Health Service Executive is responsible for the selection and recruitment of general practitioners to provide services under the general medical services scheme. Such contracts are awarded to individual general practitioners meeting the necessary requirements under the contract. The GMS contract requires the GP to provide a waiting room and a surgery to meet the needs of the practice. The contract also provides that participating GPs may be offered facilities to practise in health centres or other HSE accommodation.

The Health (Community Pharmacy Contractor Agreement) Regulations 1996, which were revoked by my predecessor in January 2002 following advice from the Office of the Attorney General, set out the criteria and procedures for granting community pharmacy contracts in the HSE areas. The effect of the revocation for the awarding of new community pharmacy contracts is that there are no restrictions on granting new community pharmacy contracts in terms of location, population or viability of existing pharmacies. The revocation did not affect the operation of the community pharmacy scheme and existing contracts at that time remained in place. The opening or establishment of all new pharmacies continues to be governed by the Pharmacy Acts, subject to restrictions imposed by non-pharmacy legislation such as the Planning Acts.

The Government has accepted the recommendation of the pharmacy review group that there be no beneficial interest between prescribing and dispensing. Currently, a community pharmacy contract may not be awarded to a pharmacy in which a GP practising in the area has a beneficial interest.

Services for People with Disabilities.

227. Mr. Rabbitte asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the severe difficulties for children with disabilities and their families arising from the threatened withdrawal of a range of services provided by the Lucan Disability Action Group; if her attention has been drawn to the fact that the LDAG views that it must reduce services due to the threatened withdrawal of a range of services; if, in view of the vital services that LDAG provides and that hardship that would be caused by their withdrawal, her views on alternative sources of funding; and if she will make a statement on the matter. [33947/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have
this matter investigated and to have a reply issued directly to the Deputy.

**Health Services.**

228. Mr. O’Shea asked the Tánaiste and Minister for Health and Children her proposal to bring the inadequate chiropody service for public diabetic patients both inpatients and outpatients at Waterford Regional Hospital up to an acceptable level; and if she will make a statement on the matter.

[33948/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to have a reply issued directly to the Deputy.

**Medical Cards.**

229. Mr. McGuinness asked the Tánaiste and Minister for Health and Children if a medical card will be issued to a person (details supplied) in County Kilkenny.

[33953/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

**Child Abuse.**

230. Mr. F. McGrath asked the Tánaiste and Minister for Health and Children if efforts will be made to deal professionally with child sexual abuse in lay, clerical and care staff; if plans will be made for child sex offenders in the future, who when determined, will adopt and become more sophisticated to be detected; and if she will make a statement on the matter.

[33962/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** This Department, in conjunction with the Health Service Executive, the Department of Justice, Equality and Law Reform and the Department of Education and Science, is committed to dealing with child sexual abuse by lay, clerical and care staff in a professional and appropriate manner.

The Government’s duty is to ensure that proper child protection practices are in place and in operation and to that effect I have recently announced that a national review of compliance with the Children First guidelines by State bodies and non-governmental organisations will be driven by the National Children’s Office, in partnership with all relevant Departments. The Children First guidelines were published in 1999 and in light of recent events, it is essential that the Government can stand over its own procedures in protecting children.

The Health Service Executive has statutory responsibility to take such steps as it considers requisite to identify children who are not receiving adequate care and attention and to regard the welfare of the child as the first and paramount consideration. I have requested the HSE to launch a nationwide publicity and awareness campaign on child sexual abuse. The National Children’s Office will assist the HSE in ensuring that the campaign effectively targets and is relevant to children and young people.

I have written to the bishop’s conference seeking confirmation both collectively and individually that the recommendations of the Ferns Report will be implemented. I have also asked them to confirm that the framework guidelines are in place in all dioceses. I have requested the HSE to make contact with the individual bishops in the Catholic Church as a matter of urgency to monitor child protection practices and ensure compliance with the recommendations of the Ferns Report.

Furthermore, the Department of Health and Children, in conjunction with the Attorney General’s Office, will undertake an in-depth study of the HSE’s powers in third party child sexual abuse and this will be followed by legislative proposals as required. I reaffirm that the Government is fully committed to taking all necessary action to protect children.

**Alcohol Treatment Programmes.**

231. Mr. Perry asked the Tánaiste and Minister for Health and Children the directive which has been issued to the Health Service Executive regarding the treatment for alcohol addiction problems in view of the fact that if persons are referred for treatment by the general practitioner they are not allowed entry to a hospital facility; the steps she will take to have a facility set up in counties Sligo and Leitrim; and if she will make a statement on the matter.

[33967/05]

**Minister of State at the Department of Health and Children (Mr. T. O’Malley):** Current national policy on the treatment of alcohol abuse, as set out in Planning for the Future, stipulates that the emphasis in the management of alcohol related problems should be on community-based interventions. The Health Service Executive already provides and will continue to develop a range of comprehensive community-based support services appropriate to the needs of persons affected and afflicted by alcohol abuse. These services include family support and community, medical and social services in the management of the problem.
The main therapeutic tools in the treatment of alcohol addiction are psychotherapy, counselling, family and marital therapy, either individually or in group settings. Therapy may take place in residential or day settings. As alcohol related problems occur, in many instances in local and family settings, the community-based response can be direct and early, thereby reducing the associated levels of physical, psychological and social problems.

The provision of services in Sligo and Leitrim are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

232. Mr. Perry asked the Tánaiste and Minister for Health and Children if she will intervene with the western Health Services Executive and have maximum subvention awarded to a person (details supplied) in County Roscommon; and if she will make a statement on the matter. [33970/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

233. Mr. F. McGrath asked the Tánaiste and Minister for Health and Children if assistance will be given to a person (details supplied) in Dublin 5. [34027/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

234. Mr. J. Higgins asked the Tánaiste and Minister for Health and Children if she will increase the number of speech and language therapy posts for Beechpark Services to meet the needs of the approximately 500 children requiring SLT intervention, in view of the fact that there are only 5.5 posts for the entire service. [34030/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Ministerial Transport.

235. Mr. Cuffe asked the Tánaiste and Minister for Health and Children the occasions that she has taken a mainline train, commuter train or Luas in the course of her duties since assuming office. [34060/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy will wish to note that, while I have not taken a mainline train, commuter train or Luas in an official capacity, I have done so in a private capacity on a number of occasions.

National Spatial Strategy.

236. Mr. Cuffe asked the Tánaiste and Minister for Health and Children the significant changes which have been implemented by her Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34075/05]

Tánaiste and Minister for Health and Children (Ms Harney): Health policies and programmes, including the health capital programme, support the objectives of the national spatial strategy, especially that of balanced regional development. The Department participates in the inter-departmental committee on implementation of the strategy.

The objectives of the spatial strategy, which is underpinned in the health sector for example by the national development plan and the multi-annual capital investment framework, are being achieved this year through the delivery of new and upgraded health infrastructure throughout the country. In this context, the Health Service Executive which was established on 1 January 2005 now has responsibility for the delivery of health and personal social services. One of the primary responsibilities of the executive is to deliver services, both capital and non-capital, to ensure maximum benefits accrue to staff, clients or all those otherwise availing of health services.

Infectious Diseases.

237. Mr. Kehoe asked the Tánaiste and Minister for Health and Children the number of cases regarding death from the MRSA superbug which have been referred to the Coroner’s Court in the past ten years. [34089/05]
238. Mr. Kehoe asked the Tánaiste and Minister for Health and Children if risk assessments have been carried out by acute hospitals regarding the MRSA superbug; if the names of the hospitals involved will be published; and if the main findings of same. [34090/05]

239. Mr. Kehoe asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that people who have diabetes are at a greater risk of contracting the MRSA superbug; if the procedures which are in place to inform people with diabetes of same; and if she will make a statement on the matter. [34091/05]

240. Mr. Ring asked the Tánaiste and Minister for Health and Children when the only machine in the country, based in Beaumont Hospital, which determines where the language centre is located in the brain, will be fixed; the number of persons waiting to be tested on this machine; and if she will make a statement on the matter. [34095/05]

241. Mr. Ring asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called to Beaumont Hospital for further tests. [34096/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

242. Mr. Ring asked the Tánaiste and Minister for Health and Children if the Health Service Executive has intervened in the general practitioner visit card dispute in the west; the position regarding same; if discussions have taken place; when the community welfare officer will accept and process general practitioner visit cards; and if she will make a statement on the matter. [34097/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Departmental Staff.

243. Mr. Carey asked the Tánaiste and Minister for Health and Children the percentage of persons, with disabilities employed in her Department and in each body under her aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the 3% quota; and if she will make a statement on the matter. [34140/05]

Tánaiste and Minister for Health and Children (Ms Harney): The guidelines issued for monitoring the employment of people with disabilities by public bodies are set out in the Code of Practice for the Civil Service 1994. Information on the nature of their disabilities, grade or any specific qualifications they might hold is not currently collected. Numbers are only collected to provide

Hospital Equipment.

244. Mr. Ring asked the Tánaiste and Minister for Health and Children when the only machine in the country, based in Beaumont Hospital, which determines where the language centre is located in the brain, will be fixed; the number of persons waiting to be tested on this machine; and if she will make a statement on the matter. [34095/05]
statistics on the employment of people with disabilities in the public service.

The policy for the 3% target for the employment of people with disabilities in the Civil Service is the responsibility of the Minister for Finance. The percentage of persons with disabilities employed in the Department is 2.7%.

The Department undertakes an annual survey of the number and percentage of persons with disabilities employed in each body under the aegis of the Department. The latest figures available are for end 2004 and are set out in the table. The returns of the Eastern Regional Health Authority and the North Eastern Health Board were incomplete.

<table>
<thead>
<tr>
<th>Public Sector Body</th>
<th>Total Number with Disabilities</th>
<th>Percentage</th>
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</thead>
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<tr>
<td>An Bord Altranais</td>
<td>1</td>
<td>2</td>
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<tr>
<td>Adoption Board</td>
<td>Department staff</td>
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North-South Co-operation.

244. Caoimhghín Ó Caoláin asked the Tánaiste and Minister for Health and Children if she will report on the work of the North-South unit in her Department; and if she will make a statement on the matter. [34208/05]

Tánaiste and Minister for Health and Children (Ms Harney): A designated North-South co-ordination unit within the international unit has been operating in my Department since 2001. Its primary role is to co-ordinate the Department’s responsibilities arising from the Good Friday Agreement generally and to act as the focal point for the North-South health agenda in particular.

With the establishment of the North-South Ministerial Council, the health agenda became more formalised when five areas were designated for health co-operation. These areas are accident and emergency services, planning for major emergencies, cancer research, high technology equipment and health promotion. While the council has not met since the suspension of devolved government in Northern Ireland, North-South contacts continue in these areas and progress continues to be made.

The Department continues to build on the relationships formed and the projects initiated with the Department of Health, Social Services and Public Safety and with other contacts in Northern Ireland. Primary among these contacts is CAWT — co-operation and working together. The two health Departments are fortunate to have available to them the services of CAWT as a major instrument in North-South joint co-operation activities.

As the Deputy will be aware, CAWT is an informal grouping representative of the health authorities North and South in the Border area. Its aim is to improve the health and social well being of the population in this area. CAWT has been commissioned by both health Departments to carry out project work in the context of the North-South Ministerial Council agenda and is also acting as the delivery agent for the health and well-being measure of the EU INTERREG IIIA programme. In the latter capacity, CAWT has been successful in having 30 projects approved for funding which will account for approximately €10 million over the life of the programme. In line with Government policy, my Department continues to seek new initiatives and new opportunities for North-South co-operative ventures and will continue to pursue these and to act on them as opportunities arise.

Community Employment Schemes.

245. Mr. Penrose asked the Tánaiste and Minister for Health and Children if he will ensure that core funding is secured for community employment project staff who are working in the disability sector and who have made a major contribution to the development of same over a number of years; and if she will make a statement on the matter. [34223/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The mainstreaming of community employment schemes providing services for people with disabilities will be considered by the Department in the context of the Estimates process for 2006.

Health Services.

246. Mr. J. Breen asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Clare who was assessed for a personal assistant in 2000 for 20 hours a week is still waiting; and if she will make a statement on the matter. [34250/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

247. Mr. Cregan asked the Tánaiste and Minister for Health and Children if the holder of a medical card can have his or her card re-issued on an annual basis without furnishing all documentation to the Health Service Executive (details supplied); and if she will make a statement on the matter. [34264/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Accommodation.

248. Mr. McGuinness asked the Tánaiste and Minister for Health and Children the status of work being funded by her Department at a hospital (details supplied) in County Kilkenny for the provision of long-stay beds for the elderly; if the first phase of the project has been completed; if the next phase has been approved for funding; the cost of this phase and expected date of completion; and if she will make a statement on the matter. [34282/05]
Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Cancer Screening Programme.

249. Mr. McHugh asked the Tánaiste and Minister for Health and Children the number of women waiting to have mammograms carried out at University College Hospital, Galway; and if she will make a statement on the matter. [34283/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to have a reply issued directly to the Deputy.

Health Services.

250. Mr. McGuinness asked the Tánaiste and Minister for Health and Children the number of adults and children who suffer from cystic fibrosis in the south east; the level of service available in the south east at present; her plans to expand the service; if a specific cystic fibrosis unit is needed in the region; if a cystic fibrosis team made up of a suitably qualified nurse, consultant, dietician, physio and social worker will be put in place; if a cystic fibrosis team made up of a suitably qualified nurse, consultant, dietician, physio and social worker will be put in place; if a cystic fibrosis team made up of a suitably qualified nurse, consultant, dietician, physio and social worker will be put in place; if she will make a statement on the matter. [34285/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to have a reply issued directly to the Deputy.

Health Service Staff.

251. Mr. Hayes asked the Tánaiste and Minister for Health and Children the number of psychologists working in the health services in south Tipperary; and her plans to improve current provision in this area. [34293/05]

Tánaiste and Minister for Health and Children (Ms Harney): Employment information is collected by the Department every quarter on the basis of grade and employing agency rather than on a county basis. As the Deputy’s question relates to human resource management issues within the Health Service Executive, which is a matter for the Executive under the Health Act 2004, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Infectious Diseases.

252. Mr. Ring asked the Tánaiste and Minister for Health and Children the reason a reply has not issued from the Health Service Executive to date in 2005 in response to a parliamentary question placed several weeks ago; and when a reply will be forthcoming. [34306/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s earlier question related to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. The Department requested the parliamentary affairs division of the executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy. The executive has informed the Department that it has written directly to the Deputy on the matter.

Tánaiste and Minister for Health and Children (Ms Harney): Lyme disease, also known as Lyme borreliosis, is an infection caused by a spiral shaped bacterium *borrelia burgdorferi* that is transmitted to humans by bites from ticks infected with the bacteria. The infection is generally mild affecting only the skin, but can sometimes be more severe. Lyme disease has been reported from North America, Europe, Australia, China and Japan. Ticks feed by biting and attaching to the skin and sucking blood, normally from animals such as sheep and deer. Infected ticks are most likely to be encountered in heath land and lightly forested areas of North America and northern Europe. Ramblers, campers and those who work in such areas especially if they come into contact with large animals are at greatest risk of being bitten by ticks and of going on to develop disease. Cases of Lyme disease appear in Ireland every year.
Many infected people have no symptoms at all. The commonest noticeable evidence of infection is a rash called *erythema migrans* that is seen in about three quarters of infected people. This red, raised skin rash develops between three days and a month after a tick bite and spreads outwards from the initial bite site. This rash can last up to a month and be several inches in diameter. People can also complain of ‘flu-like symptoms such as headache, sore throat, neck stiffness, fever, muscle aches and general fatigue. Occasionally, there may be more serious symptoms involving the nervous system, joints, the heart or other tissues.

Lyme disease is not a notifiable infectious disease in Ireland. This means that there is no legal requirement on doctors to report cases to their local director of public health. In Ireland, researchers have tried to determine levels of Lyme borreliosis; it has been estimated that there were about 30 human cases per year in the mid-1990s. Data, however, from the National Virus Reference Laboratory, which is responsible for undertaking testing for *B. burgdorferi*, have confirmed that there were only 11 positive cases in 1990s. There were, however, more than 1,000 requests for testing in 2003; these numbers have been steady at that level for the last couple of years. There were, however, more than 1,000 requests for testing for *B. burgdorferi* in 2003.

Over the last several years, the NVRL confirms that virtually all positive cases were associated with travel in the US. It is felt that there is some unknown degree of under-reporting and under-diagnosis of this condition. In Britain, about 300 laboratory-confirmed cases are reported to the Health Protection Agency annually; however, estimates suggest that the true figure could be between 1,000 and 2,000 cases annually. In the US, there are about 15,000 to 20,000 cases each year.

More than 100,000 cases have been reported in the US, with highest rates in New England; more than 17,000 cases were reported during 2000 alone. In Europe, similarly high rates are seen in Germany, but forested regions of Austria, Sweden and Slovenia frequently report cases as well. In England, Lyme borreliosis is considered to be endemic in the New Forest area of Hampshire.

In Britain, it has been estimated that there may be as many as 1,000 human cases each year however, in 1993, only 44 infections were voluntarily reported by laboratories in England and Wales while four were reported for Scotland. Since then, about 50 cases are reported each year in England and Wales; the true incidence, while unknown, is increasing. Over the last three years, Scotland has been detecting considerably more cases: 28 in 2001, 85 in 2002 and, provisionally, 71 in 2003.

Lyme disease can affect anyone but is commonest among ramblers, hill-walkers, hikers, campers and others whose leisure activities or work takes place in heath land or light woodland areas or brings them in contact with certain animals, for example, deer. Summer and autumn is the period when most cases occur.

Common antibiotics such as doxycycline, amoxicillin or erythromycin are effective at clearing the rash and helping to prevent the development of complications. Currently, there is no vaccine available against human Lyme disease in Ireland. A US human vaccine was withdrawn in 2002. Research into vaccine development is taking place in Europe and the US.

It would therefore appear on initial review that despite confirmed Irish cases of Lyme borreliosis having been principally associated with travel to North America, there is the potential for individuals to be exposed to biting ticks in Ireland. It would seem sensible for this reason to recommend that simple, straightforward information should be made available that will assist those who may potentially be exposed whether as a result of occupational or leisure activities to take necessary precautions.

As a response to this in 2004, the vector-borne sub-committee of the scientific sub-committee of the Health Protection Surveillance Centre's scientific advisory sub-committee was established. One of its terms of reference was to identify and determine the burden of certain significant vector-borne diseases in Ireland and to make recommendations in relation to the provision of advice and guidance. One of the diseases to be considered in the work of the vector-borne sub-committee was Lyme disease.

As part of the initial risk assessment the available information on Lyme disease was collated and reviewed. As in common with many other countries, estimation of true levels of this condition is rather difficult. In Ireland a number of cases appear every year and a proportion of these are likely to have been acquired in Ireland. This condition is not among the scheduled list of notifiable diseases laid out in the Infectious Diseases (Amendment) (No. 3) Regulations, SI 707 of 2003, and therefore data on Lyme disease are not subject to systematic collection as is the case for notifiable diseases.

A fact sheet on Lyme disease has been made available on the HPSC’s website to provide members of the general public and media with advice on minimising the risk of Lyme disease. In addition, part of the work of the vector-borne sub-committee in the new year will be the development of clinical guidance on the management of Lyme disease and raising awareness of this condition among clinicians.

**Medical Qualifications.**

254. Ms C. Murphy asked the Tánaiste and Minister for Health and Children if the qualifications of medical doctors who received their credentials from a university (details supplied) are
recognised here as sufficient to practise medicine here; if these qualifications are not recognised as such, the framework in which such persons may become qualified to practise medicine here; and if she will make a statement on the matter. [34407/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Medical Council is the independent authority charged with primary responsibility for the registration and regulation of medical practitioners in the State. The function of the Medical Council is to protect the public through implementing appropriate controls on the medical profession. Doctors practising medicine in Ireland should be registered with the Medical Council.

The Medical Council has informed me that degrees awarded by the university in question are acceptable for the purpose of temporary registration. In addition to the primary degree, applicants for temporary registration must have completed internship training of at least one year in hospital based specialties, hold full registration with an overseas registration authority and be in good standing with that authority. All applicants for temporary registration must also pass an English language test. Applicants must also pass temporary registration assessment scheme or satisfy the requirements for exemption from TRAS. The TRAS is structured to assess the candidate’s knowledge and clinical judgement in medicine, surgery, obstetrics and gynaecology, paediatrics, general practice and psychiatry. The assessment is also designed to ensure that a candidate has good communication skills and the ability to make accurate clinical judgements.

Tobacco Control Measures.

255. Dr. Cowley asked the Tánaiste and Minister for Health and Children if Ireland ratified the FCTC by the deadline date of 8 November 2005; if not, the reason therefor; and if she will make a statement on the matter. [34408/05]

Minister of State at the Department of Health and Children (Mr. S. Power): Ireland’s instrument of ratification for the World Health Organisation Framework Convention on Tobacco Control, FCTC, was deposited in the United Nations headquarters in New York on 7 November 2005. The FCTC is the first binding international treaty that provides an agreed global approach to tobacco control to protect public health and to reduce deaths from tobacco related illness. The convention, which has been signed by 168 countries and ratified by 110, including Ireland, provides the framework for the introduction of further measures to respond effectively to the health threat of tobacco. At the time when it was being negotiated, Ireland was a strong advocate of an effective convention and has consistently advocated a strong line on tobacco control both nationally and internationally.

General Medical Services.

256. Mr. Andrews asked the Tánaiste and Minister for Health and Children the position regarding pensioners obtaining medical certificates to show fitness to drive costing in some cases €50; and if she will make a statement on the matter. [34409/05]

Tánaiste and Minister for Health and Children (Ms Harney): Under the terms of the general medical services scheme contract, participating general practitioners undertake to provide a range of treatments and general practitioner services for the patients on their GMS panel. Their GMS contract obliges them to provide the first and last certificates to explain work absence for their patients. All other requested certificates in respect of requirements for driving licences or life or assurance policies may incur charges.

Ministerial Visits.

257. Mr. Crawford asked the Tánaiste and Minister for Health and Children her plans to visit the Cavan-Monaghan hospital group; if she will visit at the earliest possible date and meet the relevant groups to plan a positive way forward so that she can see at first hand the facilities available, especially the theatre in Monaghan General Hospital that is being seriously under-utilised; and if she will make a statement on the matter. [34410/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy will note that I have made several visits to hospitals around the country following my appointment as Minister for Health and Children. It is my intention to continue to visit hospital facilities around the country, including the Cavan-Monaghan hospital group, as my schedule allows.

Health Services.

258. Mr. O’Dowd asked the Tánaiste and Minister for Health and Children when she expects the consultants’ report on the future development of acute hospital services at Our Lady of Lourdes Hospital to be published; when a decision will be made on implementing the recommendations of the report; and if she will make a statement on the matter. [34411/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter inves-
tigated and to have a reply issued directly to the Deputy.

259. Mr. McGuinness asked the Tánaiste and Minister for Health and Children if an increased subvention will be awarded to a person (details supplied) in County Kilkenny; and if a review of the case will be expedited and the subvention increased. [34450/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

260. Mr. Stanton asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 165 of 9 November 2005, the way in which the funding, with special reference to the extra funding her Department received for people with disabilities, as published in the Estimates in November 2004 and, subsequently, on budget day 2004, has been used or will be used; the way in which this funding has been disbursed; the mechanisms in place to ensure the funding is spent correctly; if she has satisfied herself that auditing procedures are in place and are adequate in each case. [34459/05]

Minister of State at the Department of Health and Children (Mr. T. O’Malley): Additional funding amounting to €70 million in revenue and €60 million in capital was made available to services for people with disabilities, including those with mental illness, in 2005 as part of the national disability strategy. This funding has been used to provide the following services: services for people with intellectual disability and those with autism. An additional sum of €40 million is being allocated to services to persons with intellectual disabilities and those with autism in 2005 to provide 204 new and 96 enhanced residential places; 71 new and 58 enhanced respite places; 409 new day places; enhancement of specialist support services for people with major challenging behaviour and expansion of assessment, diagnosis, early intervention and health related support services — €4.5 million; and a sum of €2.5 million to meet costs associated with moving individuals to more appropriate placements.

With regard to services for people with physical or sensory disability, an additional sum of €15 million has been allocated to provide approximately 56 new places for people with significant disabilities who are in inappropriate settings; approximately 100,000 extra hours of home support and personal assistance in line with the current philosophy of independent living for people with disabilities; additional funding of €3 million for aids and appliances; approximately 90 extra rehabilitative training places; and additional funding to voluntary organisations.

With regard to mental health services an additional sum of €15 million has been allocated to enhanced facilities at the Central Mental Hospital; further develop child and adolescent treatment services; expand community based adult mental health teams; provide additional community residential places; open new mental health facilities; and support voluntary organisations. In accordance with the provisions of the Health Act 2004, details concerning the precise services put in place are a matter for the Health Service Executive. Detailed protocols governing the implementation of, and reporting on, the Multiannual Revenue and Capital Investment Programme for Services for People with Disabilities 2005-2009 have been agreed between my Department and the HSE. These, together with other monitoring mechanisms used by the HSE, will provide the facility to monitor and audit progress in this area over the coming years.

Departmental Funding.

261. Ms O’Sullivan asked the Tánaiste and Minister for Health and Children if an application for a sum of €6,624 from the endometriosis support group submitted in June 2005 has been considered; if this group will be helped (details supplied); and if she will make a statement on the matter. [34558/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The health promotion unit of my Department operates a grant system whereby community and voluntary organisations with charitable status are provided with moneys for health promotion initiatives. All initiatives must be once-off ventures and must make provision for an evaluation. Initiatives should include health information and education elements and-or assist in raising awareness on a particular health related matter. Where necessary, organisations should have the approval of the local health office-agency or relevant division within my Department. Completed grant application forms are considered quarterly, in line with the unit’s business plan.

With regard to the endometriosis support group, the unit has, in the past, provided funding for health promotion activities including the production of information leaflets. The latest request for funding was received on 24 February 2005. In line with the procedures for the provision of grant aid the group were then provided with a grant application form. I am advised that this application form has not, as yet, been returned to the Department of Health and Children.
Questions—

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy’s question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to have a reply issued directly to the Deputy.

Health Services.

263. Mr. Gormley asked the Tánaiste and Minister for Health and Children if there is an age limit of 65 years for BreastCheck; the reason an age limit was set; her views on changing same; and if she will make a statement on the matter. [34576/05]

Tánaiste and Minister for Health and Children (Ms Harney): BreastCheck, the national breast screening programme is available to women in the 50 to 64 age group in the eastern, midland, north eastern and parts of the south eastern regions. More than 60% of women diagnosed with breast cancer in this country are under 65 years of age. The current priority of BreastCheck is to progress the roll out of the screening programme to women in the 50 to 64 age group in the remaining regions of the country. Following the national roll-out and when the programme is sufficiently developed and quality assured, consideration will be given to extending the upper age limit. Any woman, irrespective of her age or residence, who has immediate concerns or symptoms should contact her general practitioner who, where appropriate, will refer her to the symptomatic services in her area.

264. Mr. Stagg asked the Tánaiste and Minister for Health and Children the amount spent by her Department on the treatment of patients with MRSA; the breakdown of the figures for the relevant years and the number of patients involved. [34565/05]

262. Mr. Kehoe asked the Tánaiste and Minister for Health and Children the amount spent by her Department on the treatment of patients with MRSA; the breakdown of the figures for the relevant years and the number of patients involved. [34565/05]

Tax Code.

266. Mr. Sargent asked the Minister for Finance if he will support the removal of VAT on investments in renewable energy projects, in order to make it a more attractive proposition for farmers to convert to domestic biofuel boilers, and to install solar panels. [34398/05]

Minister for Finance (Mr. Cowen): The VAT treatment of goods and services is governed by EU law with which Irish VAT law must comply. While we can retain the zero rating provisions which were in existence on 1 January 1991, we cannot introduce new ones. Therefore, it is not possible to apply a zero rate to the supply of alternative energy systems. In addition, while a reduced rate can be applied to certain goods and services, there is no mechanism which would allow for the reduced rating of such systems. The sale of alternative energy products is therefore chargeable at the standard VAT rate of 21%.

Alternative Energy Projects.

267. Mr. Sargent asked the Minister for Finance his views on whether community-based alternative energy projects in rural areas would benefit by the extension of the business expansion scheme to cover such projects; and if he would support such a move. [34399/05]

Minister for Finance (Mr. Cowen): The business expansion scheme covers qualifying renewable energy projects. If the Deputy has a project in mind, he should contact the business incentives section in the Office of the Revenue Commissioners. That section administers the scheme on a day-to-day basis and will be able to advise on whether the project qualifies.

Garda Stations.

268. Mr. Howlin asked the Minister for Finance the position regarding the provision of the Garda divisional headquarters for Wexford-Wicklow;
and if he will make a statement on the matter. [34466/05]

Minister for Finance (Mr. Cowen): The Commissioners of Public Works are reviewing the acquisition of a site identified for a new divisional headquarters Garda station at Wexford.

EU Directives.

269. Mr. Quinn asked the Minister for Finance the number of proposals his Department is opposing at European Council at any stage; the names of such proposals; the reason his Department is taking this position; and if he will make a statement on the matter. [33823/05]

Minister for Finance (Mr. Cowen): European Council business within the remit of my Department is carried out mainly through the Council of Economics and Finance Ministers, ECOFIN, at which proposals relating to a wide range of economic issues are debated and agreed. The normal practice is that before being tabled for discussion at ECOFIN, issues are extensively considered and negotiated at Council working groups of member state officials. In general, my Department has been able to ensure proposals coming to ECOFIN are acceptable. An exception is the Commission proposal for a Council and Parliament directive on passenger car related taxes — Council document 11067/05 of 05/07/2005, Commission draft Directive COM(2005) 261. Ireland is generally opposed to this proposal on the grounds that Ireland regards vehicle registration tax, VRT, as a national tax that falls within the national competence. The first Council working group meeting to discuss this proposal took place on 19 October 2005.

270. Mr. Quinn asked the Minister for Finance the exemptions from EU directives or regulations Ireland has achieved in his Department’s competency area; the reason his Department requested each exemption; if it is intended to give up any of these exemptions; and if he will make a statement on the matter. [33838/05]

271. Mr. Quinn asked the Minister for Finance the exemptions from EU directives or regulations his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33853/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 270 and 271 together.

My Department has not in the past sought or achieved exemptions from EU directives or regulations nor is it seeking any.

Tax Code.

272. Ms Burton asked the Minister for Finance if his attention has been drawn to the various expenses incurred by students with regard to An Scrúdú le hAghaidh Cáilíochta sa Ghaeilge (details supplied); if such expenses are allowable for tax purposes as an education course; and if he will make a statement on the matter. [33897/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that section 473A of the Taxes Consolidation Act 1997 provides tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in EU member states and postgraduate courses in non-EU countries. Tax relief is not available on tuition fees paid in respect of the educational course, An Scrúdú le hAghaidh Cáilíochta sa Ghaeilge, as it does not qualify as an approved course and it is not undertaken in an approved college. The approval of colleges and courses is, in the first instance, a matter for my colleague, the Minister for Education and Science, Deputy Hanafin.

Budget Submissions.

273. Mr. O’Shea asked the Minister for Finance his proposals in budget 2006 to provide the €50 million required to implement the recommendations of the McIver report (details supplied); and if he will make a statement on the matter. [34008/05]

Minister for Finance (Mr. Cowen): I will present budget 2006 to the Dáil on 7 December 2005. As is normal, I will not comment on the contents of the budget in advance of that date.

Garda Stations.

274. Mr. Haughey asked the Minister for Finance the plans by the Office of Public Works to refurbish and renovate Clontarf Garda station; and if he will make a statement on the matter. [34038/05]

Minister of State at the Department of Finance (Mr. Parlon): A feasibility report with outline costs was forwarded to the Department of Justice, Equality and Law Reform on 20 September 2005. The Commissioners of Public Works await the observations and recommendations of the Department.

Departmental Properties.

275. Mr. P. McGrath asked the Minister for Finance the annual cost of the lease on the NEPS office in Mullingar, County Westmeath; the conditions of this lease; the total square footage of the property which is being used by Department staff; and if he will make a statement on the matter. [34041/05]
Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have leased 908.60 square metres of office accommodation at Friar’s Mill Road, Mullingar, County Westmeath, for the Department of Education and Science at an annual cost of €186,309. This cost is inclusive of 21 car parking spaces. The national educational and psychological services occupy 264.13 square metres of this space at an apportioned rent of €54,160 per annum. The remaining space is occupied by departmental staff. The conditions of the lease are those of a standard 20 year lease, with a rent review occurring every five years and a break option at ten and 15 years into the lease.

Ministerial Travel.

276. Mr. Cuffe asked the Minister for Finance the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34061/05]

Minister for Finance (Mr. Cowen): I have not travelled by mainline train, commuter train or Luas for the purpose of official business since assuming office as Minister for Finance. These modes of transport have been used for private purposes.

National Spatial Strategy.

277. Mr. Cuffe asked the Minister for Finance the significant changes which have been implemented by his Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34076/05]

Minister for Finance (Mr. Cowen): My Department does not directly fund projects or programmes of significance related to the implementation of the national spatial strategy. However, the achievement of balanced and sustainable regional development, a central objective of the NSS, is nonetheless a priority for my Department and my Department is represented on the inter-departmental committee on implementation of the national spatial strategy under the aegis of the Department of the Environment, Heritage and Local Government. Investment in infrastructure is an important element in the implementation of the NSS. My Department has consistently accorded considerable priority to such investment, particularly through the national development plan. The NDP is supporting the NSS, both by enhancing the economic and social infrastructure in the Gateways identified in the NSS and by improving transport links between them. The Government’s decentralisation policy has selected locations which take account of the national spatial strategy, the existence of good transport links and the location of existing decentralised offices. The aim is to establish viable clusters of offices within a region and to contribute to balanced regional development. The Government announced last August its decision to prepare a successor NDP for the period 2007 to 2013 when the current NDP runs out at the end of 2006. Delivering on the NSS, especially the development of the gateways, will be a priority objective of the next NDP.

Departmental Staff.

278. Mr. Carey asked the Minister for Finance the percentage of persons with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability used in the public service to meet the 3% quota; and if he will make a statement on the matter. [34141/05]

Minister for Finance (Mr. Cowen): Having regard to the passage of time since the setting of the 3% target and the issue of the code of practice for the employment of people with disabilities in 1994, my Department commissioned independent research in relation to the operation of the 3% employment target within the Civil Service. A survey carried out as part of the research, Employment and Career Progression of People with a Disability in the Irish Civil Service, IPA 2002, which relied on civil servants to self-declare a disability, shows that 7% of Civil Service staff have a disability compared with the 2.8% reported in the annual survey.

Following the consultants’ recommendations, the Government approved proposals to improve the operation of the policy, including the development of a new code of practice for the Civil Service and a more effective approach to monitoring staff with a disability. For this new approach to work successfully, it will be necessary to consider the use of a survey based on voluntary self-disclosure both for new staff on appointment and for existing staff. As this gives rise to a number of complex issues about confidentiality and the use of information, specific guidelines on these matters will be developed as part of the new code of practice for the Civil Service.

My Department formerly published on an annual basis, data on the employment of people with disabilities across the civil service. In line with the Government decision mentioned above, new monitoring arrangements will be introduced as part of the new code of practice and data on the 3% target is no longer collected. With regard to my Department, based on existing monitoring arrangements, the percentage of staff with a disability stands at 3.016%. The guidelines for collection of data do not provide for disclosure of information on the nature of disabilities, grade,
or qualifications of individuals. The definition of “a person with a disability” set out in the existing code of practice for the employment of people with disabilities in the Civil Service, is “people with disabilities” means people with a physical, sensory or psychological impairment which may “have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited”.

**Departmental Properties.**

279. Ms Burton asked the Minister for Finance the situation relating to cars accessing the gate at Knockmaroon in the Phoenix Park beside Mount Sackville school; the opening hours of the gate, both winter and summer; and if he will make a statement on the matter. [34155/05]

**Minister of State at the Department of Finance (Mr. Parlon):** Park gates are opened each morning in a fixed sequence beginning at 7 a.m. Knockmaroon gate is the final gate in this sequence and it is opened at approximately 7.15 a.m., although this can vary depending on day-to-day circumstances. This arrangement is being reviewed.

**Garda Stations.**

280. Mr. Stagg asked the Minister for Finance, further to his response to Questions Nos. 335 and 501 of 8 November 2005 from the Minister for Justice, Equality and Law Reform, if arrangements will be made for the commencement of the public consultation process for the new Garda station at Leixlip; and if he will make a statement on the matter. [34161/05]

**Minister of State at the Department of Finance (Mr. Parlon):** Changes have been requested by the Garda authorities to the sketch scheme for the proposed Leixlip Garda station. Discussions are taking place between OPW and the Garda authorities on these changes. On agreement, the Part 9 planning process will proceed. This should take approximately six weeks after final agreement on all design issues.

**Departmental Properties.**

281. Mr. Quinn asked the Minister for Finance, further to Question No. 321 of 8 November 2005, when he expects to hand over control of the property in question to Dublin City Council; the number of housing units which are in the property; if the housing units are ready for immediate occupation; and if Dublin City Council has indicated when these units will be occupied. [34190/05]

**Minister of State at the Department of Finance (Mr. Parlon):** Further to Question No. 321 of 8 November 2005, the property in question is being transferred to the affordable housing partnership. The legal process is ongoing and should be completed by the end of December 2005. It will be a matter for the affordable housing partnership to determine the future of the property.

**Archaeological Sites.**

282. Mr. Deenihan asked the Minister for Finance his plans for the conservation and opening to the public of Rattoo Round Tower, Ballyduff, County Kerry; and if he will make a statement on the matter. [34308/05]

**Minister of State at the Department of Finance (Mr. Parlon):** Other than normal routine maintenance, no conservation work is required to Rattoo Round Tower at this point. There are no plans to provide for public access to the tower but I understand that OPW representatives will be meeting shortly with community representatives and the Kerry county archaeologist to discuss the matter.

**Budget Submissions.**

283. Mr. Aylward asked the Minister for Finance the position in the forthcoming budget 2006 of the reintroduction of roll-over tax relief on capital gains tax for farmers who have to sell their lands to facilitate the programme for regional roads; and if he will make a statement on the matter. [34309/05]

**Minister for Finance (Mr. Cowen):** As the Deputy will appreciate, it is not the practice to comment in the lead up to the annual budget and Finance Bill on the intention or otherwise to make changes in taxation.

**Budget Submissions.**

284. Mr. Gregory asked the Minister for Finance if his Department has received a submission from the Teachers Union of Ireland requesting a specific budgetary allocation in budget 2006 to facilitate the implementation recommendations of the McIver report in the PLC sector; his views on the submission; and if he will make a statement on the matter. [34381/05]

**Minister for Finance (Mr. Cowen):** I have received a submission from the Teachers Union of Ireland requesting that €50 million funding be provided for implementing the McIver Report. I will consider this submission with the many other submissions I receive, in the context of the forthcoming budget. I will present budget 2006 to the Dáil on 7 December 2005. As is normal, I will not comment on the contents of the budget in advance of that date.
285. Mr. Morgan asked the Minister for Finance the cost to the State of tax relief on private pensions in each of the past five years. [34382/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the relevant available information relates to the cost of tax relief on pension contributions by employers, employees and self-employed and the exemption from tax of income and gains in the pension funds. The information is provided for the five income tax years 1998-99 to 2002, the latest year for which it is available. The estimates in relation to occupational pensions are particularly tentative as this information is not captured in such a way as to make it possible to supply actual costings.

The following information is available:

Tax relief relating to pension contributions.

<table>
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<tr>
<th>Estimated Cost.</th>
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<tr>
<td><strong>Tax Relief</strong></td>
</tr>
<tr>
<td>Contributions by employers and employees and exemption of income and gains in the pension funds *</td>
</tr>
<tr>
<td>‘Retirement Annuity Contracts’ available to the self-employed and to employees not in occupational pension schemes.</td>
</tr>
</tbody>
</table>

*These are extremely tentative estimates.

It should be noted that as PAYE taxpayers were charged to tax on their earnings in the period from 6 April to 31 December 2001 and self-employed taxpayers were assessed to tax for that short year on 74% of the profits earned in a 12-month accounting period, the cost figures will not be directly comparable with those of earlier or later years.

286. Mr. Morgan asked the Minister for Finance the cost to the State of tax relief on private health insurance in each of the past five years. [34383/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the cost to the Exchequer of tax relief allowed for medical insurance in each of the past five years is as follows:

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Cost</th>
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<tbody>
<tr>
<td>2000-01</td>
<td>€86.4</td>
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<tr>
<td>2001</td>
<td>€168.0</td>
</tr>
<tr>
<td>2002</td>
<td>€161.7</td>
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<tr>
<td>2003</td>
<td>€190.6</td>
</tr>
<tr>
<td>2004</td>
<td>€218.2</td>
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</tbody>
</table>

Arising from the changeover to tax relief at source in 2001, the figure for 2001 includes the cost associated with bringing forward relief for current year contributions in addition to the cost of the relief granted for contributions paid in the previous year. The 2001 income tax year was a short transitional tax year running from 6 April to 31 December 2001 which preceded the first full calendar tax year 1 January 2002 to 31 December 2002. For these reasons the cost figure attributed to 2001 year will not be directly comparable with those of earlier or later years.

287. Ms C. Murphy asked the Minister for Finance his views on introducing a system of tax relief for people who make modifications to their homes to accommodate their own or the needs of another resident resulting from disability and who do not qualify for the disabled persons grant; and if he will make a statement on the matter. [34384/05]

Minister for Finance (Mr. Cowen): This is essentially a budgetary issue. It has been the practice of successive Ministers for Finance not to comment on tax changes in the run up to the annual budget and I do not propose to depart from that approach.

288. Ms C. Murphy asked the Minister for Finance if and when it is intended to implement the recommendations of the report commissioned by the equality unit of the Department of Finance which examined the issue of career progression for people with disability in the Civil Service; and if he will make a statement on the matter. [34385/05]

Minister for Finance (Mr. Cowen): Research into the employment and career progression of civil servants with disabilities was commissioned as part of a review of the Government’s 3% employment target for people with a disability.

Following the consultants’ report which, in particular, showed that 7% of existing staff have disabilities, the Government approved a number...
of proposals to improve the operation of the policy which included: the development of a new code of practice to assist people with disabilities in working in the service; new monitoring arrangements to ensure proper career progression and the continued provision of significant employment opportunities for people with disabilities within the Civil Service.

The Government also approved the appointment of a full-time disability advisory officer to build up a body of expertise which can be drawn on by Departments and individuals.

A number of steps have been taken to implement the Government decision. Departments have been fully informed about the Government decision on the new policy approach. The executive summary of the research can be found on the Department of Finance website www.finance.gov.ie. In addition, in July 2004, Circular 18/04: Career Progression of People with a Disability in the Irish Civil Service was issued to all staff in the Civil Service. The circular sets out the main conclusions and recommendations of the research report and highlights the key areas where actions will be taken to implement the recommendations.

A document entitled 20 Actions for 2004 was issued to Departments setting out a number of practical steps in the light of the report’s recommendations, which could be taken in the short term to support staff with a disability. These suggestions were drawn up by the equality unit, Department of Finance, with input from individual staff with disabilities, and agreed with the staff side at the disability sub-committee of general council.

A disability liaison officers, DLOs, network was set up on a formal basis in spring 2005 and has been meeting regularly. The objective of the network is to allow DLOs to share knowledge and best practice in relation to the employment of people with disabilities, and to ensure that DLOs are kept up to date on legal requirements under employment legislation. The research report identified the DLOs as vital to the implementation of a refocused disability policy, through their role of support and information provision to staff with disabilities and to supervisors to whom someone with a disability is being assigned.

A competition for the post of disability advisory officer, DAO, was held and the successful candidate took up her post on 17 October 2005. The principal duties of the DAO will include preparing a new code of practice and developing a more effective approach to recording data and monitoring employment trends among civil servants with disabilities. Discussions on recruitment of people with disabilities into the Civil Service have taken place with the Public Appointments Service with a view to running appropriate competitions at an early date.

Work is well advanced on the development of a new code of practice. The advice and guidance of the National Disability Authority is being obtained in relation to the development of the new code of practice, in particular, on the new approaches to recruitment of people with disabilities and to the provision of appropriate support to people when they are in employment in the service.

Discussions are continuing between the equality unit in my Department and the Civil Service staff unions on the further implementation of the Government decision. In my view, the new approach is a very significant step forward in the development of policy in this area.

Tax Code.

289. Mr. Bruton asked the Minister for Finance the number of first-time purchasers of new houses valued under €317,500 and under 125 square metres in size that have had to pay stamp duty due to the fact that the builder has not or cannot produce a floor area compliance certificate; his views on whether first-time buyers in those circumstances have a liability to stamp duty in such circumstances, even though purchasers of new properties in excess of 125 square metres have no liability to stamp duty, provided the purchase is not greater than €508,000; and if he will make a statement on the matter. [34386/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that, in circumstances where stamp duty is paid on purchases of new houses costing less than €317,500, the available statistics cannot reliably distinguish those transactions where builders have failed to provide a floor area compliance certificate, in the case of first-time purchasers, and other circumstances, such as purchases by investors. Neither can the available statistics distinguish between purchases of new houses and second-hand houses where stamp duty is paid on purchases of less than €317,500. Accordingly the information requested by the Deputy is not available.

The purpose of the new floor area compliance certificate issued by the Minister for the Environment, Heritage and Local Government is to certify that not only is the floor area of the new house 125 square metres or less but also that the house complies, or will comply, with required building standards. The stamp duty exemption for owner-occupiers of such houses is conditional on the existence of a floor area compliance certificate at the time of transfer thereby ensuring that purchasers of small new houses are fully protected in relation to the building standards of such houses.

Tax Yield.

290. Mr. Morgan asked the Minister for Fin-
291. **Mr. Morgan** asked the Minister for Finance the percentage of the overall tax take that was raised by way of corporation tax. [34388/05]

**Minister for Finance (Mr. Cowen):** Exchequer receipts from corporation tax as a percentage of total Exchequer tax receipts in each of the past five years were:

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Average gross income</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998/99</td>
<td>€21,520</td>
</tr>
<tr>
<td>1999/00</td>
<td>€22,968</td>
</tr>
<tr>
<td>2000/01</td>
<td>€25,655</td>
</tr>
<tr>
<td>2001</td>
<td>€20,919</td>
</tr>
<tr>
<td>2002</td>
<td>€29,093</td>
</tr>
</tbody>
</table>

The calculation of averages above has been rounded to the nearest euro. Further details of this information can be obtained from table IDS 1 of the annually published statistics reports of the Revenue Commissioners.

The 2001 income tax year was a short transitional tax year running from 6 April to 31 December 2001 which preceded the first full calendar tax year 1 January 2002 to 31 December 2002. For this reason the average income figure attributed to 2001 year will not be directly comparable with those of earlier or later years.

It should be noted that gross income is income which is prior to deductions for capital allowances, interest paid, losses, allowable expenses, retirement annuities; is after deduction of superannuation contributions by employees but not by the self-employed; includes income of individuals whose total income falls below the exemption limits; does not include certain other income which is not income for tax purposes or is exempt from tax such as profits or gains from stallion fees, profits from commercial forestry and certain income from patent royalties, certain investment income arising from personal injuries, child benefit, maternity benefit and unemployment assistance paid by the Department of Social, Community and Family Affairs, certain earnings of writers, composers and artists, bonus or interest paid under instalment savings schemes operated by An Post, interest on certain Government securities, certain foreign pensions which are exempt from tax in the foreign paying country, portion of certain lump sums received by employees on cessation of their employment, statutory redundancy payments and certain military pensions; and does not include or not fully include other income sources such as interest income that does not need to be declared or is not recorded, but from which tax has been deducted, unemployment benefit and disability benefit, non-recording of non-taxable amounts and of amounts taxed by restriction of repayments or indirectly through employers in the PAYE system, and the incomes of certain self-employed persons, including some farmers, as well as some individuals in receipt of pensions, who are not processed annually on tax records because their incomes are below the income tax thresholds.

A married couple who has elected or has deemed to have elected for joint assessment is counted as one tax unit.

This data reflects, among other things, the effect of transitional arrangements for bringing forward the payment of corporation tax to a current year basis over five years since 2002. That effect can be expected to decline as the full transition is completed.

292. **Mr. Morgan** asked the Minister for Finance the average income of those who availed of income tax allowances and reliefs in each of the past five years. [34389/05]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that the relevant available information relates to the gross income earned by all income earners on the Revenue Commissioners’ income tax records who availed of the personal income tax allowance or tax credit as a minimum. The information is provided for the income tax years 1998-99 to 2002, the latest year for which the necessary detailed data are available.

The figures for average gross incomes are set out as follows.
293. Mr. Healy asked the Minister for Finance if the medical criteria for Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 will be amended to allow easier qualification; and if he will make a statement on the matter. [34390/05]

Minister for Finance (Mr. Cowen): The medical criteria for eligibility for the tax concessions under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. A person must be severely and permanently disabled and satisfy one of the following conditions: be wholly or almost wholly without the use of both legs; be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; be without both hands or without both arms; be without one or both legs; be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

A special interdepartmental review group reviewed the operation of the disabled drivers scheme. The terms of reference of the group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The group’s report, published on my Department’s website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The report also makes a number of recommendations, both immediate and long term, encompassing the operation of the appeals process and options for the future development of the scheme.

Following from the report’s immediate recommendations concerning the appeals process, amendments to the regulations governing the scheme have been made by my predecessor, and subsequently by me, in April and again in September to improve the operation of the appeals process. These amendments included providing for an expansion of the panel of medical practitioners serving on the medical board of appeal from three to 15, which will substantially reduce the waiting time for appellants.

In respect of the long-term recommendations, including the qualifying medical criteria, given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided in June 2004 that the Minister for Finance would consider the recommendations contained in the report of the interdepartmental review group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme.

Special Savings Incentive Scheme.

294. Mr. Morgan asked the Minister for Finance the percentage of savings in SSIA’s which have been made by the bottom 20% of households and by the top 20% of households. [34445/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the information requested by the Deputy is not available as SSIA statistics are maintained on an individual account holder basis rather than by household. However, based on an analysis previously published by the Revenue Commissioners, the percentage breakdown of SSIA account holders by income categories is outlined in the following table.

Percentage of SSIA account holders by income category — 2004.

<table>
<thead>
<tr>
<th>Income Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than €20,000</td>
<td>28%</td>
</tr>
<tr>
<td>Greater than €20,000 &amp; less than €50,000</td>
<td>49%</td>
</tr>
<tr>
<td>Greater than €50,000</td>
<td>23%</td>
</tr>
</tbody>
</table>

Tax Code.

295. Mr. Morgan asked the Minister for Finance the average percentage of profits paid as tax in 2004 by the top 20 performing companies on the Dublin Stock Exchange. [34452/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the specific information requested by the Deputy is not readily available and could not be obtained without conducting a protracted examination of the records which they hold.

As the Deputy may be aware many of the twenty highest capitalised companies quoted on the Dublin Stock Exchange are holding companies with a multiplicity of trading or investment subsidiaries. These holding companies file consolidated accounts incorporating annual results which reflect worldwide profits and worldwide corporate taxes paid. The subsidiaries are individually liable to Irish corporation tax on their profits where they are resident in Ireland or carry on business there through a branch or permanent establishment. Some of the subsidiaries will, of course, be resident abroad or have branches abroad and will have paid corporate profits taxes in other countries.

296. Mr. Morgan asked the Minister for Finance the number of investigations which have been carried out by Revenue as the veracity of
declarations by persons claiming to be non-resident for tax purpose regarding the number of days spent here in a given tax year; and the number of cases where it has been found that false declarations have been made. [34453/05]

Minister for Finance (Mr. Cowen): As the Deputy may be aware, I have asked the Chairman of the Revenue Commissioners to monitor the application of the current non-resident rules, through examination of cases handled in the Revenue Commissioners large cases division, and to provide me with a report once this examination is complete. The chairman has confirmed to me that this work is underway and that he will report to me as soon as possible.

In the meantime, I informed by the Revenue Commissioners that enquiries relating to residence can feature in many audits and investigations, including those by large cases division who are at present examining claims to non-residence by people of Irish domicile both as part of their normal risk base audit programme and for the purpose of monitoring application of the non-residence rules. Inquiries in these cases are ongoing and I informed the results will feed into the report to me in due course.

297. Mr. Morgan asked the Minister for Finance the percentage at which the average industrial earning persons here begin to pay the top rate of income tax. [34463/05]

Minister for Finance (Mr. Cowen): It is estimated that, for a single person, roughly 4% of the average industrial wage will be subject to the higher rate of income tax in 2005 having regard to the current value of the standard rate band for such a person, €29,400.

In the case of a married one-earner or married two-earner couple on the same wage, none of the couple’s income will be subject to the higher rate of tax. The current standard rate band for a married one-earner couple is €38,400. For a married two-earner couple, it is up to €58,800 of which €38,400 is transferable.

Flood Relief.

298. Mr. Gormley asked the Minister for Finance, further to Question No. 367, the amount of money available for the catchment flood risk management plan for the river Dodder; and if he will make a statement on the matter. [34575/05]

Minister of State at the Department of Finance (Mr. Parlon): The estimated cost in 2006 of preparing the catchment management plan for the River Dodder is €500,000. The Office of Public Works has agreed to provide this funding to Dublin City Council, which is the contracting authority for the study. The study is expected to incur similar costs in 2007.

Alternative Energy Projects.

299. Mr. Gogarty asked the Minister for Communications, Marine and Natural Resources if a grant or other financial assistance is available to single residences for the installation of solar panels; his plans to introduce such a grant; and if he will make a statement on the matter. [34022/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): There is no grant or financial assistance available to single residences for the installation of solar panels. I am reviewing all options for innovative approaches to propagating best practice in cost effective energy provision and use but am not in a position to make any commitments today.

Sustainable Energy Ireland, SEI, which was established as a statutory agency in May 2002, implements a wide variety of programmes on energy efficiency and renewable energy on behalf of my Department and any increase in funding required for these programmes would have budgetary implications and could only be considered in the light of the overall budgetary requirements of SEI and the level of funding available to my Department.

Under SEI’s house of tomorrow research, development and demonstration programme, financial support is directed at encouraging developers of housing, both new-build and refurbishment, to incorporate design and technology features, which deliver significantly superior energy and C02 performance. By targeting developers of schemes of houses, from the private or social housing sectors, the aim has been to establish over a number of years, a nationwide network of accessible examples of more sustainable energy design and technology practices. With the accompaniment of other promotional measures by SEI, this is intended to encourage a sufficient degree of market replication, without subsidy, to elevate energy performance standards across the wider housing stock. This targeted approach is also designed to be an administratively efficient method for deployment of public monies.

To date the programme has committed just under €12 million funding to 55 projects comprising a total 2,650 housing units, all featuring an integrated approach to energy supply and use that achieves performance of at least 20% better than current building regulations and in the majority of projects, 40% better. The range of sustainable energy technologies employed within these demonstration projects includes the following: Condensing boilers, 1,708 homes; Solar water heating, 531 homes; Heat recovery ventilation, 381 homes; Geothermal heating systems, 176 homes; Wood pellet boilers, 308 homes.

At the moment, individual consumers can also seek expert advice from SEI’s Renewable Energy Information office, REIO. REIO provides consumers with advice on the optimum renewable
for the project, including a comprehensive business plan with financial projections. No updated proposal has been received by the Department.

As indicated in the ports policy statement, it is proposed that the regional harbours still operating under the Harbours Act 1946 will be transferred to local authority or port company control. The Department is engaged in an ongoing process with the relevant parties, and will shortly be having further discussions with Bantry Bay Harbour Commissioners.

**Ministerial Meetings.**

304. Mr. Lowry asked the Minister for Communications, Marine and Natural Resources if he will meet a group (detail supplied); when such a meeting will take place; and if he will make a statement on the matter. [33914/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I have received a request for a meeting and I am considering that request.

**Search and Rescue Service.**

305. Mr. P. Breen asked the Minister for Communications, Marine and Natural Resources, further to Question No. 246 of 29 June 2004 in which it was stated by way of a response that the Irish Coastguard and Office of Public Works were together giving top priority to the project for a Doolin search and rescue centre under the station house building programme, the progress which has been made regarding the project; if a site has been acquired; if not, when it is envisaged that a site will be acquired; the envisaged timetable for the building of a station house from the time of the site purchase; and if he will make a statement on the matter. [33925/05]

314. Mr. J. Breen asked the Minister for Communications, Marine and Natural Resources the reason for the delay in providing the Doolin coastguard and rescue service with proper facilities following the announcement by his Department and the Office of Public Works eight years ago that a new station would be erected at this location; and if he will make a statement on the matter. [34160/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 300 to 302, inclusive together. My Department is not opposing any proposals at European Council, has not achieved any exemptions from EU directives or regulations in its competency area and is not seeking any exemptions from EU directives or regulations in its competency area.

Harbours and Piers.

302. Mr. Quinn asked the Minister for Communications, Marine and Natural Resources the reason for the delay in providing the Doolin search and rescue centre under the station house building programme, the progress which has been made regarding the project; if a site has been acquired; if not, when it is envisaged that a site will be acquired; the envisaged timetable for the building of a station house from the time of the site purchase; and if he will make a statement on the matter. [33854/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 300 to 302, inclusive together. My Department is not opposing any proposals at European Council, has not achieved any exemptions from EU directives or regulations in its competency area and is not seeking any exemptions from EU directives or regulations in its competency area.

EU Directives.

300. Mr. Quinn asked the Minister for Communications, Marine and Natural Resources the number of proposals that his Department is opposing at European Council at any state; the names of such proposals; the reason his Department is taking this position; and if he will make a statement on the matter. [33824/05]

301. Mr. Quinn asked the Minister for Communications, Marine and Natural Resources the exemptions from EU directives or regulations that Ireland has achieved in his Department’s competency area; the reason his Department is seeking each exemption; if it is intended to give up any of these exemptions; and if he will make a statement on the matter. [33839/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 300 to 302, inclusive together. My Department is not opposing any proposals at European Council, has not achieved any exemptions from EU directives or regulations in its competency area and is not seeking any exemptions from EU directives or regulations in its competency area.

303. Mr. J. O’Keeffe asked the Minister for Communications, Marine and Natural Resources the position in relation to the new pier at Bantry in west Cork; and if he will make a statement on the matter. [33881/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 300 to 302, inclusive together. My Department is not opposing any proposals at European Council, has not achieved any exemptions from EU directives or regulations in its competency area and is not seeking any exemptions from EU directives or regulations in its competency area.

Harbours and Piers.

302. Mr. Quinn asked the Minister for Communications, Marine and Natural Resources the reason his Department is taking this position; and if he will make a statement on the matter. [33824/05]

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Real progress was made in negotiations in 2004 and it had been expected that a deal would be agreed, but due to circumstances beyond the control of IRCG and the Office of Public Works the negotiations were not successful. Despite this setback however, efforts were intensified again this year and discussions with a landowner are now at a very advanced stage. In view of the need for strict confidentiality in the managing of such negotiations it would not be judicious to elaborate upon the discussions at this time in the House. As soon as an agreement is reached my Department will move to complete the development as quickly as possible.

I would like to compliment the Doolin coastal unit for the excellent search and rescue work they have undertaken over many years, some of it in very difficult circumstances. While it is regrettable that attempts to acquire a site have not met with success to date, the provision of a new station house for the Doolin team remains a top priority for me.

Drift Net Licences.

306. Ms F. O’Malley asked the Minister for Communications, Marine and Natural Resources if he will provide a breakdown on a county basis of the number of drift net licences which have been issued in 2005. [33987/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under the Control of Fishing for Salmon Order 2005 responsibility for the issue of annual commercial salmon fishing licences rests with the regional fisheries boards. The Central Fisheries Board produces an annual catch statistics report which provides comprehensive details and analysis, including a breakdown of the number of drift net licences issued by the regional boards, on the latest salmon fishing season. I am advised by the Central Fisheries Board that the catch statistics report for the 2005 salmon fishing season is currently being compiled. I have asked the chief executive officer to ensure that a copy of this report is sent to the Deputy as soon as it is available.

Grant Payments.

307. Mr. Perry asked the Minister for Communications, Marine and Natural Resources when fishermen will receive their first payment under the decommissioning scheme of the whitefish fleet; the number of stages in which payments will be made; when fishermen will receive these payments; and if he will make a statement on the matter. [34044/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Under the vessel decommissioning scheme to permanently withdraw capacity from the demersal and shell fish sectors of the Irish fishing fleet, grant payments will be made in two stages. Some 50% of the total grant payable in respect of a vessel will be paid when the sea fishing boat licence is surrendered and the fishing vessel is removed from the fishing vessel register. The remaining 50% of the grant will be paid when the vessel has been scrapped. In accordance with specified conditions, it is anticipated that the first tranche of payments to successful applicants who have elected to decommission their vessels in the first round under the scheme will commence in December 2005.

Ministerial Travel.

308. Mr. Cuffe asked the Minister for Communications, Marine and Natural Resources the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34062/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I travelled to Belfast on official business by train on 5 July 2005. I also travelled to an official engagement in Sandyford on the Luas on 6 December 2004.

National Spatial Strategy.

309. Mr. Cuffe asked the Minister for Communications, Marine and Natural Resources the significant changes which have been implemented by his Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34077/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In the communications area, under phase 1 of the €64 million metropolitan area network, MANs, programme, open access fibre optic networks were installed in five national spatial strategy, NSS, hubs, Ballina, Cavan, Kilkenny, Monaghan and Wexford. In this phase, fibre optic networks were also received by nine NSS gateway towns, Athlone, Dundalk, Galway, Letterkenny, Limerick, Mullingar, Sligo, Tullamore and Waterford. Each of these projects was delivered on time and under budget.

Regarding the marine sector, the Government’s ports policy statement, launched in January 2005, aims to better equip the port sector and its stakeholders to meet national and regional capacity and service needs. It sets out a framework to ensure that capacity needs are identified, planned and progressed in a coordinated manner. As an initial step in this process, the Department consulted with the commercial ports handling unitised trade to determine their view of port capacity and how they intended to deal with the
projected capacity requirement. In addition, my Department recently appointed consultants to advise on evaluating the projects submitted by the commercial ports with a view to contributing to my recommendations to Government.

It is intended that one of the criteria to be used for project evaluation in this regard will address the issue of consistency of the project proposals with the objectives of the national spatial strategy. In addition, my Department has established a steering committee to facilitate and oversee the work of the consultants; a key member of this committee is an official from the national spatial strategy division in the Department of the Environment, Heritage and Local Government.

From an energy perspective, the Deputy may wish to note that Bord Gáis Éireann has no direct mandate with regard to the NSS. However, a reasonable overlap between the Bord Gáis supply area and the NSS exists. Of the new gateways specified in the NSS, Dundalk has had a natural gas supply for many years. Athlone and Tullamore were connected to the network in 2004 and Mullingar was connected to the network this year. The existing gateway, Galway city, was also supplied with gas this year. Of the new NSS hubs, Ennis, Kilkenny and Mallow are connected to the natural gas network. Kingscourt and Virginia in County Cavan and Carrickmacross in Monaghan also have a natural gas supply. A comprehensive assessment has not yet been undertaken of the costs benefits and savings which will directly accrue from the various sectoral projects in terms of delivering the national spatial strategy.

Commission for Energy Regulation.

Ms F. O’Malley asked the Minister for Communications, Marine and Natural Resources the scope that exists to review the workings of the Commission for Energy Regulation; and if he will make a statement on the matter. [34100/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Commission for Energy Regulation, CER, was initially established and granted regulatory powers over the electricity market under the Electricity Regulation Act 1999. The enactment of the Gas (Interim) (Regulation) Act 2002 expanded the CERs jurisdiction to include regulation of the natural gas market. Certainty and independence are critical elements of sectoral regulation. While I intend to propose legislation allowing me to give policy directions of a general nature, as is already the case with other sectoral regulators, I have no other proposals to review the operations of the CER at present.

Alternative Energy Projects.

Mr. Connolly asked the Minister for Communications, Marine and Natural Resources if the feasibility of wind generated electricity is being given serious consideration by his Department; and if he will make a statement on the matter. [34134/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The production of electricity from renewable energy sources, of which wind is the dominant technology, is a key priority of this Government. The consumption of electricity from these sources was approximately 5.1% of total electricity consumed last year. I am finalising a new programme to support the construction of at least a further 400 MW of new renewable energy powered electricity generating plant by 2010. This capacity, together with other capacity constructed since 2004, will more than double the consumption level to at least 13.2% by 2010.

The detailed draft terms and conditions of the new feed-in support programme were put out to public consultation on my Department’s website, www.dcmnr.gov.ie. Interested parties had until 12 October 2005 to raise any queries or to furnish any observations on the proposals. Approximately thirty responses were received. Following consideration of the matters raised in these responses the new programme, to be known as the renewable energy feed in tariff, REFIT, is now awaiting legal clearance. The finalised document will be published as soon as possible after legal clearance is received. The question of what further targets can be set and in what timeframe is one that requires further analysis and technical input, largely but not exclusively on grid and associated economic issues.

Post Office Network.

Mr. Connolly asked the Minister for Communications, Marine and Natural Resources his views on the future configuration and role of An Post; and if he will make a statement on the matter. [34136/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The future configuration and role of An Post is, in the first instance, a matter for the board and management of An Post. The Government and the board of An Post are committed to the objective of securing a viable and sustainable nationwide post office network as set out in the programme for Government. Notwithstanding the commercial remit of An Post, there is clear Government recognition of the social benefits of maintaining the nationwide post office network. Accordingly, An Post development strategies for the network continue to take full account of these social benefits.

I believe An Post will continue to play a key national role, both in delivery of mail and as a quality service provider through its nationwide
network of post office outlets. The market for traditional postal and post office services is changing globally and meeting customer needs has become more important than ever. In order to remain competitive, An Post must make the best possible use of its long established and trusted brand name and deploy its resources in a manner which continues to serve existing customers’ needs and attracts additional customers for a range of new services.

It is agreed that change is required if the postal services of An Post are to adapt to the modern business environment and to continue to offer a top class nationwide delivery service to the customer. With this in mind, the board and management of An Post have presented a recovery plan outlining the steps, including comprehensive restructuring and cost savings, which I believe are vital to the re-establishment of the company on a more secure financial footing.

I have continuously emphasised the need for all stakeholders in the company to work together in a partnership approach and to utilise the industrial relations mechanisms of the State where necessary, in order to agree and implement the recovery strategy to bring about the cost savings and productivity growth required to return the company to financial stability and prepare for the challenges ahead.

**Departmental Staff.**

313. Mr. Carey asked the Minister for Communications, Marine and Natural Resources the percentage of persons with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the 3% quota; and if he will make a statement on the matter. [34142/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Data show that 4.3% of staff in my Department have disabilities. According to the latest data provided by bodies under the aegis of my Department, which relates to the end of 2004, 2.79% of the total workforce employed in the bodies which reported have disabilities. The policy on the 3% target for the employment of people with disabilities in the Civil Service is the responsibility of the Minister for Finance. The guidelines used to date by my Department for the employment of people with disabilities and related monitoring are set out in the Code of Practice for the Civil Service 1994.

My Department works with the Departments of Finance, Justice, Equality and Law Reform and other Departments, the bodies under its aegis and the National Disability Authority in the implementation of the provisions of the Disability Act 2005, including those relating to the recruitment and employment of people with disabilities in the public service. The persons with disabilities in my Department are distributed across various grade levels. Specific information on the educational qualifications of those staff with disabilities is not held separately by the Department or the bodies under my Department’s aegis.

**Question No. 314 answered with Question No. 305.**

**North-South Co-operation.**

315. Caoimhghin Ó Caoláin asked the Minister for Communications, Marine and Natural Resources if he will report on the work of the North-South unit in his Department; and if he will make a statement on the matter. [34209/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The North-South unit of my Department has responsibility for the co-ordination of and reporting on ongoing work to strengthen North-South co-operation across the sectoral policy areas of telecommunications, energy, broadcasting, fisheries, maritime transport and maritime safety. The unit represents the Department at the Interdepartmental North-South groups chaired by the Department of Foreign Affairs.

My Department’s wide-ranging North-South co-operation programme includes joint oversight of the Loughs Agency, one of the North-South bodies established under the British Irish Agreement Act 1999; the development of regulatory cooperation between the regulators, ComReg and Ofcom, in the communications area; co-operation in marine search and rescue between the Irish Coastguard and the Northern Ireland Maritime and Coastguard Agency; the creation within the all-island energy market development framework of an all-island wholesale electricity market by 2007; the progressing of North-South energy infrastructural projects; and the development of an all-island sustainable and renewable energy strategy.

**Inland Fisheries.**

316. Mr. McGuinness asked the Minister for Communications, Marine and Natural Resources, further to Question No. 431 of 18 October 2005, when a reply is likely to be issued by the Southern Regional Fisheries Board to the queries raised in the parliamentary question; the policy of his Department on the issues raised; his views on whether all aspects of policy relative to the area outlined are being fulfilled; and if he will make a statement on the matter. [34281/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** As I pointed out to the Deputy...
in my reply to Question No. 431 of 18 October 2005, under the Fisheries Acts responsibility for enforcement of inland fisheries legislation rests primarily with the central and regional fisheries boards. The matters raised by the Deputy in his previous question are therefore an operational matter for the Southern Regional Fisheries Board to address. I am advised by the chief executive officer of that board that the information sought by the Deputy is being compiled as a matter of priority and will be forwarded to the Deputy by the end of this week.

Departmental Programmes.

317. Mr. Howlin asked the Minister for Communications, Marine and Natural Resources the cost to date, including all fees and capital works, of the development of the metropolitan area networks throughout the country; the number of lines that are connected to the networks; and if he will make a statement on the matter. [34315/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Total expenditure by my Department on the metropolitan area networks to 31 October 2005 is €76.4 million. This includes capital works and associated costs of the programme. Under phase 1 of the MANs programme, e-net has taken charge of all 19 metropolitan area networks. This handover has been ongoing during the past year with different networks coming on stream at different stages. It is e-net’s responsibility to manage, maintain and operate the networks. Activity has now begun on the networks with several customer contracts being signed by e-net, including arrangements for backhaul. The details of these contracts are commercially sensitive and are a matter for e-net.

Fisheries Protection.

318. Mr. Perry asked the Minister for Communications, Marine and Natural Resources the action he will take to stop the dangerous practice of foreign vessels discarding nets into Irish waters following the Deepnet report, which was produced by BIM and other institutes; and if he will make a statement on the matter. [34316/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Commission introduced a proposal on management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea in October 2003. However, despite intensive negotiations, most recently at Agriculture and Fisheries Council in September 2005, a regulation has not yet been agreed.

The Common Fisheries Policy is in fact much less developed in the Mediterranean than in other European waters, in particular the waters around Ireland’s coast. This is because of various factors specific to Mediterranean waters: the fact that exclusive economic zones have not been generally declared in the Mediterranean due to the lack of an extended continental shelf and the relatively narrow and enclosed nature of the sea overall, which is shared with a large number of non-EU countries; the small size of the vast majority of fishing vessels; and the shortage of co-ordinated scientific advice. The Commission has moved to address this situation through the adoption of an action plan and the aforementioned proposal, but progress has been slow.

The protection of Irish fishery resources is pursued through the Common Fisheries Policy. This framework provides for the conservation and rational exploitation of fisheries resources through a range of instruments such as total allowable catches, TACs, recovery plans, technical conservation measures and the western waters effort regime. Ireland continues to be at the forefront in promoting effective measures in this context.

Fishing Industry Development.

320. Mr. Perry asked the Minister for Communications, Marine and Natural Resources when the night time and weekend landing ban at Killbegs Harbour will be lifted in view of the fact that the restrictions are having an adverse effect on the local economy; and if he will make a statement on the matter. [34318/05]

Minister of State at the Department of Communications, Marine and Natural Resources
(Mr. Gallagher): As I previously advised the House, new EU control requirements on pelagic fisheries introduced in 2004 and which continued for 2005 created onerous obligations for member states to ensure that all landings of pelagic fish over 10 tonnes were weighed in the ports in the presence of controllers. During extensive discussions with the industry on the implementation of the new EU procedures, the Department acceded to industry requests to allow landings at a variety of ports. In order to implement this decision with the available resources it was necessary to restrict the landing times in the designated pelagic ports.

An amendment to these provisions was adopted by Council in July 2005. This amendment allows for weighing in factories. These provisions continue to place a heavy burden on the Department’s control staff. While I accept that it is desirable to provide 24-hour cover for major ports where possible, this has to be balanced with the State’s legal obligations to ensure adequate control presence both in factories and at ports when they are open.

In this respect, I sought to augment the Department’s resources in order to strengthen control. These additional resources will also allow for longer opening times at the key ports. I have received sanction from the Department of Finance for the necessary additional resources and advertisements have recently been placed inviting applications for these posts. I hope to announce the opening of a number of key ports on a 24-hour basis as soon as the recruitment process has been completed.

International Agreements.

321. Mr. Perry asked the Minister for Communications, Marine and Natural Resources the negotiations that have taken place at EU level for an EU coastguard to be formed; and if he will make a statement on the matter. [34319/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Department has responsibility for marine emergency preparedness and response, maritime safety and ship and port security. A high level of co-operation already exists between EU member states in these areas. In addition, in recognition of the desire of member states and the Commission to strengthen links and create synergies between enforcement authorities, such as national coastguard services, the preamble to the draft directive of the European Parliament and of the Council of the European Union on ship-source pollution and on the introduction of sanctions for infringements, which is under consideration at the moment, includes a specific provision on examining the feasibility of a European coastguard dedicated to pollution prevention and response.

The draft directive calls for the Commission to undertake a feasibility study on the establishment of a European coastguard dedicated to pollution prevention and response, making clear the costs and benefits. To this end, a survey of how coastguard functions are organised across the member states of the EU has commenced and Ireland is participating fully in this study.

Water Pollution.

322. Mr. Perry asked the Minister for Communications, Marine and Natural Resources the processes that are in place to stop water pollution in Irish rivers and lakes and the new measures that will be introduced soon; and if he will make a statement on the matter. [34320/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): Primary responsibility for water quality rests with my colleague, the Minister for the Environment, Heritage and Local Government. The processes that are in place and the introduction of new measures to stop water pollution in Irish rivers and lakes are matters for the Department of the Environment, Heritage and Local Government, and the relevant local authorities which come under its aegis, to decide.

Heritage Projects.

323. Mr. Perry asked the Minister for Communications, Marine and Natural Resources the plans that are in place to help preserve our valuable maritime heritage; if new plans are due to come on stream in the coming months; and if he will make a statement on the matter. [34321/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): While I have powers under section 46 of the Merchant Shipping (Investigation of Marine Casualties) Act 2000 to make funding available for the purposes of marine or natural resource based tourism or heritage projects, I have no specific proposals at present for the provision of such funding. Primary responsibility for nature conservation and heritage matters rests with my colleague, the Minister for the Environment, Heritage and Local Government. The management of the State’s responsibilities in this area, as required under national, European and international law, is therefore a matter for the Department of the Environment, Heritage and Local Government.

Energy Resources.

324. Mr. Andrews asked the Minister for Communications, Marine and Natural Resources the percentage of energy used here sourced from oil, natural gas, peat, hydro peat, hydro energy,
wind energy, solar energy and other sources. [34379/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): According to provisional figures for 2004 supplied by the energy policy statistical support unit of Sustainable Energy Ireland, which may be subject to minor change when finalised, the proportion of primary energy consumption in Ireland in 2004 for each different fuel type was as follows:

<table>
<thead>
<tr>
<th>Fuel Type</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal</td>
<td>12.9</td>
</tr>
<tr>
<td>Peat</td>
<td>3.8</td>
</tr>
<tr>
<td>Oil</td>
<td>55.8</td>
</tr>
<tr>
<td>Natural Gas</td>
<td>24.3</td>
</tr>
<tr>
<td>Hydro</td>
<td>0.4</td>
</tr>
<tr>
<td>Wind</td>
<td>0.4</td>
</tr>
<tr>
<td>Biomass</td>
<td>1.2</td>
</tr>
<tr>
<td>Landfill gas and other biogas</td>
<td>0.2</td>
</tr>
<tr>
<td>Solar</td>
<td>0.0019</td>
</tr>
<tr>
<td>Geothermal</td>
<td>0.0003</td>
</tr>
<tr>
<td>Electricity Imports</td>
<td>0.9</td>
</tr>
</tbody>
</table>

International Agreements.

325. Mr. Quinn asked the Minister for Foreign Affairs the number of proposals that his Department opposes at European Council at any state; the names of such proposals; the reason his Department is taking this position; and if he will make a statement on the matter. [33825/05]

Minister for Foreign Affairs (Mr. D. Ahern): Ireland does not oppose any specific proposals in the General Affairs and External Relations Council, which prepares the agenda for European Councils. The future financial perspectives of the Union and the Union’s approach to the WTO negotiations are particularly sensitive. They are under on-going discussion at the Council and give rise to the expression of strong positions. It is not expected, however, that there will be a new specific proposal on the table on the financial perspectives issue until close to the next European Council on 15 and 16 December.

EU Legislation.

326. Mr. Quinn asked the Minister for Foreign Affairs the exemptions from EU directives or regulations that his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33840/05]

Minister for Foreign Affairs (Mr. D. Ahern): My Department does not as a rule directly implement EU legislation. Therefore exemptions from EU directives or regulations do not arise.

327. Mr. Quinn asked the Minister for Foreign Affairs the exemptions from EU directives or regulations that his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33855/05]

Minister for Foreign Affairs (Mr. D. Ahern): My Department does not as a rule directly implement EU legislation and therefore the question of seeking exemptions from EU directives or regulations in my Department’s area of responsibility does not arise.

First World War.

328. Mr. F. McGrath asked the Minister for Foreign Affairs the position regarding his efforts on the pardons issue for the Shot at Dawn Campaign; and the progress made with the British Government. [33960/05]

Minister for Foreign Affairs (Mr. D. Ahern): My officials met with the British Ministry of Defence in London on 6 February 2004 to discuss the 26 Irish born soldiers who were executed by the British army during the First World War for alleged breaches of military law. At that meeting it was agreed that the British side would forward the courts martial case files for the Irish men in question, and that in response we would formally set out our position in writing.

Following a thorough evaluation of the case files, which we received in April 2004, and the consideration of extensive supplementary information provided by a number of sources, my officials prepared a comprehensive report on this matter, which the embassy in London submitted to the Foreign and Commonwealth Office on my behalf on 27 October 2004.

None of these men were charged with what would be viewed as the most serious of military crimes, such as treacherously deserting to the enemy or mutiny. In fact, contemporary public and parliamentary dissatisfaction with the number and manner of military executions during the First World War was such that the death penalty was repealed for the military offences under which each execution took place only ten years after the war had ended. In addition, evidence suggests a disparity in the treatment of lower ranks in comparison to officers, statistical evidence that highlights a harsher disciplinary regime faced by men from Ireland in comparison to men from other countries, and numerous references to the need for an example to be made when sentencing was being considered.

The report concludes that the cumulative effect of the issues raised therein casts serious doubt on the safety of these courts martial convictions and subsequent executions. We have therefore asked
that the British Government consider our report with a view to re-establishing the good name of these Irishmen. The Government is in ongoing contact with the British Government with the objective of securing a response which we hope will help resolve the matter and bring some comfort to the families of the men involved.

**Human Rights Issues.**

329. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if an interstate challenge will be filed under the European Convention on Human Rights against any EU states found to be holding detainees incommunicado on behalf of the US, following the precedent of Ireland v. the UK. [33964/05]

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

In the event that concrete evidence of any EU state holding detainees incommunicado on behalf of the USA were ever to emerge, the Government would consider what action to take in light of the facts of the case. I have no knowledge of any plans other High Contracting Parties to the European Convention on Human Rights may have in this regard.

330. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he will confirm that no detainees are being held incommunicado on behalf of the US anywhere in Irish jurisdiction. [33965/05]

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

Yes.

**Ministerial Travel.**

331. **Mr. Cuffe** asked the Minister for Foreign Affairs the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34063/05]

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

Since assuming office as Minister for Foreign Affairs, I have not travelled, in the course of my duties, by mainline or commuter train, or by Luas.

**Departmental Programmes.**

332. **Mr. Cuffe** asked the Minister for Foreign Affairs the significant changes which have been implemented by his Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34078/05]

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

As none of the proposals in the national spatial strategy fall within the policy remit of Foreign Affairs, there have been no significant changes implemented by the Department as a result of the delivery of the strategy. Thus no costs, benefits or savings for my Department have directly accrued.

The Deputy may wish to note that, in the context of advancing co-operation on an all island basis, the meeting of the British Irish Intergovernmental Conference of 19 October 2005, which I co-chaired with the Secretary of State for Northern Ireland, formally acknowledged the significant potential for mutual benefit on strategic issues such as infrastructure development and spatial planning.

**Northern Ireland Issues.**

333. **Mr. Quinn** asked the Minister for Foreign Affairs, given his reply of 2 November 2005, and specifically his commitment to monitor progress in implementing commitments from the British and Irish Governments arising from the joint declaration relating to community relations as ultimately expressed in the shared future initiative, his views on whether there is a conflict between this commitment and the unilateral decisions taken on sensitive subjects relating to Northern Ireland, such as the Easter parade at the GPO and speaking rights for Northern MPs in Dáil Éireann without prior consultation with political parties in the South or public and civic figures in Northern Ireland; and if he will make a statement on the matter. [34098/05]

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

Paragraphs 27 to 29 of the joint declaration summarise the initiatives which are to be taken by the British Government to enable communities, both loyalist and nationalist, to become committed stakeholders in a peaceful and prosperous society. The British Government was specifically mandated in paragraph 27 of the joint declaration to review good community relations and to bring forward a strategic and integrated good relations policy. The Shared Future document arises from this mandate. As previously stated, the recommendations contained in the document relate to actions to be taken by Departments, agencies and public authorities in Northern Ireland. It is important to note that neither the commitments in the joint declaration on community relations nor the recommendations in the Shared Future document are directed at this Government.

The Government believes that the Easter rising should be commemorated in an appropriate manner. There is no conflict between this position and having respect for the history and identity of people in Northern Ireland or elsewhere. The objective should be to respect everyone’s history and identity in a sensitive and open way and to recognise all aspects of our shared history as an integral part of the process of building a shared future.

The Government has not made any proposal for speaking rights for Northern MPs in Dáil Éireann. The Taoiseach’s recent proposals for Oireachtas participation were based on the report
of the all-party Oireachtas Committee on the Constitution and involve participation through the committee system. That report was the subject of wide public debate and consultation. The current proposals are the subject of ongoing discussion. Some parties in Northern Ireland support the proposal, while others have expressed opposition.

**Departmental Staff.**

334. Mr. Carey asked the Minister for Foreign Affairs the percentage of persons with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the 3% quota; and if he will make a statement on the matter. [34143/05]

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

The policy with regard to the 3% target for the employment of people with disabilities in the Civil Service is the responsibility of the Department of Finance.

My Department has committed itself in its human resources strategy to full participation in the Government's programme of positive action aimed at enhancing employment opportunities for persons with disabilities.

The guidelines for monitoring the employment of people with disabilities by Government Departments and offices are set out in the Code of Practice for the Civil Service. The definition of a person with a disability for the purposes of the 3% employment target is set out in the code. In this context, the phrase “people with disabilities” means people with a physical, sensory or psychological impairment which may “have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited”.

Comprehensive information about the precise nature of the disabilities of the staff concerned or their academic qualifications is not currently maintained by the Department. Overall, based strictly on existing monitoring arrangements, the percentage of staff with a disability in my Department currently stands at 3.45%. In order to protect the confidentiality of the monitoring process in this very sensitive area, it would not be appropriate to list, on a grade by grade basis, the number of officers listed as having disabilities.

More generally, the Deputy may be aware of the results of independent research carried out on the operation of the 3% employment target within the Civil Service. The research identified problems with the existing system of recording and monitoring staff with a disability. In this regard, a survey carried out as part of the research, which relied on civil servants to self-declare a disability, shows that 7% of Civil Service staff have a disability compared with 2.8%, as reported in the annual survey.

Following the consultants' recommendations arising from their research, the Government approved proposals to improve the operation of the policy, including the development of a new code of practice for the Civil Service and a more effective approach to monitoring staff with a disability. We are informed that, for this new approach to work successfully, it will be necessary to consider the use of a survey based on voluntary self-disclosure.

There are no public bodies under the aegis of my Department.

**EU Directives.**

335. Mr. Quinn asked the Minister for Foreign Affairs if a list of the implemented, unimplemented and overdue EU directives and regulations and a list of the warnings received from the EU regarding directives and regulations that are overdue for implementation will be published before the end of 2005 and published at least every six months in future (details supplied). [34191/05]

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

The provision of information with regard to the implementation of EU directives is a matter for each concerned Government Department. This also applies to reasoned opinions and letters of formal notice. My Department, which has an overall co-ordinating role in relation to EU matters, does not as a rule implement any European Union legislation and is not currently implementing any such legislation.

I draw the Deputy's attention to the fact that the interdepartmental co-ordinating committee on European Union affairs is currently preparing new guidelines on the transposition of EU directives into national law. These guidelines, which are designed to standardise the procedures for transposing EU directives into national law, will deal with public information and transparency, among other issues. It is intended to complete this exercise before the end of the year.

**North-South Co-operation.**

336. Caoimhghin Ó Caoláin asked the Minister for Foreign Affairs if he will report on the work of the North-South unit in his Department; and if he will make a statement on the matter. [34210/05]

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

The Government's objective is the full implemen-
tation of the Good Friday Agreement and the restoration of the institutions, including the North-South Ministerial Council. A particular priority is to develop North-South co-operation to the mutual benefit of the people in both parts of the island. The North-South section in my Department works closely with all Departments to advance this objective. It also works closely with the North-South Ministerial Council secretariat in Armagh, including in support of the on-going work of the North-South bodies established under the Agreement.

The North-South section also plays a co-ordinating role in Government activity on North-South issues, regularly chairing meetings of the North-South interdepartmental co-ordinators. The section also takes the lead in encouraging and advancing co-operation at official level through regular meetings of the North-South centre group which brings together senior representatives of the two civil services.

Earlier this year, the Taoiseach and I sought to give an enhanced impetus to North-South co-operation in a memorandum to Government setting out Government policy in this area. All relevant Departments, in conjunction with my Department, undertook a comprehensive review of the scope for co-operation in their areas of responsibility. Key North-South objectives and projects were identified. My Department, in accordance with its overall co-ordination role, and the Department of the Taoiseach, are working closely to assist Departments in advancing these objectives via the established North-South channels and in close contact with the British Government. In addition, I have reviewed the potential for progress in these areas in a series of meetings with the private sector, including the IBEC, CBI joint business council and the North-South round table group, as well as setting out our thinking in a number of public speeches to interested groups.

The development of North-South co-operation has a high priority in our consultations with the British Government. For instance, we regularly review the scope for progress in meetings of the British Irish Intergovernmental Conference. At the most recent BIIGC on 19 October, the two Governments noted the advances being made in on-going work of the North-South bodies established under the Agreement.

Earlier this year, the Taoiseach and I sought to give an enhanced impetus to North-South co-operation in a memorandum to Government setting out Government policy in this area. All relevant Departments, in conjunction with my Department, undertook a comprehensive review of the scope for co-operation in their areas of responsibility. Key North-South objectives and projects were identified. My Department, in accordance with its overall co-ordination role, and the Department of the Taoiseach, are working closely to assist Departments in advancing these objectives via the established North-South channels and in close contact with the British Government. In addition, I have reviewed the potential for progress in these areas in a series of meetings with the private sector, including the IBEC, CBI joint business council and the North-South round table group, as well as setting out our thinking in a number of public speeches to interested groups.

The development of North-South co-operation has a high priority in our consultations with the British Government. For instance, we regularly review the scope for progress in meetings of the British Irish Intergovernmental Conference. At the most recent BIIGC on 19 October, the two Governments noted the advances being made in a number of key projects, including the restoration of the Ulster Canal, inadvertent mobile roaming charges, the creation of an all-island energy market and the extension of the all-island free travel scheme. It is planned to conduct a further strategic review of the potential in this area at the next meeting of the BIIGC in January.

Illegal Immigrants.

337. Mr. J. Breen asked the Minister for Foreign Affairs if progress has been made in obtaining an amnesty for illegal Irish living in the USA; and if he will make a statement on the matter. [34265/05]

Minister for Foreign Affairs (Mr. D. Ahern): The Deputy will be aware from recent debates and responses to questions in the House, that the welfare of the undocumented Irish in the US is a matter of the highest priority for the Government. In all our contacts with United States political leaders, including when the Taoiseach and I met with President Bush earlier in the year, we emphasise the importance of addressing the situation in a positive and sympathetic way. However, I would like once again to make clear, and I believe all Members of the Oireachtas who have visited the US on this issue have received the same message, that the issue of an amnesty is simply not on the agenda in the US Congress, or with the administration.

The position at present is that the legislative debate in Washington D.C. is entering a critical phase with various proposals under consideration, including the Bill jointly sponsored by Senators McCain and Kennedy. If this Bill were adopted in its present form, it would provide a path to permanent residency and, thereby, enable the undocumented to participate in the life of their adopted country free from fear and uncertainty. The Government strongly supports this Bill and I have instructed the embassy and consulates to intensify their lobbying in support of it.

Diplomatic Representations.

338. Mr. Carey asked the Minister for Foreign Affairs if he has or intends to make representations to the South African Government in the case of a person (details supplied) in Dublin 10; and if he will make a statement on the matter. [34423/05]

Minister for Foreign Affairs (Mr. D. Ahern): My Department, through the Irish Embassy in Pretoria, became aware of the arrest of the person mentioned by the Deputy in April 2002 in South Africa on charges of fraud, corruption and contravention of the Aliens Act. I understand that the three counts arose from his alleged illegal residence in South Africa.

The embassy provided consular assistance to him and his family, including raising with the prison authorities issues in respect of his health and his conditions in detention. The embassy also liaised with his attorney on various issues, including his deportation.

On 9 July 2002, the sentence imposed on the person concerned was overturned on appeal and a suspended sentence was imposed. The embassy arranged for the issue of an emergency travel document to facilitate his return to Ireland on 15 July 2002.

Subsequent to the person's release and return to Ireland, the embassy has raised his case on several occasions with the South African authorities, including his request for a Presidential pardon. In August 2003, the South African authorities informed the embassy that a response would be
forthcoming on the case and, subsequent to this, the person concerned was contacted directly by them.

The embassy remains willing to raise this case again though, I should add, it is believed that the South African authorities consider the case to be closed.

Sport and Recreational Development.

339. Ms Harkin asked the Minister for Arts, Sport and Tourism if the regional sports measure under the regional OP programme has been activated; if funding has been drawn down; and if not, when he proposes to fund this measure in view of the fact that this current regional OP programme will finish at the end of 2006. [33938/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): The sports and recreational facilities sub-measure falls under the local infrastructure priority of the regional operational programmes of the National Development Plan 2000-2006. It was planned that funding would be provided under the sub-measure by this Department to local authorities and voluntary and community organisations to assist towards the provision or upgrading of multi-purpose sport and recreational facilities. The commencement of the sub-measure was delayed until the completion of the Government’s national spatial strategy in order to target support in accordance with the implementation of that strategy. The intention was that once the regional gateways were identified under the national spatial strategy, proposals would be invited from local authorities whose administrative areas contain such designated regions and grant aid would be allocated to suitable developments.

In the meantime, very significant funding has been provided through this Department’s sports capital programme. Since 1997, €386 million has been invested by the State in 4,900 projects comprising national, regional and local sports facilities. Any of the facilities envisaged for funding through the OP sub-measure have now been supported under the sport capital programme.

Substantial funding for sports facilities will be sought by my Department in the context of the 2006-10 sport capital envelope with the intention of continuing our ambitious programme of the delivery of modern, well equipped and well managed facilities throughout the country, whether under the existing sport capital programme or the sports and recreational facilities sub-measure of the regional operational programmes.

EU Council Meetings.

340. Mr. Quinn asked the Minister for Arts, Sport and Tourism the number of proposals that his Department is opposing at European Council at any stage; the names of such proposals; the reason his Department is taking this position; and if he will make a statement on the matter. [33826/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): My Department is not currently opposing any proposals at European Council.

EU Directives.

341. Mr. Quinn asked the Minister for Arts, Sport and Tourism the exemptions from EU directives or regulations that Ireland has achieved in his Department’s competency area; the reason his Department requested each exemption; if it is intended to give up any of these exemptions; and if he will make a statement on the matter. [33841/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): My Department has not sought or achieved exemption from any EU directives or regulations since its establishment in June 2002.

342. Mr. Quinn asked the Minister for Arts, Sport and Tourism the exemptions from EU Directives or Regulations that his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33856/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): My Department has not sought any exemptions from any EU directives or regulations since its establishment in June 2002.

Grant Payments.

343. Mr. Lowry asked the Minister for Arts, Sport and Tourism the grant programmes available from his Department and from agencies under his responsibility; and the deadlines of each programme. [33921/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): My Department’s arts and culture capital enhancement support scheme, ACCESS, provides capital funding for arts and culture projects throughout the country. All the funds under this scheme are fully allocated at present. My Department is currently examining a successor to ACCESS and I hope to make a decision in that regard in due course.

The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

Deadlines for the programme are not fixed but, for example, the 2005 programme applications for funding were invited through advertisements in the national press on 5 and 6 December 2004 and the deadline for receipt of applications was Friday 4 February 2005. I announced provisional
grant allocations of €54.385 million under the 2005 programme last July.

I intend to invite applications to the 2006 programme shortly and the deadline for receipt of applications will be advertised at that time.

The local authority swimming pool programme, which is also administered by my Department, provides grant aid towards the capital costs of a new pool or the refurbishment of an existing pool. The programme provides for a maximum grant level of 80% of eligible costs, or 90% in the case of disadvantaged areas, subject to a maximum of €3.8 million. The current round of the pool programme was closed to applications on 31 July 2000 and the priority within the programme is to support the 55 projects that applied for funding prior to the closing date.

The Arts Council, the Irish Sports Council and Fáilte Ireland provide a range of grant programmes, details of which are available on their websites, at www.ar ts.council.ie, www.irishsports.council.ie, and www.failteireland.ie, respectively.

Ministerial Travel.

344. Mr. Cuffe asked the Minister for Arts, Sport and Tourism the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34064/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): The wide range of functions associated with my ministerial office and the fact that my constituency is some distance from Dáil Éireann and my departmental headquarters in Dublin, requires me to operate within very tight time pressures. In the course of my duties I have numerous official engagements that require my punctual attendance in varied locations around the country, many of which are not on the rail network. Consequently, I have not used mainline trains, commuter trains or the Luas in the course of my ministerial duties.

Departmental Programmes.

345. Mr. Cuffe asked the Minister for Arts, Sport and Tourism the significant changes which have been implemented by his Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34079/05]

Minister for Arts, Sport and Tourism (Mr. O’Donoghue): The national spatial strategy is a 20 year strategy designed to enable every place in the country to reach its potential, no matter what its size or location. It recognises that not all regions of the country have the same role and seeks to organise and co-ordinate the different roles in a complementary way. The strategy is supported by regional planning guidelines, integrated planning frameworks, county and city development plans and strategies, all of which are aimed at extending the impact of the national spatial strategy at regional and local levels.

My Department is represented on the interdepartmental steering group, chaired by the Department of the Environment, Heritage and Local Government, that oversees the implementation of the national spatial strategy. That group meets at regular intervals and reports annually, on overall progress, to the Cabinet committee on housing infrastructure and public private partnerships, in support of its objective of seeking to ensure that the national spatial strategy features centrally in the wider infrastructure delivery process.

The national spatial strategy does not require the Department of Arts, Sport and Tourism to implement any significant changes and therefore the question of evaluating costs and benefits does not arise.

The September 2003 report of the tourism policy review group, New Horizons for Irish Tourism: An Agenda for Action, recognised that tourism development policy incorporates the need for a more integrated approach to tourism planning and investment. Tourism development policy is very much in line with the aims and objectives of the national spatial strategy launched in November 2002 as it identified and categorised the country’s tourism zones and outlined the critical issues to be addressed for the 2000 to 2006 period, that is, regional spread, seasonality, infrastructural bottlenecks, sustainability, congestion, customer service and quality management. The tourism product development measure, funded through the regional operational programmes, is administered by Fáilte Ireland.

Looking to the future, the tourism policy review group agreed that tourism represents one of the strongest means by which balanced regional development can be achieved and suggested that a fundamental objective of tourism policy must be to facilitate each tourist region in achieving its full potential for tourism development in a way that maintains and enhances the sustainability of its tourism base. It pointed out that this would mean different rates of tourism growth in different areas of the country and set a target of doubling the number of overseas visitors staying at least one night in the BMW region by 2012.

The provision of funding the sport and recreational facilities sub-measure of the regional operational programmes is being considered in the context of the 2006 budget discussions. The prioritisation of locations to be funded under such a sub-measure would be undertaken in the context of the national spatial strategy.

I am hopeful, in the context of the new national development plan, of putting in place a successor to the current ACCESS scheme, which dates from 2001, for developing arts and cultural infra-
structure. While the parameters of the new scheme have yet to be finalised, it is expected that it would focus on the enhancement and maintenance requirements of the current stock of facilities, while not entirely excluding new facilities. The national spatial strategy is one of the policy documents that will feed into the framework of any new scheme.

**Departmental Staff.**

346. Mr. Carey asked the Minister for Arts, Sport and Tourism the percentage of persons with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the 3% quota; and if he will make a statement on the matter. [34144/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The policy with regard to the 3% target for the employment of people with disabilities in the Civil Service is the responsibility of my colleague, the Minister for Finance. As at 30 June 2005, 4% of the staff employed in my Department were classified as having a disability.

The definition of a person with a disability for the purposes of the 3% target is the positive action definition set out in the Code of Practice for the Civil Service, 1994. In this context, the phrase “people with disabilities” means people with a physical, sensory or psychological impairment which may “have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited”.

Monitoring data is not collected with reference to the nature of disabilities, persons’ grades or qualifications. Only numbers are collected to provide statistics on the employment of people with disabilities in the public service.

The State bodies under the aegis of my Department are aware of the requirement with regard to the 3% target for the employment of people with disabilities but as staff recruitment is a day-to-day matter for each body I do not have details of the level of such employment in each case.

The Disability Act 2005 provides a new statutory framework for the implementation and compliance monitoring of the 3% employment target in the public service. I understand that implementation of the various provisions of the Act in this regard is currently being addressed.

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**North-South Co-operation.**

347. Caoimhghín Ó Caoláin asked the Minister for Arts, Sport and Tourism if he will report on the work of the North-South unit in his Department; and if he will make a statement on the matter. [34211/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Since its establishment, the North-South unit in my Department has been actively pursuing opportunities to facilitate, strengthen and enhance North-South co-operation across the three sectors under my remit as Minister for Arts, Sport and Tourism. The unit also monitors progress on specific initiatives or priority actions in relation to North-South co-operation in the sectors in question. In considering any such initiatives, the overriding principle has been that they should offer clear and tangible benefits, North and South.

Tourism was identified in the Good Friday Agreement as an area of co-operation. With the establishment of Tourism Ireland as a North-South body responsible for marketing the island of Ireland overseas, we now have a shining example of the tangible of North-South co-operation.

North-South co-operation on tourism exists on a less formal basis in areas such as education and training, product marketing and publicity, tourism statistics and research, e-business and e-marketing and accommodation standards. A number of initiatives are being developed and pursued by the tourism agencies across these areas to deepen the level of co-operation that already exists.

With regard to sport, the two sports councils on the island enjoy a strong working relationship. An all-island planning group, composed of members and staff of both councils, meets two or three times a year and serves as a forum for information exchange and so on. The chief executives of the two councils meet formally on average about three times a year. There are ongoing engagements regarding operational matters at executive level, for example, on drug testing. I was delighted to participate at a major sports conference in Kildare at the end of October which was organised jointly by the two sports councils and further underscored the strength of their relationship.

On the arts front, the Arts Council and the Arts Council of Northern Ireland have developed a very close working relationship over many years. The councils meet annually and their staff maintain ongoing contacts in regular meetings, especially regarding strategic projects and the development of common policy approaches. As a sign of their commitment to working collaboratively, the councils recently established a North-South sub-committee to progress matters of common interest in a strategic manner. The sub-committee is responsible for specifying joint objectives and providing a platform for information
Exchange with regard to those organisations that are jointly-funded by both councils. The councils have successfully collaborated on a number of projects including the recent FOUR NOW exhibition, a joint-exhibition from the visual arts collections of the two councils at the Glucksman Gallery, Cork.

I have been actively engaged on the North-South agenda and will continue to make the case at political level for closer co-operation. In that context, I have met my tourism and arts and sports counterparts in Northern Ireland, Ms Angela Smith MP and Mr. David Hanson MP, to discuss potential new areas for cooperation. Today, I will be attending the world travel market in London, the premier international tourism showcase, along with my colleague, Ms Angela Smith, as part of a major Tourism Ireland promotion at that event.

European Council Meetings.

348. Mr. Quinn asked the Minister for Enterprise, Trade and Employment the number of proposals that his Department is opposing at European Council at any state; the names of such proposals; the reason his Department is taking this position; and if he will make a statement on the matter. [33827/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I assume that the Deputy is referring to the various council formations rather than the European Council, for which the Department of the Taoiseach has primary responsibility.

The council formations for which my Department has particular responsibilities are the Competitiveness Council and the Employment, Social Policy, Health and Consumer Affairs Council. My Department also has responsibilities to GAERC with regard to trade issues.

My Department always seeks to play a constructive role with regard to EU proposals and is anxious to ensure that Ireland's interests are safeguarded while also being mindful of our responsibilities to the Union as a whole. Among the significant proposals currently being progressed at EU level, which come within the remit of the Competitiveness Council, are the 7th Framework Programme for RTD, REACH, Competitiveness and Innovation Framework Programme and the Services Directive. Current proposals relevant to ESPHCA include a Community Programme for Employment and Social Solidarity, PROGRESS and the Organisation of Working Time Directive.

These proposals are at various stages of negotiation and Ireland’s position is being represented in the appropriate groups. Ireland is not opposed to any one of these proposals. However, in the normal process of negotiation on these instruments we may seek amendments or identify provisions which could be improved on or take positions on amendments sought by other member states or the Commission.

EU Directives.

349. Mr. Quinn asked the Minister for Enterprise, Trade and Employment the exemptions from EU directives or regulations that Ireland has achieved in his Department’s competency area; the reason his Department requested each exemption; if it is intended to give up any of these exemptions; and if he will make a statement on the matter. [33842/05]

350. Mr. Quinn asked the Minister for Enterprise, Trade and Employment the exemptions from EU directives or regulations that his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33857/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 349 and 350 together.

My Department has not received or sought exemptions for Ireland from generally applicable EU directives or regulations. In the normal course of negotiating legal instruments, my Department contributes to negotiations on the basis of securing the best outcome for Ireland and frequently makes proposals or suggestions to amend proposed instruments that, in our view, would make better law. Under the European Union (Scrutiny) Act, all measures proposed by the EU are laid before each House of the Oireachtas, together with a statement outlining the content, purpose and likely implications for Ireland of the proposed measure. If the Deputy has concerns about any particular measure I would be pleased to provide a briefing to him on the state of negotiations.

Ministerial Travel.

351. Mr. Cuffe asked the Minister for Enterprise, Trade and Employment the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34065/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): As I am provided with an official car and driver for use in the course of my duties, the matter has not arisen.

Departmental Programmes.

352. Mr. Cuffe asked the Minister for Enterprise, Trade and Employment the significant changes which have been implemented by his Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34080/05]
Minister for Enterprise, Trade and Employment (Mr. Martin): The national spatial strategy is a framework designed to re-orientate the balance of development across the country and in this regard it is not possible to quantify costs, benefits or savings that have accrued to date other than to look at the spread of investment and job creation in the regions. Redirecting the established force of development and investment preferences is not a straightforward issue, nor one that can be achieved simply by Government edict and completed in a short timeframe. Successful development of the gateway and hub locations is crucial to providing each region with the locations of scale that will possess the population, skills base, business services, infrastructure and existing enterprise base necessary to attract and win new or additional investments against a background of strong competition from other locations, both nationally and internationally.

In recognition of the critical importance of the gateways as key drivers to stimulating regional growth, the Department of the Environment, Heritage and Local Government and Forfás are undertaking a joint study on gateway development. The key objective of the study is to provide a significant step forward in the implementation of the national spatial strategy. The report, to be finalised by end 2005, will seek to identify investment priorities that are critical to unlocking the potential of the gateway and its hinterland and also identify what needs to be done differently, at both national and local levels, to accelerate gateway development.

Operational responsibility for job creation and investment on a regional basis is a matter for the industrial development agencies. The national spatial strategy provides a framework for IDA Ireland, working in partnership with a range of organizations at local level, which will ensure that key locations have the appropriate facilities to attract new investments. The creation of magnets of attraction will facilitate the successful marketing of individual regions for new overseas investments or expansions to existing operations. These companies bring high wage jobs to individual areas and also have knock-on benefits in other sectors, thus creating further investment and employment opportunities for local people in the immediate and surrounding areas.

Furthermore, IDA Ireland is designing its itineraries around regional locations, providing reduced or zero grant assistance for investments in Dublin and leveraging the higher grant rate permitted in regions outside Dublin, where possible, to encourage more foreign direct investment to areas which are traditionally more difficult to market. In 2004 some 41% of all new greenfield jobs were located in the BMW region compared to approximately 25% in 1999.

Enterprise Ireland’s policy objectives for balanced regional development are reflected in the structure of its financial offer to clients, which reflects preferential bias for companies located outside of the Dublin and mid-eastern region. Over the past five years new job gains associated with Enterprise Ireland clients has shown strong growth in the regions. In 2004, 68% of employment gains were in client companies located in all regions outside of Dublin, compared with 54% in 2000. This growth is partly attributable to significant investment in supporting new high potential start-up companies and facilitating the development of Irish companies through investments in research and development, productivity improvements and management and staff training.

I am confident that the strategies and policies being pursued by the development agencies, together with the ongoing commitment of the Government to regional development will bear fruit in terms of additional sustainable investment and jobs across the regions.

Employment Support Services.

353. Ms C. Murphy asked the Minister for Enterprise, Trade and Employment if transition arrangements including training aimed at former family carers whose caring role has ended will be introduced; and if he will make a statement on the matter. [34099/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): All FAS training and employment programmes are open to former family carers. Some programmes are delivered on a part-time basis and may support former carers in their transition from caring responsibilities to participation on training and employment programmes.

Since 5 October, 2000 persons who were formerly in receipt of a carer’s allowance and whose caring responsibilities have ceased, have been eligible to participate on the community employment programme if they have transferred their social welfare payment and are currently in receipt of either unemployment assistance, unemployment benefit or one parent family payment, and have a combined period on the foregoing social welfare payments of 12 months or more.

Experienced carers may, through their local FAS employment services offices, access training programmes for health care assistants which will enable them to have their skills updated and certified. The care assistant traineeship programme provides formal training and Health Service Executive approved qualifications. Successful participants will be awarded the FETAC national skills certificate: care assistant, care for the older person.

Departmental Staff.

354. Mr. Carey asked the Minister for Enterprise, Trade and Employment the percentage of persons with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data is to be
recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the 3% quota; and if he will make a statement on the matter. [34145/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): All Departments are required to meet a 3% minimum target for the employment of people with disabilities. The policy with regard to the 3% target for the employment of people with disabilities in the Civil Service is the responsibility of my colleague, the Minister for Finance.

My Department currently exceeds the minimum requirement, with 4.27% disabled people currently employed. In addition, all the agencies under the aegis of my Department are fully aware of their obligations and the majority have reached the 3% target.

With regard to information on the nature of the disabilities, grade or specific qualifications held, this data is not collected for the purposes of the 3% target. In any case, given that this data would contain personal information, it would not be appropriate to release it.

However, I understand that independent research carried out on the operation of the 3% target in the Civil Service found that the most common disabilities are physical and sensory and one third of people acquired their disability since joining the service. The research also found that people with disabilities are employed at all levels of Departments, though there are proportionately more people with a disability at the lower grades.

With regard to educational qualifications, the research found that people joining the service with a disability tend to have slightly lower qualifications than other people, but are more likely to work to improve their qualifications. In this regard, I understand from the research that the proportion of civil servants with a disability studying for a third level qualification is almost twice the proportion of civil servants in similar studies without a disability.

The guidelines followed for monitoring the employment of people with disabilities by public bodies are set out in the Code of Practice for the Civil Service, 1994. The code defines a person with a disability for the purposes of the 3% target. In this regard, the phrase “people with disabilities” means people with a physical, sensory or psychological impairment which may “have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited”.

Employment Rights.

355. Mr. S. Ryan asked the Minister for Enterprise, Trade and Employment the funding which is available for the publication of literature to inform those coming here from abroad to work of their rights; and if he will make a statement on the matter. [34157/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The employment rights information unit, which is one of three business units that comprise the employment rights compliance section of the Department is responsible for the dissemination of information on the wide range of employment rights issues that are the remit of the Department. The other two units are the labour inspectorate and the administrative group that processes prosecution and enforcement cases.

The employment rights information unit has produced a range of materials, for example, information leaflets and booklets that provide a condensed and simplified version of the large corpus of employment rights legislation that is currently on the Statute Book. With particular regard for the needs of non-national employees, the Department has translated key employment rights information into nine languages and made this available in leaflet form and on the Department’s website. The nine countries concerned are, The Czech Republic, China (Mandarin), Hungary, Latvia, Lithuania, Poland, Portugal, Romania and Russia.

The material is available directly from the Department. However, with regard to non-national employees, the bulk of the material has been distributed through Comhairle, the citizens information network, the Garda immigration service and embassies.

In round figures, the employment rights information unit printed 130,000 booklets in 2004 and, to date in 2005 has placed orders for 98,000. The figures for leaflets are 71,000 in 2004 and a further 10,000 in 2005, arising from changes in the national minimum wage. The employment rights information unit handled in excess of 125,000 telephone calls in 2004 and, up to the end of October 2005, the number of calls handled was over 97,000.

As the Department operates a policy wherein the protections and entitlements set out in employment legislation are applicable to all employees engaged in the Irish economy, irrespective of nationality, there is no differentiation in the informational material produced to inform any worker or employer of their respective obligations, rights and entitlements. Accordingly, it is not possible to specifically identify the detail of expenditure being sought.

The Deputy may be interested to know that the Department is actively engaged in discussions with the social partners on a range of employ-
EU Directives.

356. Mr. P. Breen asked the Minister for Enterprise, Trade and Employment if a regulatory impact analysis is required for the implementation of Directive 2003/105/EC in view of the recent Government decision that regulatory impact analysis should be introduced across all Departments and offices. [34192/05]

Minister for Enterprise, Trade and Employment (Mr. Killeen): Proposed draft regulations entitled European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2005, to transpose Directive 2003/105/EC, are with the Attorney General’s office for legal settlement. The new regulations will transpose, for the first time, Directive 2003/105/EC on the control of major accident hazards involving dangerous substances which amends Directive 96/82/EC.

The regulations will revoke and replace the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2000 (S.I. No. 476 of 2000), and the European Communities (Control of Major Accident Hazards Involving Dangerous Substances)(Amendment) Regulations 2003 (S.I. No. 402 of 2003).

It is mandatory to transpose all EU directives into national law. The issue is not negotiable and therefore a regulatory impact analysis cannot be completed after the fact. The work leading up to the adoption of an EU directive involves a very long consultation and negotiation period. The rationale for the proposed directive is set out, there is consultation at EU and national levels and the final product reflects the views of member states, including the parliaments of the member states, the European Parliament and the Council of Ministers. For the future, regulatory impact assessments will be conducted on all significant draft EU directives before they are agreed.

North-South Co-operation.

357. Cáomhghín Ó Caoláin asked the Minister for Enterprise, Trade and Employment if he will report on the work of the North-South unit in his Department; and if he will make a statement on the matter. [34212/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Good Friday Agreement set out a new vision for the island of Ireland and led to the establishment of the North-South Ministerial Council and the North-South implementation bodies. My Department is a co-sponsor of one of the North-South implementation bodies, InterTrade Ireland, the all-island trade and business development body. The North-South unit of my Department was established to provide policy and administrative support for ministerial participation in the North-South Ministerial Council, to co-ordinate the work of the Department on North-South policy issues and to oversee the Department’s interactions with InterTrade Ireland and the Northern Ireland Department of Enterprise, Trade and Investment.

North-South economic co-operation and the continuing development of the island economy is a priority for my Department. The primary means through which this is achieved is by the implementation of the annual business plans of InterTrade Ireland which set out a comprehensive range of projects and activities to promote the continued development of the island economy in the areas of trade and business development. InterTrade Ireland’s mission for the period 2005-07 is to enhance the global competitiveness of the all-island economy to the mutual benefit of Ireland and Northern Ireland through measures such as the creation of knowledge-intensive all-island trade and business development networks and the implementation of all-island trade and business development programmes.

My Department is committed to working with business organisations such as the IBEC-CBI Joint Business Council to advance North-South co-operation. My Department, together with other Departments, is co-operating with the Joint Business Council on the Council’s two-year action plan to enhance the competitiveness of businesses on the island of Ireland. My Department is also playing a pivotal role in advancing the US-Ireland research and development partnership, set up to facilitate high level, world class collaborations between centres of excellence in Ireland, north and south and the United States in the broad areas of information and communications technology and biotechnology. As a result of the suspension of the Northern Ireland Assembly in October 2002, the North-South Ministerial Council cannot meet. As a consequence, the British-Irish agreements have been amended. The amendments provide that the British and Irish Governments take joint decisions, when appropriate, on matters relating to InterTrade Ireland and the other North-South implementation bodies. The North-South policy unit is responsible for my Department’s oversight of these interim procedures. To date, 14 joint ministerial decisions relating to InterTrade Ireland have been made in accordance with these interim decision making procedures.
Funding for Disability.

358. Mr. Stanton asked the Minister for Enterprise, Trade and Employment further to Question No. 165 of 9 November 2005, the way in which the funding, with special reference to the extra funding, which his Department received for people with disabilities as published in the expenditure estimates in November 2004 and subsequently on budget day 2004 has been used or will be used; the way in which this funding has been disbursed; the mechanisms in place to ensure that the funding is spent correctly; if he has satisfied himself that auditing procedures are in place and are adequate in each case; and if he will make a statement on the matter. [34462/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Funding under the 2005 expenditure Estimates is being provided by my Department to FÁS to increase the labour expenditure Estimates is being provided by my Funding under the 2005

ment (Mr. Martin):

economic Competitiveness.

359. Mr. Morgan asked the Minister for Enterprise, Trade and Employment further to Question No. 259 of 9 November 2005, the way in which he can have confidence that a monopoly has not developed in the newspaper market, for which he does not have precise market share details; and if he will make a statement on the matter. [34464/05]

360. Mr. Morgan asked the Minister for Enterprise, Trade and Employment further to Question No. 259 of 9 November 2005 the way in which he can claim that there is a vibrant competition, particularly in the Sunday newspaper market when it is estimated that a group (details supplied) own approximately 87% of Sunday newspapers; and if he will make a statement on the matter. [34570/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 359 and 360 together.

As I previously stated, I am aware of the strength of Independent group in the Irish newspaper market. Indeed, the leading position of Independent group is not a new phenomenon as its titles have dominated the market for many years. However, the strength of Independent does not mean that there is no competition in the market. Nor does it follow that Independent's leading position contravenes competition law. The holding of a dominant position is not, in itself, a breach of the Competition Act. A breach of the Act only arises where such a dominant position is abused within the meaning of section 5 of the Act.

The Competition Authority is an independent body responsible for the enforcement of competition law in the State. Any alleged breach of the Competition Act, including any alleged abuse of dominance as prohibited by section 5 of the Act, should be reported to the authority for investigation. As regards the Sunday newspaper market, it is self-evident that Independent group’s port-
[Mr. Martin.]

folio of titles, which span both the broadsheet and tabloid sectors, continue to lead this market. However, as I have already mentioned, I believe that this is a very competitive market with a multiplicity of titles providing wide consumer choice. Further, the publishers of many of these titles, particularly the UK titles, are themselves significant international operators. For example, News International, whose titles compete with Independent titles in both the broadsheet and tabloid sectors, is a major worldwide media player.

Social Insurance.

361. Dr. Cowley asked the Minister for Social and Family Affairs his plans to recognise the role of farm spouses by permitting spouses and partners to make PRSI contributions in order to qualify themselves for the range of self-employed social insurance benefits; and if he will make a statement on the matter. [34120/05]

Minister for Social and Family Affairs (Mr. Brennan): Current social welfare legislation excludes spouses from PRSI liability as both employed and self-employed contributors. This exclusion recognises the practical difficulties in establishing the nature of a genuine employment relationship in circumstances such as when a person employed under a contract of service, that is as an employee, by his or her spouse is classed as an “excepted” contributor under social welfare law. As a result, farming spouses can only pay PRSI if they are involved in one of three scenarios.

First, spouses who are actively engaged in a commercial partnership, as opposed to simply being the joint owners of a property, are treated as individual self-employed contributors. This exclusion recognises the practical difficulties in establishing the nature of a genuine employment relationship in circumstances such as when a person employed under a contract of service, that is as an employee, by his or her spouse is classed as an “excepted” contributor under social welfare law. As a result, farming spouses can only pay PRSI if they are involved in one of three scenarios. A partnership is commonly understood to be an association of two or more persons for the purpose of gain or of sharing in the work and profits of an enterprise. Liability for PRSI contributions is not contingent on the ownership of property but rather on the nature of the business arrangements between the couple. Co-ownership of property does not in itself create a partnership.

Second, where a family business in incorporated as a limited company, spouses involved in the business can establish a social insurance record as either employees or as self-employed contributors, depending on whether a contract of service exists.

Third, it is known that persons engaged in farming are increasingly taking up off-farm employment. This enables farming spouses who might otherwise not be insured to develop a social insurance record on the basis of their off-farm earnings. Also, farming spouses who were previously employed are able to maintain their social insurance coverage in the long term by contributing to the voluntary PRSI contribution scheme.

The legislation that exempts spouses who assist in family enterprises such as farming from liability to social insurance has been the subject of review on a number of occasions. In 2002, an interdepartmental group chaired by the Department of Agriculture, Food and Rural Development concluded that the formation of business partnerships offers an immediate route of access to social insurance cover as it is based on existing legislation. Such arrangements would not impose any significant additional administration costs on farm business. For example, couples who are liable for income tax under joint or separate assessment will continue to make one income tax return each year, the only change being that the income of the farm enterprise will be apportioned in accordance with the partnership arrangements.

A social partnership group that included representatives from various local and national farming organisations recently considered how the social insurance framework in Ireland should develop to become more inclusive. The report of the group, published in June of this year, acknowledged the significance of the partnership option and recommended that more information on the tax and social welfare implications of families working in either a partnership or limited company be made available. This recommendation is presently being progressed.

The matter will be kept under review.

School Meals.

362. Ms Enright asked the Minister for Social and Family Affairs the proportion of schools in Laois-Offaly that provide food to their pupils and the way in which this compares nationally; and if he will make a statement on the matter. [34327/05]

Minister for Social and Family Affairs (Mr. Brennan): The school meals programme operated by my Department gives funding toward provision of food services for disadvantaged school children through two schemes. The first is the statutory urban school meals scheme, currently operated by 36 local authorities, which provides food services to primary schools. The Department jointly funds the food costs with these local authorities, who also manage and fund the administration of the scheme.

The second is the school meals local projects scheme. Under this scheme my Department provides funding to participating schools and voluntary community groups in both urban and rural areas for specific school meals projects. This has recently been expanded to include pre-schools that are community based and which operate on a not-for-profit basis. Some 386 primary schools have benefitted under the urban school meals
scheme for the calendar year 2005, of which two are in Laois and five in Offaly. In the academic year 2004-05 some 572 primary and secondary schools received funding from the school meals local project scheme, of which four were from Laois and two were from Offaly.

In general, the school meals service is very beneficial both in terms of child nutrition and as part of a range of positive actions by schools to encourage regular pupil attendance and improved academic attainment. I encourage schools, particularly those in designated disadvantaged areas, to apply to my Department to participate in this programme.

**Social Insurance.**

363. Mr. Morgan asked the Minister for Social and Family Affairs the amount of revenue which would be raised if the PRSI cut-off ceiling was removed based on 2004 figures. [34442/05]

Minister for Social and Family Affairs (Mr. Brennan): The current employee PRSI ceiling stands at €44,180 per annum. The abolition of this ceiling would yield an estimated €238.2 million in additional revenue. This estimate is based on a sample of cases from 2003 updated for changes in earnings and the number of contributors. The employee PRSI ceiling is reviewed annually in accordance with the legislative stipulations of the Social Welfare (Consolidation) Act 1993. The legislation effectively enables the Minister to set a cut-off ceiling based on changes in earnings.

**EU Legislation.**

364. Mr. Quinn asked the Minister for Social and Family Affairs the number of proposals that his Department is opposing at European Council at any stage; the names of such proposals; the reason his Department is taking this position; and if he will make a decision on the matter. [33828/05]

365. Mr. Quinn asked the Minister for Social and Family Affairs the exemptions from EU directives or regulations that Ireland has achieved in his Department’s competency area; the reason his Department requested each exemption; if it is intended to give up any of these exemptions; and if he will make a statement on the matter. [33843/05]

366. Mr. Quinn asked the Minister for Social and Family Affairs the exemptions from EU directives or regulations that his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33858/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 364 to 366, inclusive, together.

While in general EU directives may allow all member states to avail of exemptions and derogations, my Department has not sought specific exemptions from any EU directives or regulations. All EU directives for which my Department has responsibility have been transposed into Irish law. The Commission has recently issued a proposal for a directive, COM (2005) 507, on improving the portability of supplementary pension rights in order to facilitate the exercise of the right of workers to freedom of movement within the community. This proposal will be progressed by the employment, social policy, health and consumer affairs council. Ireland is already largely compliant with many of the requirements of this directive although there may be impacts in relation to public sector unfunded schemes. Discussion on this directive starts on 16 November and my Department will be negotiating the best possible outcome for those schemes.

The co-ordination of social security schemes within the EU is governed by Regulation (EEC) No. 1408/71 and its implementing regulation, Regulation (EEC) No. 574/72. The purpose of the regulations is to ensure that people moving within the community are afforded protection in matters of social security and to provide solutions to various problems faced by people when they move to another member state to live or work.

Over the years, Regulation (EEC) No. 1408/71 has been subject to a considerable number of modifications in order to take account of developments in national legislation and the case law of the European Court of Justice, resulting in a set of rules that were complex, lengthy and difficult to administer. For these reasons in 1998 the Commission presented a proposal to modify and simplify the terms of Regulation (EEC) No. 1408/71. The new Regulation, EC No. 883/2004, while adopted in April 2004, will not be implemented until a similar review of the implementing regulations has been completed. Satisfactory solutions have always been found during negotiations for any aspects of the Commission’s proposals to amend the Regulations that were problematic for Ireland.

Finally, I advise the Deputy that detailed information on all EU proposals is provided to the Houses of the Oireachtas in accordance with the European Union (Scrutiny) Act, 2002. However, if the Deputy has concerns in relation to a specific proposal I will be glad to provide more detailed information.

**Social Welfare Benefits.**

367. Mr. Quinn asked the Minister for Social and Family Affairs if he has made or is in the process of making a decision to restore the fuel allowance to certain senior citizens living in certain local authority complexes; if the allowance will be backdated to 1 October 2005; and if he will make a decision on the matter. [33950/05]
Minister for Social and Family Affairs (Mr. Brennan): Fuel allowances are not payable in situations where a person has access to their own fuel supply or benefits from a subsidised or low cost heating service, such as those provided by Dublin City Council at a number of its housing complexes. The basis for this condition is that the contribution that local authority tenants in communal heating situations make towards their heating costs is limited to a fixed and relatively small amount, typically around €6 per week, included as part of their overall rent charge. Unlike other tenants and social welfare clients generally, who must buy their own fuel at prevailing retail cost, these tenants are subsidised significantly by Dublin City Council and the other local authorities concerned and thus are protected from increases in heating costs. In order to ease the burden on tenants, payments are spread over 52 weeks and in addition to heating each room, hot water is provided for 24 hours a day for each day of the calendar year. My Department carried out a review of the fuel allowance payments to ensure that the eligibility rules were being applied correctly and consistently. In the course of the routine review, it came to light that payments had been made in error to certain recipients who were in local authority accommodation with subsidised or low cost heating. The allowances in question, which should not have been put in payment in the first place, were withdrawn in these cases with effect from the start of this winter heating season. Fuel allowance payments in previous years were made in error to these people. In some instances, fuel allowance was awarded because the applicant indicated that their heating costs were not being subsidised. While it may be inequitable for the people concerned to retain the allowance, when neighbouring tenants in the same circumstances are not eligible and are managing their budgets accordingly, I am conscious of the particular circumstances which apply in the cases which the Deputy mentions. I am currently reviewing the situation as a matter of urgency.

368. Mr. Ring asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be approved for the free schemes. [34006/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned has been in receipt of unemployment assistance since 30 September 2003. Following a review, a deciding officer assessed the person concerned with means of €276 from 2 November 2005 which were derived from income from her spouse’s earnings. As her spouse is working and earning more than €220 per week, she is not entitled to an adult dependant allowance in respect of him. She is also only entitled to half the child dependant rate. Weekly means are derived from her spouses earnings less the working spouse allowance of €88.88. Half of these means are deducted from the maximum weekly rate payable which in this person’s case is €165.60. The person concerned is therefore entitled to payment of unemployment assistance at the weekly rate of €27.60 as set out in the following table.

<table>
<thead>
<tr>
<th>Entitlement</th>
<th>€</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spouse’s net weekly earnings</td>
<td>365.00</td>
</tr>
<tr>
<td>Less working spouse allowance</td>
<td>88.88</td>
</tr>
<tr>
<td>Weekly means, rounded to nearest €1</td>
<td>276.00</td>
</tr>
<tr>
<td>Moiety of means</td>
<td>138.00</td>
</tr>
<tr>
<td>Maximum rate payable</td>
<td>165.60</td>
</tr>
<tr>
<td>Entitlement €165.60 — €138.00 =</td>
<td>27.60</td>
</tr>
</tbody>
</table>

Further information has been received from the person concerned regarding additional income from farming and her case has been referred to the social welfare inspector for re-examination. When a decision is made the person concerned will be notified of the outcome.

Under social welfare legislation, decisions on claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in making such decisions.

Public Transport.

370. Mr. Cuffe asked the Minister for Social and Family Affairs the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34066/05]

Minister for Social and Family Affairs (Mr. Brennan): I have used various methods of public transport in recent years where it was practical to do so. Living within the catchment area of the Luas, I use it from time to time as a most efficient means of travelling, using the green line. In my
last post as Minister for Transport, I used main-line and commuter trains on several occasions to go to functions in Louth, Galway and Tipperary, and I used the Luas on both lines. For practical reasons, it is not always possible to use rail-based public transport, but I am conscious of the need to do so when it is possible.

**National Spatial Strategy.**

371. Mr. Cuffe asked the Minister for Social and Family Affairs the significant changes which have been implemented by his Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34081/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The Government published the national spatial strategy, in November 2002. The strategy is a 20 year strategic planning framework for more balanced regional development. My Department was involved in the development of the strategy and is represented on the inter-departmental committee established in May 2003 by the Minister for the Environment, Heritage and Local Government to oversee its implementation. My Department’s service delivery infrastructure is in line with NSS goals for the development of regional and local services. Income, employment and family support services are administered by my Department from ten head offices, five of which are located outside Dublin, and a network of 135 local offices around the country supported by regional management teams in ten geographic regions. Under the current Government decentralisation programme, further decentralisation is planned to six locations. These are Sligo, Drogheda, Carrick-on-Shannon, Carrickmacross, Buncrana and Donegal.

My Department’s strategies in relation to the regionalisation, localisation and decentralisation of services over the years have been shaped by a similar rationale to that which has shaped the NSS. Providing access to quality customer services for people in their own locality and job opportunities for people who wish to live and work outside Dublin have been important considerations in the policy approach. Costs or savings arising in the implementation of such plans by my Department are not identified as being attributable to the NSS. The ongoing development of my Department’s plans in these areas will continue to take account of the recommendations contained in the NSS to bring about greater balance in patterns of economic and social development throughout the country.

**Pension Provisions.**

372. Mr. Bruton asked the Minister for Social and Family Affairs if directives or guidelines have been issued to pension fund managers, or if directives or guidelines have been issued by agencies acting on his authority regarding the provision of early pensions to persons who retire before reaching 65. [34117/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The normal retirement age allowed by an individual occupational pension scheme, approved by the Revenue Commissioners for tax relief purposes, may be any age within the range 60 to 70 years. However, Revenue rules also allow for early retirement from age 50 and for retirement due to ill health at any age. Section 31(e) of the Social Welfare and Pensions Act 2005 provides that trustees of a scheme may refuse a request for early retirement where this would have an adverse affect on the fundings of that scheme.

**Social Welfare Benefits.**

373. Ms C. Murphy asked the Minister for Social and Family Affairs if the restrictions that exist regarding the time that persons in receipt of the carer’s allowance can work outside of their duties as carers will be relaxed; and if he will make a statement on the matter. [34128/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The carer’s allowance is a social assistance payment which provides income support to people who are providing certain elderly or incapacitated persons with full-time care and attention and whose incomes fall below a certain limit. Under current arrangements, which were introduced in 1999 in recognition of the economic and therapeutic value of work, carers may work for up to ten hours per week. Your proposal to change these arrangements will be considered in the context of the forthcoming budget.

**Departmental Staff.**

374. Mr. Carey asked the Minister for Social and Family Affairs the percentage of persons with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the 3% quota; and if he will make a statement on the matter. [34146/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The current position in my Department is that 155, or 3.29% of the total staff of my Department are persons with disabilities. The main natures of disabilities in the Department are visual and hearing impairments, physical disabilities and emotional health difficulties. The following table shows the grade breakdown of per-
In recording staff with disabilities, the Department does not record whether they hold a third level qualification. The guidelines followed by the Department for monitoring and recording the number of staff with disabilities are set out in the code of practice for the employment of people with a disability in the Civil Service, 1994. The collection of these statistics is carried out in line with a policy of equal opportunity as stated in this code of practice.

On behalf of the Department of Finance, an independent research study was carried out on the operation of the 3% target. This research identified problems with the existing system of recording and monitoring of staff with a disability in the Civil Service. The Government, in 2004, approved proposals to improve the operation of the policy. Specific guidelines on monitoring and recording staff with a disability will be developed by the Department of Finance, as part of a new code of practice for the employment of people with a disability in the Civil Service.

The definition of a disability used by the Department, and the agencies under its aegis, is the definition set out in the code of practice. In this context, the term “people with disabilities” means people with a physical, sensory or psychological impairment which may:

- have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited.

In the agencies under the aegis of my Department, there are a total of 239 people employed. The percentages of staff with disabilities in each agency are as follows:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Support Agency</td>
<td>2.0%</td>
</tr>
<tr>
<td>Comhairle</td>
<td>3.9%</td>
</tr>
<tr>
<td>Pensions Board</td>
<td>0.0%</td>
</tr>
<tr>
<td>Pensions Ombudsman</td>
<td>0.0%</td>
</tr>
<tr>
<td>Combat Poverty Agency</td>
<td>3.1%</td>
</tr>
</tbody>
</table>

Recruitment to the agencies is by means of open competition or, in certain instances, by staff transferring from the Department. The agencies are aware of the commitment to the target of 3% and this matter will again be followed up with them in the context of the development of the new code of practice on the employment of people with a disability by the Department of Finance.

Due to the relatively small number of staff in these agencies, it would not be appropriate to provide more detailed information regarding staff with disabilities such as the nature of their disabilities, their grades and their qualifications, in order to maintain the confidentiality of the people involved.

**North-South Co-operation.**

375. Caomhghín Ó Caoláin asked the Minister for Social and Family Affairs if he will report on the work of the North-South unit in his Department; and if he will make a statement on the matter. [34213/05]

Minister for Social and Family Affairs (Mr. Brennan): The North-South unit of my Department continuously seeks opportunities for strengthening links with Northern Ireland and pursues a number of issues with the Northern Ireland administration with the objective of promoting effective protection of the social security rights and other forms of social protection of cross-border workers and their families. Contacts include exchanges on the main developments in the area of social protection, co-operation in the prevention and detection of cross-border fraud and the co-ordination and administration of EU regulations governing the social security rights of cross-border workers. My Department has also been involved, in partnership with the Department of Social Development and the Social Security Agency in Northern Ireland, in hosting information seminars to provide frontline staff with the level of information needed to promote and increase benefit uptake within both jurisdictions. As a joint venture with the Department of Social Development my Department has, for a number of years, also been involved in hosting the social welfare summer school which provides staff in both Departments with an opportunity to study specific social policy themes in an academic setting. The summer school is held on alternate years in Trinity College, Dublin, and Queen's University, Belfast.

In line with the Government’s commitment to driving forward practical North-South co-operation to the mutual benefit of people on both parts of the island my Department is currently involved in the development of a portal website dedicated to the provision of links to a wide range of reliable information on such matters as social services, pension rights, taxation, etc. for people who wish to move in either direction between North and South on the island of Ireland. As
Minister, I am personally committed to progressing the proposal in the programme for Government to introduce an all-Ireland travel pass which will enable existing free travel pass holders resident on the island of Ireland to undertake travel free of charge in all parts of the island. In this regard I recently met with Mr. Shaun Woodward MP, Parliamentary Under Secretary of State at the Northern Ireland Office. The issue was also raised at the British-Irish Council, and by the Taoiseach with Prime Minister Blair. In addition, officials from my Department have regular meetings with their counterparts in the Department of Regional Development in relation to the technical requirements for commencing the introduction of the proposed scheme.

Social Welfare Benefits.

376. Mr. Quinn asked the Minister for Social and Family Affairs the cost of the fuel allowance scheme and the cost on a full year basis of increasing the fuel allowance from €9 per week to €18 per week; and if he will make a statement on the matter. [34270/05]

Minister for Social and Family Affairs (Mr. Brennan): Fuel allowances are paid for 29 weeks from the end of September to mid-April each year. Some 274,000 customers, 151,000 with basic fuel allowance and 123,000 with smokeless fuel supplement, benefit under the scheme at a cost of €85.4 million in 2005. Under the scheme a fuel allowance of €9 per week is paid to eligible households during this 29 week winter heating period. An additional €3.90 per week is paid to eligible households in the designated urban smokeless fuel zones, bringing the amount payable in these areas to €12.90.

The Government has concentrated on increasing primary social welfare rates by amounts far in excess of inflation. This approach, though more costly than increasing fuel allowances specifically, delivers a better outcome for pensioners and others by substantially increasing their income in real terms over the whole year to help meet their heating and other day-to-day living costs.

An increase of €9 would bring the fuel allowance rate to €18 per week, or to €21.90 in designated smokeless zones. The full year cost of increasing the rate of fuel allowance by €9 a week during the winter heating season is estimated to be €157 million, an increase of nearly €72 million over the existing annual cost of €85.4 million. If the fuel allowance rate was increased by €9 and paid for the full 52 weeks of the year, the total scheme cost would be €281 million, an increase of nearly €196 million on the existing cost.

I am keeping the fuel allowance scheme under active review. However, given the very significant cost implications, any change to the scheme rates or duration would have to be considered in the context of the budget, and in the light of the resources available to me for improvements in social welfare generally.

Pension Provisions.

377. Mr. Connaughton asked the Minister for Social and Family Affairs if a person aged 55 years of age should be encouraged to contribute to the PRSA pension fund; and if he will make a statement on the matter. [34303/05]

Minister for Social and Family Affairs (Mr. Brennan): It is Government policy to encourage people, through significant tax relief, to participate in private or occupational pension schemes because of the very positive impact the accrued savings can make to a person’s overall income in retirement. Obviously, the earlier someone starts contributing to a pension scheme the better the chance that they will have accumulated a significant retirement fund by the time they reach retirement age. A person starting contributions later in life will need to make significantly higher contributions and this is recognized in the tax system with up to 30% of earnings contributed to a pension fund by a person over 50 years of age allowable for tax purposes. The Pensions Board website, www.pensionsboard.ie, features a very good pensions calculator which allows a person to estimate the amount of money they need to contribute to a pension in relation to their age, current salary and the level of pension they want in retirement.

Social Welfare Benefits.

378. Mr. Kehoe asked the Minister for Social and Family Affairs the number of people who applied for and were refused an allowance for diet supplement for the past five years; the number of people who are in receipt of a diet supplement during 2005 and the amount of money spent by his Department on same to date in 2005; and the number of people who applied for and were refused a diet allowance to date in 2005. [34404/05]

Minister for Social and Family Affairs (Mr. Brennan): Diet supplements are provided through the supplementary welfare allowance scheme which is administered on my behalf by the community welfare division of the Health Service Executive. Statistics on the number of diet supplement applications and the number of diet supplements refused are not maintained by the HSE or on my Department’s computer systems. Expenditure on diet supplement in 2005 to date is €5.4 million. Details of the current number of recipients and the number of recipients of diet supplements in the previous five years are shown in the following table:
Table: Number of Recipients of Diet Supplement 1999-2005.

<table>
<thead>
<tr>
<th>Year</th>
<th>Recipients</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>8,571</td>
</tr>
<tr>
<td>2000</td>
<td>9,736</td>
</tr>
<tr>
<td>2001</td>
<td>10,842</td>
</tr>
<tr>
<td>2002</td>
<td>12,263</td>
</tr>
<tr>
<td>2003</td>
<td>13,577</td>
</tr>
<tr>
<td>2004</td>
<td>12,669</td>
</tr>
<tr>
<td>2005*</td>
<td>11,904</td>
</tr>
</tbody>
</table>

*At 4th November 2005.

EU Legislation.

379. Mr. Quinn asked the Minister for Transport the number of proposals that his Department is opposing at European Council at any state; the names of such proposals; the reason his Department is taking this position; and if he will make a statement on the matter. [33829/05]

Minister for Transport (Mr. Cullen): There are no significant EU legislative transport proposals that Ireland is opposing at present. Agendas for forthcoming transport councils will be examined carefully with a view to ensuring Ireland’s strategic interests continue to be safeguarded in any proposals that fall to be considered at council.

EU Directives.

380. Mr. Quinn asked the Minister for Transport the exemptions from EU directives or regulations that Ireland has achieved in his Department’s competency area; the reason his Department requested each exemption; if it is intended to give up any of these exemptions; and if he will make a statement on the matter. [33844/05]

381. Mr. Quinn asked the Minister for Transport the exemptions from EU directives or regulations that his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33859/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 380 and 381 together.

Since the Department of Transport was set up in June 2002 no exemptions have been sought other than on Directive 96/48/EC, the details of which are as follows.

Ireland has secured a number of specific exemptions relating to the technical specifications for interoperability, TSIs, on Directive 96/48/EC on the interoperability of trans-European high-speed rail system and Directive 2001/16/EC on the interoperability of trans-European conventional rail system on the basis that the technical characteristics of the sub-systems in the Irish network are different from the other member states.

Road Network.

382. Mr. Quinn asked the Minister for Transport the average price per kilometre of new national roads completed between start January 2002 and end October 2005. [33883/05]

Minister for Transport (Mr. Cullen): As the planning design and implementation of national road improvement projects is a matter for the National Roads Authority, NRA, the detailed information sought by the Deputy is held by the NRA. To facilitate the Deputy, my Department has asked the NRA to forward the requested data directly to him.

Rail Network.

383. Mr. P. Breen asked the Minister for Transport if a detailed plan for the implementation of the western rail project under Transport 21 has been drawn up; the details of such plans; the envisaged cost of the project under Transport 21; if it is envisaged cost is commercially sensitive information, if so, the reason therefor; and if he will make a statement on the matter. [33926/05]

Minister for Transport (Mr. Cullen): Transport 21 provides for the phased opening of the western rail corridor from Ennis to Claremorris. The line from Ennis to Athenry will be developed first, by 2008, followed by the Athenry to Tuam section by 2011 and the Tuam to Claremorris section by 2014. In addition, commuter rail services will be introduced from Athenry to Galway by 2009.

I have asked Iarnród Éireann to draw-up detailed plans and designs for each phase of the work in the shortest possible timeframe and my Department will hold ongoing discussions with the company on this and other projects identified in Transport 21. While Transport 21 includes a provision for the cost of each phase of the project, a competitive tendering process will be undertaken when design and planning is completed.

Road Network.

384. Ms Harkin asked the Minister for Transport the moneys which have been received for the TENs programme since 1999; and the breakdown on a county or regional basis (details supplied). [33935/05]

Minister for Transport (Mr. Cullen): Further to my answer to the Deputy’s Questions Nos. 273 and 274 of 9 November 2005, the moneys received under the Trans-European Transport Networks, TEN-T, programme are set out in the following table, broken down by year and by project.

The TEN-T receipts on the N8 Cashel bypass project relate to the south-east region and the
receipts on the N1 Dundalk to Border with Northern Ireland project relate to the Border region.

As regards the other five TEN-T projects listed in the attached table that are not specific to a NUTS 3 region, it is not possible to give a breakdown of the receipts at NUTS 3 level. This is because the grant approved by the Commission is approved for a project as a whole and is not broken down on a section by section basis, so it is not possible to say how much of the TEN-T grants paid by the Commission relates to a specific NUTS 3 region.

Table showing receipts under TENs Programme.

<table>
<thead>
<tr>
<th>Project</th>
<th>2000-2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005 (to 11.11.05)</th>
<th>Total Receipts 2000 to 11.11.05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning &amp; Design of Ireland element of Irl/UK/Benelux road link</td>
<td>€000</td>
<td>€000</td>
<td>€000</td>
<td>€000</td>
<td>€000</td>
<td>€000</td>
</tr>
<tr>
<td>(Cork-Dublin-Belfast)</td>
<td>Nil</td>
<td>5,500</td>
<td>4,000</td>
<td>Nil</td>
<td>8,000</td>
<td>17,500</td>
</tr>
<tr>
<td>N8 Cashel Bypass</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>720</td>
<td>720</td>
</tr>
<tr>
<td>N1 Dundalk to Border with Northern Ireland</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>1,320</td>
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<td>INSTANT (Information &amp; Management System for Multimodal Transport in</td>
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<td>699</td>
<td>Nil</td>
<td>Nil</td>
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<td>the Republic of Ireland and Northern Ireland)</td>
<td>Nil</td>
<td>51</td>
<td>Nil</td>
<td>75</td>
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<td>STREETWISE (Seamless Travel Environment for Efficient Travel in the</td>
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<td>Western Isles of Europe)</td>
<td>1,200</td>
<td>51</td>
<td>75</td>
<td>1,800</td>
<td>3,000</td>
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<tr>
<td>Safety and upgrade work in conventional TENs Rail routes, 1,200 (</td>
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<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
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<td>500</td>
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<tr>
<td>received in year 2000)</td>
<td>1,200</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>3,000</td>
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<td>Elimination of key Permanent Speed Restrictions on the Cork-Dublin-</td>
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<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
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<tr>
<td>Belfast Rail Corridor</td>
<td>1,200</td>
<td>6,250</td>
<td>4,000</td>
<td>1,875</td>
<td>10,685</td>
<td>24,010</td>
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<td>Total All Projects</td>
<td>1,200</td>
<td>6,250</td>
<td>4,000</td>
<td>1,875</td>
<td>10,685</td>
<td>24,010</td>
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</table>

**Public Transport.**

385. **Ms Harkin** asked the Minister for Transport his views regarding the current underspend in the public transport regional OP; if works on the western rail corridor will commence; if not, the way in which the money will be spent. [33936/05]

**Minister for Transport (Mr. Cullen):** Under the economic and social infrastructure operational programme, ESIOP, the total spend on public transport, from 2000 to mid 2005, was €2.7 billion, almost 98% of the projected spend for that period. It is anticipated that the full allocation for public transport projects will be expended by end 2006.

The spend on the ESIOP for the BMW region has been below target in recent years. However, the BMW figure does not reflect fully the benefits that have accrued to the BMW from public transport expenditure, as a whole. For example, funds have been expended to provide new signalling and track work across the entire Iarnród Éireann network as well as on the provision of new rolling stock. While expenditure on rolling stock, the Heuston Station project and track work was all sourced from S&E region funds, the benefits have and will be felt throughout the country in terms of faster, more comfortable and reliable services.

Following the launch of Transport 21, I have asked Iarnród Éireann to commence the design and planning stages of the western rail corridor from Ennis to Claremorris. The line will be developed on a phased basis, with Ennis to Athenry being completed in 2008, Athenry to Tuam in 2011 and Tuam to Claremorris in 2014.

**Road Network.**

386. **Ms Harkin** asked the Minister for Transport if the Government will apply for TENs funding for the Atlantic road corridor from Derry to Waterford. [33937/05]

**Minister for Transport (Mr. Cullen):** Transport 21 makes provision for the development of the Atlantic road corridor to be funded by the Exchequer. However, the question of an application for TEN-T funding for appropriate sections of the Atlantic road network will be considered in due course in the context of the new Community financial perspectives for the 2007-2013 period.

**Rail Services.**

387. **Mr. Costello** asked the Minister for Trans-
Minister for Transport (Mr. Cullen): The operation of rail services is a day-to-day matter for Iarnród Éireann. However, the company assures me that the changes to the timetable for the Sligo/Maynooth/Dublin rail line will be implemented on 12 December as planned.

The company intends to introduce new diesel railcars on the route in the coming weeks.

Included in the new timetable will be two additional services on the Sligo/Dublin route as well as additional morning and evening peak trains on the Maynooth/Dublin section of the line.

Public Transport.

388. Mr. Costello asked the Minister for Transport if Bus Éireann has applied to his Department for licences to extend its services in the south Sligo area; when he will be in a position to grant same in view of Sligo’s poor allocation of funding under his Department’s new Transport 21 plan; and if he will make a statement on the matter. [33974/05]

Minister for Transport (Mr. Cullen): Dublin Bus and Bus Éireann are exempt from the requirement to hold a licence under the Road Transport Act 1932. However, since 10 January 2001, both companies are required by ministerial direction to notify the Department of any proposed new services or proposed changes to existing services at least four weeks prior to their introduction.

In order to preserve commercial confidentiality it is the Department’s practice to keep details of notifications confidential until a decision is made. However, I can advise the Deputy that my Department has two outstanding notifications from Bus Éireann for bus routes in the Sligo area, which were received on 16 June 2005 and 2 August 2005. The outstanding notifications indicated above are currently being processed by my Department and a decision shall be made shortly.

Rail Services.

389. Mr. Costello asked the Minister for Transport if the proposal and feasibility study submitted by the south Sligo rapid transit group for a commuter rail system was considered for funding under his Departments Transport 21 plan; when his Department expects to proceed with their licence application to operate a commuter system; and if he will make a statement on the matter. [33976/05]

Minister for Transport (Mr. Cullen): No funding provision is contained in Transport 21 for the south Sligo rapid transit project. One of the main influencing factors in deciding on the railway development proposals contained in Transport 21 was the report of the strategic rail review, SRR, carried out on behalf of my Department and published in 2003. The SRR considered the south Sligo rail study in the course of its analysis and concluded that the proposed service did not meet the pre-selection criteria in respect of reasonableness in terms of potential patronage, use of existing networks, population catchment and consistency with national policy such as the national spatial strategy. The SRR did not, therefore, proceed to a more detailed evaluation of the proposal.

Public Transport.

390. Mr. Costello asked the Minister for Transport if he has satisfied himself with the level and quality of services offered by Bus Éireann here; his views on the company’s role as part of the Government’s overall strategy to deliver quality public transport into the 21st century in view of the fact that so little funding was allocated to it under his new transport plan; and if he will make a statement on the matter. [33977/05]

Minister for Transport (Mr. Cullen): Bus Éireann will continue to play an important role in the provision of bus services outside Dublin in future years. I have already indicated that, under Transport 21, urban bus services will be upgraded and the future development of quality bus corridors, green routes and park and ride facilities will be supported in Cork, Galway, Limerick and Waterford. I have also committed to the upgrade of regional and local bus services. Significant funding has been provided for this purpose and my Department will shortly hold discussions with Bus Éireann on the most effective allocation of these funds.

391. Ms O. Mitchell asked the Minister for Transport the number of buses in the Bus Éireann fleet; the number of buses in the fleet which are school buses; and if he will make a statement on the matter. [33981/05]

Minister for Transport (Mr. Cullen): I am advised by Bus Éireann that the number of buses in the Bus Éireann fleet is 1,356, of which 662 are school buses.

392. Ms O. Mitchell asked the Minister for Transport if he has received requests from Dublin Bus since 2001 to provide funding for additional buses to its fleet; the date of such requests and
the responses given by his Department in each case; and if he will make a statement on the matter. [33989/05]

397. Ms C. Murphy asked the Minister for Transport if further resources will be provided to Dublin Bus in addition to the 20 announced new buses in order that they can expand their fleet of buses; and if he will make a statement on the matter. [34029/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 392 and 397 together.

The evaluation of the public transport investment programme carried out by Indecon Economic Consultants in 2002 stated that due to a lack of garage capacity further expansion of the bus fleet in Dublin was not possible. My Department provided approximately €20 million in Exchequer funding to meet the capital cost of a new garage. It was constructed at Harristown and commenced operations in November 2004. The garage can cater for 240 buses and has been operating 200 buses since November 2004.

My Department has held extensive discussions with Dublin Bus during 2005 on the future direction of the bus market in Dublin. Dublin Bus was also requested to carry out a review of the bus network in Dublin. This was in recognition of the significant changes that have taken place in Dublin since the start of the national development plan, including substantial increases in rail capacity such as Luas, commuter rail services and the DART upgrades, together with ongoing demographic changes and in recognition of the need to maximise the benefit of any Exchequer investment. The company has advised me that the review will be completed early next year. The company is, in the first instance, assessing how to maximise the utilisation of its existing bus fleet. No funding for additional buses was provided to the company from the Exchequer while the review was taking place.

Transport 21 makes significant provision for investment in buses in Dublin and provincial areas. The quality bus corridor network in Dublin will be at least doubled over the ten years to 2015 to improve the quality, reliability and efficiency of bus services.

In this regard, I have responded to the only application I have from Dublin Bus by approving funding for 20 additional buses as the first element in the expansion of bus services in Dublin. Officials in my Department will be meeting again with the management of Dublin Bus in the coming weeks to discuss the further expansion of bus services in Dublin in the context of the network review.

Airport Development Projects.

393. Mr. Sargent asked the Minister for Trans-
port if, in view of the report from an economist (details supplied) at a recent energy conference held in Dublin that with the increase in global oil prices and the impact it is having on the steeply rising price of aviation fuel, it is not feasible in the long term to pursue the construction of an additional runway at Dublin Airport; and if he will make a statement on the matter. [34016/05]

Minister for Transport (Mr. Cullen): While matters relating to Ireland’s energy supplies do not fall within the remit of my Department, there have been a number of previous occasions when oil prices have shown volatility. This is a global phenomenon and will undoubtedly require a portfolio of solutions including, in the case of aviation, a continued technological drive towards more fuel efficient and less polluting aircraft engines. In the recent past aircraft manufacturers have achieved significant fuel saving efficiencies in the operation of new generation aircraft. Airlines are already responding to changes in the oil market.

I do not believe that curtailing the growth of Dublin Airport by blocking required infrastructural developments such as the proposed second parallel runway is either prudent or feasible. I know of no other country that is considering a review of planned strategic airport infrastructure merely in response to current oil prices. Dublin Airport is, and will remain, critical to our national economy and it is noteworthy that the national spatial strategy acknowledged that the expansion of the level of air services from that airport to a wider range of destinations is essential in the interests of underpinning Ireland’s future international competitiveness.

Road Traffic Offences.

394. Mr. Sargent asked the Minister for Transport if legislation will be introduced to revoke the driving licence and haulage licence of commercial drivers or hauliers charged with illegal dumping; and if he will make a statement on the matter. [34017/05]

Minister of State at the Department of Transport (Mr. Callely): Under the Road Traffic Acts the courts have the power to disqualify from holding a driving licence a person who is convicted of a crime or offence in the commission of which a mechanically propelled vehicle was used. In assessing the good repute of applicants for a road freight carrier’s licence, my Department takes account of convictions for breaches of the law by applicants, as advised by the Garda Síochána.

Departmental Advertising.

395. Ms Shortall asked the Minister for Transport the cost of the quarter page advertisement
[Ms Shortall.] published in a newspaper (details supplied) of 8 November 2005 regarding travel and traffic arrangements for the Dublin area in the run up to Christmas and featuring a colour photograph of the Minister of State; if other such advertisements are planned; if so, the publications of same; the planned date of publication; the cost in each case; if each advertisement will feature a photograph of the Minister of State; and if he will make a statement on the matter. [34023/05]

396. Ms Shortall asked the Minister for Transport the cost in terms of preparation, production and publication of the planned supplement regarding Operation Freeflow that is due to appear in a newspaper (details supplied) of 27 November 2005; if tenders were sought for the publication of this supplement; if all public procurement requirements were complied with in regard to the supplement; if similar features are planned for any other publications; and if he will make a statement on the matter. [34024/05]

403. Ms Shortall asked the Minister for Transport the cost of the quarter page advertisement published in a newspaper (details supplied) of 8 November 2005 regarding travel and traffic arrangements for the Dublin area in the run up to Christmas and featuring a colour photograph of the Minister of State; if other such advertisements are planned in the newspaper; if so, the planned date of publication and the cost in each case; if each advertisement will feature a photograph of the Minister of State; and if he will make a statement on the matter. [34130/05]

407. Mr. F. McGrath asked the Minister for Transport the amount of public money which was spent on the Minister of State’s recent advertisements in newspapers (details supplied) on 8 November 2005; and if he will make a statement on the matter. [34224/05]

Minister of State at the Department of Transport (Mr. Callely): I propose to take Questions Nos. 395, 396, 403 and 407 together.

The advertisements in question were commissioned by the Dublin Transportation Office as part of a public information campaign for Operation Freeflow 2005. This operation is an annual initiative undertaken to manage control traffic in the greater Dublin area during the Christmas period, which is the busiest time of the year for businesses and shoppers.

Advertisements were placed in the Irish Independent and the Evening Herald. The rate card cost, excluding VAT, for the Irish Independent was €8,490 and the Evening Herald was €11,100. However, a discount was negotiated meaning that the actual cost was lower. Disclosure of the discounted cost would impede the DTO’s ability to negotiate future discounts.

It was never planned to re-run this advertisement. However, an Operation Freeflow supplement is scheduled to appear in the Sunday Independent on 27 November. The cost of that supplement is €27,000, excluding VAT. In commissioning the supplement, an assessment of market penetration and good commercial value was undertaken by the DTO. The Independent Group was selected by the DTO on the basis of reach, circulation, readership, quality, availability and cost. I have been assured by the DTO that the principles underpinning procurement were applied in the assessment. No similar supplements are planned for other newspapers in 2005.

Question No. 397 answered with Question No. 392.

Rail Network.

398. Ms C. Murphy asked the Minister for Transport when it is intended to commence the planning and building of the interconnector between Heuston and Connolly train stations; the estimated cost of the project; and if he will make a statement on the matter. [34034/05]

Minister for Transport (Mr. Cullen): An initial feasibility study on the proposed interconnector between Heuston Station and the docklands was carried out in on behalf of Iarnród Éireann 2003. This examined possible alignments for the interconnector as well as preliminary cost estimates.

I have asked Iarnród Éireann to begin immediately a more detailed technical analysis of the project. While Transport 21 includes a provision for the cost of the project, a competitive tendering process will be undertaken when design and planning is completed. Transport 21 provides for the project to be completed in 2015.

Ministerial Travel.

399. Mr. Cuffe asked the Minister for Transport the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34067/05]

Minister for Transport (Mr. Cullen): Since taking office I have had the opportunity to travel on the Luas — St. Stephen’s Green to Sandyford — line and the DART and commuter train systems while in transit to official functions in connection with these public transport systems.

National Spatial Strategy.

400. Mr. Cuffe asked the Minister for Transport the significant changes which have been implemented by his Department to date in 2005 in delivering the National Spatial Strategy; and
the costs, benefits and savings that have accrued. [34082/05]

Minister for Transport (Mr. Cullen): A substantial amount of work was undertaken by my Department and its agencies during 2005 to develop Transport 21. This work provides a key contribution to the delivery of the national spatial strategy and gives tangible support for the balanced regional development objectives set out in that strategy.

Transport 21 takes account of the linkages between transport and land use and spatial planning so as to develop a transport system that contributes to sustainable development in all its dimensions: economic, social and environmental. The development of Transport 21 was informed by and supports the policies set out in the national spatial strategy. It also takes account of the regional planning guidelines adopted during 2004 and was informed by and supports a number of regional land use and transportation strategies for the cities such as the Dublin Transportation Office’s long-term strategy, A Platform for Change, and the Cork area strategic plan.

It is not possible to provide an estimate of the costs incurred or the benefits or savings realised as a result of this work at this stage. However, the implementation of Transport 21 will underpin our competitiveness, promote balanced regional growth and enhance the quality of life for generations to come.

Rail Network.

401. Ms C. Murphy asked the Minister for Transport the way in which the timeframe for the Kildare rail upgrade has been arrived at in view of the fact that considerable work has already been done on the planning stages of this project; and if he will make a statement on the matter. [34093/05]

Minister for Transport (Mr. Cullen): CIE submitted to me an application for a railway order for the Kildare route project on 5 October under the terms of the Transport (Railway Infrastructure) Act 2001. I have directed that a public inquiry be held into the application and have appointed Mr. Pat Butler SC as inspector to the inquiry. I understand that the inspector will begin the inquiry early in 2006 and that the findings will be submitted to me soon after its conclusion.

It is anticipated that if I decide to grant the railway order, construction work will begin before the end of 2006. Iarnród Éireann estimates that the project will take just over three years to carry out and the date for completion in Transport 21 is, therefore, 2010.

Public Transport.

402. Ms C. Murphy asked the Minister for Transport if his announcement that the number of park and ride facilities in Dublin excludes the possibility of developing such facilities in Kildare, Meath and Wicklow; his plans to develop such facilities in Kildare, Meath and Wicklow; and if he will make a statement on the matter. [34094/05]

Minister of State at the Department of Transport (Mr. Callely): It is a key aim of the Department of Transport to develop an integrated transport system which will attract more people onto public transport, and park and ride facilities will play an important role in achieving this. In this context, I received this summer a strategy produced by the Dublin Transportation Office for the development of rail park and ride facilities in the greater Dublin area, including counties Kildare, Meath and Wicklow. This plan envisages a network of existing and proposed future park and ride sites, and I am happy to be able to tell the Deputy that among the proposals are new sites in each of counties Kildare, Meath and Wicklow. It is now a matter for the relevant agencies to prepare and submit business cases for the development of specific sites which will be considered on their merits. I accepted the DTO strategy document and stipulated my policy for park and ride is both rail-based and bus-based.

Question No. 403 answered with Question No. 395.

Departmental Staff.

404. Mr. Carey asked the Minister for Transport the percentage of persons with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the three per cent quota; and if he will make a statement on the matter. [34147/05]

Minister for Transport (Mr. Cullen): The currently available data on the percentage employment of people with disabilities in my Department and in the bodies under the aegis of my Department are given in the following table.

The guidelines currently followed for monitoring the employment of people with disabilities by public bodies are set out in the code of practice for the Civil Service, 1994. Information on the nature of their disabilities, their grade or level of employment, or any specific qualifications they might hold, is not currently collected.
The definition of a person with a disability for the purposes of the 3% target is set out in the code of practice for the Civil Service, 1994. It includes people with a physical, sensory or psychological impairment which may have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited.

Returns for 31 December 2004.

<table>
<thead>
<tr>
<th>Name of public body</th>
<th>Status of body</th>
<th>% of workforce with disabilities</th>
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<tr>
<td>Department of Transport</td>
<td>Civil Service</td>
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<td>Aer Lingus</td>
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**Airport Development Projects.**

405. Mr. P. Breen asked the Minister for Transport further to confirmation by way of reply to Question No. 37 of 6 February 1975 that Aer Rianta as of that date was not permitted to engage in industrial development in the vicinity of Dublin Airport, when Departmental policy changed in order to enable the said semi-State to engage in such development and by such means become an aggressive property speculator in the vicinity of Dublin Airport; and if he will make a statement on the matter. [34194/05]

Minister for Transport (Mr. Cullen): As the Deputy will be aware, the role and functions of the former Aer Rianta have evolved over the decades and I do not propose to examine the historical record stretching back 30 years in an effort to pin-point when the event may or may not have happened.

The objects, general duties and functions of the Dublin Airport Authority, DAA, as successor to Aer Rianta, are contained in the Air Navigation and Transport (Amendment) Act 1998, as amended by the State Airports Act 2004 and in the company’s Memorandum and Articles of Association. As part of those functions, DAA shall promote investment at Dublin Airport. It may also engage in any business activity, either alone or in conjunction with others that it considers “advantageous to the development of the company”.

**North-South Co-operation.**

406. Caoimhghín Ó Caoláin asked the Minister for Transport if he will report on the work of the North-South unit in his Department; and if he will make a statement on the matter. [34214/05]

Minister for Transport (Mr. Cullen): My Department continues to work through the institutions established under the Good Friday Agreement, in consultation with officials from the relevant authorities in Northern Ireland and the Department of Foreign Affairs, to improve the connectivity and safety of the transport system on the island of Ireland and to identify opportunities to improve the overall network.

The Government recently launched a ten-year capital investment framework, Transport 21. The framework will significantly enhance the transport infrastructure on the island and will improve connectivity with Northern Ireland by road and by rail, through substantial upgrading of all rail and road connections to the Border.

There is a considerable level of ongoing cooperation at official level in the planning and procurement of cross-Border road infrastructure. Much of this co-operation is co-ordinated through a cross-Border steering group. The Newry-Dundalk road project, for example, is being procured on a joint cross-jurisdictional basis. Substantial progress has been made on the motorway from Dublin to Belfast, with the completion of the M1 to Dundalk. Significant improvements in the strategic road links with the north west of the island are also proposed under Transport 21.

My Department is proceeding with the implementation of the Government decision, in prin-
ciple, in relation to co-funding for City of Derry Airport in collaboration with Northern Ireland authorities. Air access to the north west is also being subsidised by my Department through the PSO air service programme, and earlier this year I announced the extension of the PSO contracts for the Derry-Dublin and Donegal-Dublin air routes for a further three years. With regard to rail safety, officials from my Department are taking forward co-operation with the Northern Ireland authorities on rail safety, to include technical convergence and interoperability, in each jurisdiction and the implementation of the EU rail packages.

A programme for enhancing North-South cooperation on road safety was approved by the North-South Ministerial Council in December 2000. The programme includes a continuation of the joint road safety campaigns between the National Safety Council, NSC, and the Department of the Environment, Northern Ireland, DOENI, an examination of the possibility of joint promotion of road safety educational initiatives and an exchange of information between authorities in the North and South on road safety programmes, targets and priorities, and the review of these.

Since 2000, four joint advertising campaigns have been developed by the NSC and DOENI. These campaigns have targeted speeding, seatbelt wearing, drink-driving and vulnerable road users and they continue to be used to ensure changes in road user attitudes and behaviour. The NSC and DOENI are currently developing a further joint campaign targeting drink driving, which I am scheduled to launch on behalf of the NSC later this month in time for the annual Christmas drink driving campaign.

**EU Directives.**

408. Mr. Quinn asked the Minister for Transport if EU Directive 2004/52/EC will be implemented before 19 November 2005; if not, the reason Ireland will not meet its obligations to implement this directive before the deadline. [34254/05]

**Minister for Transport (Mr. Cullen):** I will sign regulations to implement EU Directive 2004/52/EC on the interoperability of electronic road toll systems in the Community in the near future.

**Public Transport.**

409. Dr. Upton asked the Minister for Transport his plans for improvement of the public transport system servicing Harold’s Cross, Kimmage, Crumlin, Walkinstown, Terenure and Templeogue; if the traffic and transport requirements of these areas are being addressed under the Transport 21 proposals; if so, the timeframe which applies to the commencement dates for those plans; if his attention has been drawn to the serious traffic problems in these areas at present; his plans to address the traffic problems in the event that these areas are not included in the Transport 21 agenda up to 2016; and if he will make a statement on the matter. [34256/05]

**Minister for Transport (Mr. Cullen):** Under Transport 21, the greater Dublin area will benefit from the development of a fully integrated network of bus and rail services that will facilitate easy interchange by public transport users. The areas referred to by the Deputy will continue to be served by the bus which will play a crucial role in the capital’s public transport system under Transport 21.

In this regard Transport 21 will put a greater focus on the development of orbital, feeder and local services. It is important to point out that it is not a question of bus or rail, but of using both modes to effectively complement each other to maximise the passenger-carrying capacity and availability of public transport. Overall we will see the capacity of the bus network increase by 60% over the lifetime of Transport 21. This will of course bring significant benefits to commuters throughout the greater Dublin area.

In light of the planned investment under Transport 21, I have already asked Dublin Bus to review its network with a view to meeting the immediate and short-term requirement for additional public transport in Dublin and to examine the most effective means of expanding bus services in the short, medium and long term and it is to report to me early in the new year.

Transport 21 also contains a significant level of funding for traffic management measures in the greater Dublin area. These measures will include the construction of more quality bus corridors, QBCs, cycle paths, improved pedestrian facilities and traffic management support systems. The delivery of additional bus capacity and QBCs over the lifetime of Transport 21 will improve the overall efficiency and quality of the bus network throughout the city.

**Rail Services.**

410. Ms C. Murphy asked the Minister for Transport if his attention has been drawn to the overcrowding at peak times on trains on the Maynooth train line; if Irish Rail will conduct a safety audit of these trains; and if he will make a statement on the matter. [34412/05]

**Minister for Transport (Mr. Cullen):** At present, there are no regulations either here or at EU level governing the number of passengers that can be carried on an individual railway carriage. However, I expect the Railway Safety Bill to be enacted before year-end, and the Railway
[Mr. Cullen.]

Safety Commission will then have power to make regulations in this area.

Iarnród Éireann has indicated that the issue of crowding is one of discomfort and inconvenience rather than a safety concern and I understand that this view is in line with the consensus in the railway industry worldwide. The company also assures me that proposals for the introduction of additional services in the coming years will provide the capacity required to improve the conditions prevailing on the commuter services concerned.

411. Mr. Andrews asked the Minister for Transport if his attention has been drawn to the fact that most DART carriages are not wheelchair accessible due to the gap between the carriage and the platform and the difference in height; and if the investment in accessibility on DART carriages has taken this issue into account. [34413/05]

412. Mr. Andrews asked the Minister for Transport if he will investigate ways of making DART carriages easier to access for wheelchair users. [34414/05]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 411 and No. 412 together.

The issue to which the Deputy refers to is an operational matter within the remit of Iarnród Éireann. Iarnród Éireann informs me that it follows the UK rail vehicle accessibility regulations when formulating the specifications prior to purchase of all new rail carriages. This encompasses all carriages, including DARTs purchased over the past decade.

Platforms on the DART alignment have to accommodate a number of different types of rolling stock, including mainline and suburban railcars, and Enterprise services, as well as DART. Each type is a different height from the track. This contributes to a vertical gap between carriage and platform for DART cars. A large number of stations have curvatures at some point on the platforms and this also contributes to the gap, horizontal in this case. All platform works being carried out currently include the standardisation of height from track, which will aid customers. Iarnród Éireann has provided mobile ramps in all of the manned stations throughout the country to assist customers to board trains.

Public Transport.

413. Ms Shortall asked the Minister for Transport the position regarding the need to improve public transport and the road infrastructure for Palmerstown, Dublin 20; if his attention has been drawn to the fact that there are gaps in the provision of public transport in the Palmerstown area; and the measures contained in Transport 21 that will improve the transport situation for Palmerstown. [34415/05]

Minister for Transport (Mr. Cullen): Under Transport 21 the greater Dublin area will benefit from the development of a fully integrated network of bus and rail services that will facilitate easy interchange by public transport users.

Transport 21 provides for the construction of a new Luas line between Lucan and the city centre. Work on the line will start in 2010 and be completed by 2013. While the precise alignment will not be known until detailed planning work has been carried out, it is expected that the line will serve the existing and new residential areas of Lucan, north Clondalkin, Cherry Orchard and Ballyfermot, some of which are adjacent to the Palmerstown area.

The new Luas line will link up with the orbital metro west line, offering passengers along the Lucan line the opportunity to access the wider Luas, metro and rail network.

Palmerstown will of course continue to be served by the bus which will play a crucial role in the capital’s public transport system under Transport 21. A greater focus will be put on the development of orbital, feeder and local bus services. In this regard it is important to point out that it is not a question of bus or rail, but of using both modes to effectively complement each other to maximise the passenger carrying capacity and availability of public transport. Overall we will see the capacity of the bus network increase by 60% over the lifetime of Transport 21. This will of course bring significant benefits to Palmerstown.

In light of the planned investment under Transport 21, I have already asked Dublin Bus to review its network with a view to meeting the immediate and short-term requirement for additional public transport in Dublin and to examine the most effective means of expanding bus services in the short, medium and long term. It is to report to me early in the new year.

On roads, the M50 upgrade will be completed in two phases increasing the number of lanes from four to six. Phase 1 comprises the N4-N7 section adjacent to Palmerstown and will be completed by 2007.

EU Directives.

414. Mr. Bruton asked the Minister for Transport his views on suggestions that LUAS drivers are not always receiving the minimum rest periods due to inadequate rostering; and if he will make a statement on the matter. [34470/05]

Minister for Transport (Mr. Cullen): This is an operational matter for the Connex in which I have no function. However, the Minister for Enterprise, Trade and Employment introduced the Organisation of Working Time (Inclusion of Transport Activities) Regulations 2004, in line with the EU working time directive. I understand Connex Transport Ireland Limited is complying with these regulations.
Grant Payments.

415. Mr. Ring asked the Minister for Community, Rural and Gaeltacht Affairs when a person (details supplied) in County Mayo will receive the farm electrification grant. [33898/05]

Minister for Community, Rural and Gaeltacht Affairs (Eamon Ó Cuív): My Department has not received an application from the person concerned. However, I have been informed by the ESB that an incomplete application has been received by its local office. The ESB is contacting the person concerned in order to clarify the nature of the application and will inform my Department in due course. I will advise the Deputy further on completion of these inquiries. [33898/05]

EU Directives.

416. Mr. Quinn asked the Minister for Community, Rural and Gaeltacht Affairs the number of proposals that his Department is opposing at European Council at any state; the names of such proposals; the reason his Department is taking this position; and if he will make a statement on the matter. [33830/05]

417. Mr. Quinn asked the Minister for Community, Rural and Gaeltacht Affairs the exemptions from EU directives or regulations that Ireland has achieved in his Department’s competency area; the reason his Department requested each exemption; if it is intended to give up any of these exemptions; and if he will make a statement on the matter. [33845/05]

418. Mr. Quinn asked the Minister for Community, Rural and Gaeltacht Affairs the exemptions from EU directives or regulations that his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33860/05]

Minister for Community, Rural and Gaeltacht Affairs (Eamon Ó Cuív): I propose to take Questions Nos. 416 to 418 inclusive.

My Department has not sought nor is seeking any exemptions from EU directives or regulations nor is it opposing any proposals at European Council.

Harbours and Piers.

419. Mr. Walsh asked the Minister for Community, Rural and Gaeltacht Affairs if he will ensure that CLAR funding is allocated towards pier improvement works at Garnish pier. His Department will contribute 75% of the funding with the county council funding the remaining 25%. It is expected that the full amount allocated will be spent before the end of the year. No funding has been sought for these works under the CLAR programme in 2005.

Departmental Programmes.

420. Mr. Lowry asked the Minister for Community, Rural and Gaeltacht Affairs the grant programmes available from his Department and from agencies under his responsibility; and the deadlines of each programme. [33919/05]

Minister for Community, Rural and Gaeltacht Affairs (Eamon Ó Cuív): The Deputy will be aware that my Department operates, either directly or through bodies under its aegis, a wide range of grant schemes and projects, descriptions of which are available on my Department’s website at www.pobail.ie. The headings under which applicants can qualify for grant aid from my Department or bodies under its aegis are given in the appendix.

Expenditure up to 10 November 2005 across the three main programme areas (excluding administration) is €247.6 million, which can broadly be broken down as follows: an Ghaeilge agus an Ghaeltacht, €60.1 million; community affairs, €118.3 million; and rural affairs, €69.2 million.

Applications for grant programmes, qualification criteria and deadlines are advertised in the media and/or on my Department’s website and its links to bodies under the aegis of my Department. It is the practice of my colleague the Minister of State, Deputy Noel Ahern, and myself to make details of all announcements relating to grant approvals and other expenditure-related decisions under these programmes available on the Department’s website.

Appendix

The headings under which applicants can qualify for grant aid from my Department, or bodies under its aegis.

(a) Schemes to support community development and voluntary groups.

The community development support programmes — designed to mobilise the capacity of disadvantaged communities to participate in mainstream local development, training, education and employment opportunities.

Grants for locally-based community and voluntary organisations — designed to enhance the effectiveness of local communities through the funding of voluntary and community organisations in disadvantaged areas and the promotion of community development education and training activity.
Scheme of community support for older people — designed to direct funding to initiatives to improve the security of vulnerable older people.

Funding scheme to support the role of federations, networks and umbrella bodies in the community and voluntary sector — designed to support national representative federations, networks and umbrella bodies in the community and voluntary sector in providing support to their member groups.

Funding scheme for training and supports in the community and voluntary sector — designed to develop support and training availability across the community and voluntary sector.

(b) Rural development schemes

The CLÁR programme — a targeted investment programme for disadvantaged rural areas.

The rural development fund — this provides finance for policy-oriented research, evaluations and pilot actions in rural development.

Leader — the Department oversees the delivery of the Leader programme, which promotes and supports the economic and social development of rural areas by contributing to rural development policy and implementing appropriate programmes. It comprises the Leader+ and Leader national rural development programmes — area-based initiative.

INTERREG — designed to fund actions and initiatives aimed at developing and strengthening the rural economy in the Border region.

PEACE II — promotes peace and reconciliation by funding actions and strategies which promote cross-border agriculture and rural development co-operation and diversification.

Rural social scheme — the rural social scheme, RSS, aims to provide income support for farmers and fishermen who are currently in receipt of long-term social welfare payments, and to provide certain services of benefit to rural communities. This scheme will allow those low-income farmers and fishermen who are unable to earn an adequate living from their farm holding or fishing to earn a supplementary income. At local level, the RSS is managed on behalf of the Department by the Leader groups and in the Gaeltacht by the Leader groups in conjunction with Údarás na Gaeltachta. Although it is independent of the FÁS community employment, CE, scheme, it complements CE, in areas where both schemes are in operation.

Farm relief services — designed to finance actions aimed at the improvement and diversification of the farm relief services.

The farm electrification grant scheme, FEGS, was transferred to my Department from the Department of Communications, Marine and Natural Resources on 1 January 2005. The scheme provides financial assistance to farmers in disadvantaged areas who wish to provide, or increase electricity supply, to their farms.

The Western Development Commission, WDC, a statutory body promoting economic and social development in the western region, provides risk capital by way of equity and loans on a commercial basis to projects and businesses.

Through its offices in Na Forbacha, County Galway, the Department administers a variety of schemes designed to support the social and infrastructural development of the Gaeltacht and inhabited Off-shore Islands as well as a number of schemes to support the Irish Language.

(c) Gaeltacht schemes

Gaeltacht infrastructural improvement schemes — these address local infrastructural issues in order to help sustain Gaeltacht populations so as to preserve and strengthen the Irish language.

(d) Inhabited off-shore island schemes

Capital grants for economic and social development on offshore islands — these fund road works, marine works, coastal protection, water schemes, community projects, feasibility studies and general improvement works.

Grants towards current costs — these fund transport services to certain islands.

(e) Irish language schemes

Schemes to support the promotion and maintenance of the Irish language in the Gaeltacht include: Gaeltacht housing grants scheme; Scéim Labhairt na Gaeilge; Irish summer colleges scheme; Gaeltacht courses for adults; Scéim Spreagadh na Gaeilge; summer camps scheme; language assistants scheme; and various social and cultural support schemes in the Gaeltacht.

(f) Ciste na Gaeilge

Under Ciste na Gaeilge, which supports the promotion of the Irish language outside the Gaeltacht, the Department provides support to Bord na Leabhar Gaeilge and to certain Irish language projects outside the Gaeltacht.

Foras na Gaeilge provides a wide range of grant programmes at different intervals during the year. Some of these programmes are confined to core-funding Irish language and educational organisations, but most of the programmes are advertised in the media on an all-island basis.

The Ulster-Scots Agency provides grants for the promotion of the Ulster-Scots language and culture throughout Ireland. The agency offers financial assistance to groups and organisations for events which fall within the agency’s remit and that meet relevant criteria. Grants must normally be applied for eight weeks before the date of the event in order to be fully considered.

Údarás na Gaeltachta provides a range of financial incentives for new or existing businesses and industries in Gaeltacht areas, in line with European Union regional aid guidelines and training aid guidelines. Such assistance may include the direct provision of buildings, capital grants on new buildings and equipment, employ-
ment and training grants, research and development grants in addition to feasibility grants. Assistance is available also for language, cultural and community development activities. No deadline applies to seeking assistance from Udarás na Gaeltachta and full details are available directly from the organisation or online at eolas@udaras.ie.

The Department, also from its head office in Dublin, oversees or co-ordinates the delivery of the following programmes:

(g) Other programmes

The RAPID programme — targets the 45 areas with the greatest concentration of disadvantage around the country, for priority funding under the national development plan and better coordination of service delivery at local level.

National Drugs Strategy 2001-2008 — coordinating the implementation of the 100 actions from the strategy, including operation of the young people’s facilities and services fund, under the direction of the Cabinet Sub-Committee on Social Inclusion.

Local development social inclusion programme — administered on behalf of the Department by POBAL, formerly known as ADM Limited. Designed to counter disadvantage and to promote equality and social and economic inclusion. Funds and supports partnerships, community groups and employment pacts.

Peace and Reconciliation, PEACE II — administered on behalf of the Department by POBAL-CPA aims to support economic and social projects that address the legacy of the conflict or that takes opportunities arising from Peace.

Measures to improve the effectiveness and cohesion of local and community development structures are supported through my Department’s cohesion fund.

The Dormant Accounts Fund Disbursements Board — unclaimed moneys in dormant accounts are used to provide additional funding for the purposes of tackling disadvantage and assisting persons with a disability. Under the initial round of funding 521 projects were successful involving total approved funding of over €60 million. I intend to make a proposal to Government shortly concerning the programmes and types of projects in relation to which applications will be invited and funded under the next phase of funding.

Grant payments.

421. Mr. Perry asked the Minister for Community, Rural and Gaeltacht Affairs if funding will be granted to a company (details supplied) in County Sligo for funding under the 2005 programme of grants for locally-based community and voluntary organisations; and if he will make a statement on the matter. [33969/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): An application has been received by my Department from the company in question under the 2005 programme of grants for locally-based community and voluntary organisations.

The process of assessment of the large number of applications received under the programme is nearing completion and I expect to be deciding on qualifying applications over the coming weeks.

Ministerial Travel.

422. Mr. Cuffe asked the Minister for Community, Rural and Gaeltacht Affairs the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34068/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Other than as outlined in my reply to the Deputy’s question of 18 November 2003, Question No. 459, I was only on one other train in the course of my duties since assuming office. This was a train journey from Philadelphia to New York in March 2004.

National Spatial Strategy.

423. Mr. Cuffe asked the Minister for Community, Rural and Gaeltacht Affairs the significant changes which have been implemented by his Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34083/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The White Paper on Rural Development sets out the Government’s strategic vision for the future of rural communities. It sets out the Government’s commitment to the economic and social well-being of rural communities by setting out a framework for realising the vision.

The national spatial strategy, NSS, complements the White Paper by setting down clear markers for continuation of progress in rural development and addresses many of my concerns in relation to such issues as rural housing, services and cultural identity.

The Deputy will be aware that my Department is represented on the interdepartmental committee, led by the Department of the Environment, Heritage and Local Government, supporting the implementation of the NSS. In common with other Departments, my Department submitted an issues paper to the committee identifying the activities to which implementation of the NSS is linked, the degree to which those activities currently support the implementation of the strategy and the potential for better alignment between these and implementation of the strategy.

This is an ongoing process and while no specific cost-benefit analysis has been conducted by my
[Éamon Ó Cuív.]

Department, issues of particular relevance to the NSS in 2005 include the following.

The CLÁR programme is targeted at particularly disadvantaged rural areas and thus supports the objectives of the NSS. CLÁR has continued in 2005 to address depopulation as well as the decline and lack of services in rural areas. CLÁR investments support physical, economic and social infrastructure across a wide range of measures. The financial provision for 2005 is €13.7 million.

The Western Development Commission, WDC, has developed a strategy for towns on radial routes in the west to maximise the benefit to the west of the NSS. The WDC is in regular contact with the spatial planning unit of the Department of the Environment, Heritage and Local Government on implementation of the NSS. Areas of discussion have covered the gateways study, hubs, monitoring and indicators, the National Development Plan 2007-2013 and balanced regional development. Promoting the region is a strategic aim of the WDC. The WDC launched the Look West campaign to attract workers to the region. The campaign is targeted at those living in the greater Dublin area who might consider relocating to the west. The media campaign comprises billboard advertising, a radio advertising campaign, newspaper advertising and press features.

The operation of Leader and the national rural development programme is continuing, and like the CLÁR programme, supports the objectives of the NSS. Public funding of almost €150 million has been allocated to the new Leader programmes over the period 2000 to 2006, with approximately €25 million allocated in respect of 2005.

The Department’s overall objective of maintaining vibrant island communities is in line with the broad objectives of the NSS. To assist in this regard, funding is provided annually for the improvement of island infrastructure and the provision of life-line ferry, air and road transport services. A total of ten contracts for the provision of these services have been renewed this year. In line with the stated objective of promoting marine and natural resource-based development contained in the NSS, the Department is also currently rolling out a new enterprise scheme for the non-Gaeltacht islands under which enterprises of this nature may be grant-aided. Similar assistance for such enterprises on Gaeltacht islands is available from Údarás na Gaeltachta.

On Gaeltacht and Údarás na Gaeltachta matters, the national spatial strategy recognises that Gaeltacht areas depend on their natural resources as a base for development, particularly in the areas of marine, tourism, and local business services. In this context, I have provided a sum of €34.3 million, comprising €20.5 million for capital expenditure and €13.8 million for current expenditure, to Údarás na Gaeltachta for the current year. Among the projects progressed in 2005 are: the establishment of Acadamh na hOllscolaíochta Gaeilge, part of NUI Galway, in Gaith Dobhair, now offering diploma and degree programmes; co-operation with Letterkenny Institute of Technology to examine the role it can play in the advancement of the Gaeltacht; and new developments in aquaculture to grow abalone — shellfish — for commercial production on Clear Island, County Cork, and to grow cod for commercial production at Carna, County Galway.

On the New Rural Development Programme 2007-2013, a key feature thereof is the inclusion of a dedicated priority axis of measures aimed at addressing the critical social and economic difficulties faced by many rural communities throughout the European Union experiencing aging, static or declining populations. My Department is working in close partnership with the Department of Agriculture and Food in this regard. Work has commenced on a national rural development plan which will include preparation of a joint national rural development strategy and the new detailed national rural development programme. Recently, both Departments jointly advertised in the national press requesting expressions of interest from representative organisations that wish to be consulted on the preparation of the national strategy and the subsequent programming.

Further programmes and initiatives of broad relevance to the underlying objectives of the national spatial strategy are set out in the following appendix.

Appendix

Comhairle na Tuaithe was established in January 2004 to address the issues of access to the countryside; development of a countryside code and development of a national countryside recreation strategy. Comhairle na Tuaithe is currently working in partnership with stakeholder organisations to develop a national countryside recreation strategy.

The rural social scheme was launched in May 2004 to provide an income supplement to small farmers and part-time fishermen who are currently in receipt of long-term social welfare payments while, at the same time, harnessing their skills for the benefit of rural communities. There are currently 1,935 participants on the scheme throughout the country, with a further 105 persons employed as supervisors.

On the delivery of programmes, funding of €7 million across local structures is being provided over 2005-06 to bring about greater cohesion in delivery of the local development social inclusion programme and rural development programmes in the post-2006 period.

The continued operation of the community development programme enhances the capacity of disadvantaged communities to participate in
mainstream training, education, enterprise and employment opportunities, thus contributing to the spatial development of more peripheral areas, including rural ones.

On volunteering, the role of the existing network of local and community development groups in supporting volunteers and volunteering is being formalised.

Departmental Staff.

424. Mr. Carey asked the Minister for Community, Rural and Gaeltacht Affairs the percentage of persons, with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the 3% quota; and if he will make a statement on the matter. [34148/05]

425. Caoimhghín Ó Caoláin asked the Minister for Community, Rural and Gaeltacht Affairs if he will report on the work of the North-South unit in his Department; and if he will make a statement on the matter. [34215/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Some 2.65% of staff currently employed in my Department are persons who were recruited with disabilities. These officers range from grades of clerical officer to higher executive officer. I have no direct function in the recruitment process of the bodies under the aegis of my Department. I am informed that in relation to Údarás na Gaeltachta the percentage of employees with disabilities is 6%. In relation to other bodies under the aegis of my Department to which the 3% target applies — Bord na Leabhar Gaeilge, Arramara Teoranta and the Western Development Commission — I am informed these bodies do not employ anyone with a disability. However, these are very small bodies and in each case, the 3% target would represent less than one person. The guidelines followed for monitoring the employment of people with disabilities for both the Civil Service and the public sector are set out in the Code of Practice for the Civil Service 1994.

For the sake of completeness, I should add that I am informed that the percentage of people with disabilities employed by ADM is 2.8%. The guidelines followed by ADM are outlined in their company’s code on the employment of people with disabilities. Through this code, ADM is committed to attracting and retaining staff with disabilities and at the very minimum achieving the Government target of 3%.

The definition of a person with a disability for the purpose of the 3% target is the positive action definition set out in the Code of Practice for the Civil Service 1994. In this context, the term “people with disabilities” means people with a physical, sensory or psychological impairment which may “have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited”.

Annual returns are made to the Department of Justice, Equality and Law Reform in respect of the public sector employees with a disability, and to the Department of Finance in respect of the Civil Service employees with a disability. The nature of the disabilities involved is as defined in the code. Information on specific qualifications held is not currently collected.

North-South Co-operation.

426. Mr. O’Shea asked the Minister for Community, Rural and Gaeltacht Affairs the extent of the expenditure of his Department in relation to Fundúreacht an Bhlascaoid, the Great Blasket Forum, since 1989; the extent of the involvement of his Department with all of the above; the future commitments his Department is liable for in regard to the development of the Great Blasket; and if he will make a statement on the matter. [34467/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy may be aware, this is a matter principally for the Minister for the Environment, Heritage and Local Government and the Office of Public Works. While no expenditure had been incurred by the Department of Community, Rural and Gaeltacht Affairs on this particular project, an officer from my Department assisted the management group which prepared the draft development plan for An Blascaod Mór. With regard to future commit-
EU Directives.

427. Mr. Quinn asked the Minister for Agriculture and Food if EU Directive 2005/34/EC will be implemented before 30 November 2005; if the directive will not be implemented by 30 November 2005 the reason Ireland will not meet its obligations to implement this directive before the deadline; and if she will make a statement on the matter. [34251/05]

Minister for Agriculture and Food (Mary Coughlan): EU Directive 2005/34/EC, which amends Commission Directive 91/414, was transposed under SI 553/2005 and signed by me on 2 August 2005. The European Commission has been notified and has received copies of the instrument. These regulations give effect to the inclusion of etoxazole and tepraloxydim as active substances.

Question No. 428 answered with Question No. 143.

Food Labelling.

429. Mr. Naughten asked the Minister for Agriculture and Food the steps she is taking to introduce a clear and transparent food labelling system here; and if she will make a statement on the matter. [34274/05]

Minister for Agriculture and Food (Mary Coughlan): My Department has given considerable attention to food labelling as I regard it of great importance that consumers are provided with full information on foodstuffs. Food labelling is a complex area where account has to be taken of EU legislation and the Single Market. In this context a food labelling group was established in 2002 to the detailed issues involved. Since then my Department has pursued assiduously the implementation of the recommendations of the food labelling group. Some 19 of the 21 recommendations, many of which were beyond the remit of my Department and some which were to be activated only after others had been completed, have been addressed. The remaining two recommendations, which relate to aspects of origin labelling, are also being addressed.

Arising from the implementation of the group’s recommendations the enforcement of all food labelling regulations has been centralised in the Food Safety Authority of Ireland, FSAI. This not only streamlines the enforcement measures but it also provides a one-stop shop for any complaints on mislabelling of food. In addition, the responsi-

bility for food labelling policy, with the exception of fish, has been assigned to the Department of Health and Children and my Department in accordance with another recommendation of the food labelling group. Accordingly, the Department of Health and Children is responsible for general labelling regulations which require information on food labels to be given clearly, accurately and in a language understood by the consumer. My Department is responsible for more detailed legislation on the labelling of specific food products including beef and poultry meat.

I am currently in the process of extending the existing beef labelling laws to require information on the “country of origin” of beef to be provided to all consumers in the restaurant and catering sectors. The various representative bodies including the Irish Hotels Federation, the Restaurants Association of Ireland and the two vintners groups, following discussions with my Department, have all agreed to recommend to their members to provide this information to their customers on a voluntary basis in advance of the mandatory legal requirement. It is expected that the voluntary code will be in place in the near future.

Regarding the labelling of poultry meat, there are EU regulations which provide for the labelling of unprocessed poultry meat at retail level. The regulations require such poultry meat to be labelled with the information regarding class, price, condition, registered number of slaughterhouse or cutting plant and, where imported from a third country, an indication of country of origin.

There are no specific EU regulations governing the labelling of pig meat or sheep meat beyond the general food labelling regulations which do not require “country of origin” information. However, I intend to pursue further the question of labelling of other meats at EU level. There has also been a lot of concern expressed about products imported into the Community and then processed in some way allowing it to be described as a product of that member state. This is known as “substantial transformation” in the context of European customs regulations. Accordingly, any changes in this regard would have to be made with the agreement of the other member states. My Department is continuing to pursue the matter in the context of a general review of food labelling being conducted by the EU Commission.

Question No. 430 answered with Question No. 159.

European Council.

431. Mr. Quinn asked the Minister for Agriculture and Food the number of proposals that her Department is opposing at European Council at any stage; the names of such proposals; the reason her Department is taking this position;
and if she will make a statement on the matter. [33831/05]

Minister for Agriculture and Food (Mary Coughlan): The policy issues for which I have direct responsibility are dealt with in the Council of Agriculture Ministers rather than the European Council for which the Department of the Taoiseach has primary responsibility.

In the normal course of negotiating on proposals brought forward by the Commission, I adopt negotiating strategies and tactics which I believe are most suited to achieving the best possible outcomes for Ireland. I have not taken a position of outright opposition to any of the proposals currently being considered by the Council. The most significant such proposal relates to the reform of the sugar regime. While I am not opposed to reform of the sugar sector in principle, I do believe that the Commission’s proposals are too radical and I have indicated clearly that, in their present form, they are unacceptable to me. My main concern is with the levels of price cuts proposed by the Commission which, if agreed, would mean that sugar production and sugar processing would not be viable in Ireland.

EU Directives.

432. Mr. Quinn asked the Minister for Agriculture and Food the exemptions from EU directives or regulations that Ireland has achieved in her Department’s competency area; the reason her Department requested each exemption; if it is intended to give up any of these exemptions; and if she will make a statement on the matter. [33846/05]

433. Mr. Quinn asked the Minister for Agriculture and Food the exemptions from EU directives or regulations that her Department is seeking; the reason her Department is requesting each exemption; and if she will make a statement on the matter. [33861/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 432 and 433 together.

My Department sought and was granted an exemption from one of the provisions of Council Directive 2003/50/EC amending Directive 91/68/EEC as regards reinforcement of controls on movements of ovine and caprine animals. These controls provide as a minimum requirement, that breeding and fattening sheep must be certified as having been continuously resident on a holding for at least 30 days prior to export and that no sheep or goats had been introduced on to the holding in the 21 days prior to export. Slaughter sheep must also be certified as having been continuously resident on the holding of origin for at least 21 days prior to export and are also subject to a “standstill” period of 21 days prior to dispatch during which no sheep or goats have been introduced on to the holding of origin.

The exemption in question is from the standstill and residency certification requirement in respect of sheep being exported to or from Ireland or Northern Ireland for immediate slaughter. It was sought to overcome practical problems with regard to certification without unduly diminishing the overall controls on animal movement while at the same time preserving the traditional trade between North and South. The arrangements between the two jurisdictions on the island are also based on a shared wish on the part of both sides to move towards an all island animal health strategy.

The need for retention of this exemption is being considered in the light of changes to certification which were agreed to at my request at a meeting of the standing committee on the food chain and animal health on 11 November last.

Departmental Staff.

434. Mr. N. O’Keeffe asked the Minister for Agriculture and Food the number of staff employed by her Department at the general office, Kildare Street, Dublin; the breakdown of the number of staff under each grade; and the number of staff and category of grades employed by her Department outside the Dublin area. [33887/05]

Minister for Agriculture and Food (Mary Coughlan): Currently there are 709 Department of Agriculture and Food staff in Agriculture House, Kildare Street, broken down by grade as follows:

<table>
<thead>
<tr>
<th>Grade Description</th>
<th>Total</th>
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<tbody>
<tr>
<td>Agricultural Inspector</td>
<td>17</td>
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<tr>
<td>Administrative Officer</td>
<td>9</td>
</tr>
<tr>
<td>Area Superintendent</td>
<td>3</td>
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<td>Asst Agricultural Insp Agric</td>
<td>7</td>
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<td>Asst Principal</td>
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<tr>
<td>Asst Secretary</td>
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</tr>
<tr>
<td>Chief Insp/Agr Inspectorate</td>
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</tr>
<tr>
<td>Chief Veterinary Officer</td>
<td>1</td>
</tr>
<tr>
<td>Civilian Driver</td>
<td>4</td>
</tr>
<tr>
<td>Cleaner</td>
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<tr>
<td>Clerical Off Temp</td>
<td>9</td>
</tr>
<tr>
<td>Deputy Chief Inspector</td>
<td>1</td>
</tr>
<tr>
<td>Deputy Chief Veterinary Off</td>
<td>3</td>
</tr>
<tr>
<td>District Superintendent</td>
<td>2</td>
</tr>
<tr>
<td>Executive Officer</td>
<td>125</td>
</tr>
<tr>
<td>Executive Officer Analyst</td>
<td>35</td>
</tr>
<tr>
<td>First Asst Solicitor Agric</td>
<td>2</td>
</tr>
</tbody>
</table>
There are also 351 staff employed by this Department in the greater Dublin area outside of Agriculture House broken down by grade as follows:

<table>
<thead>
<tr>
<th>Grade Des.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Inspector</td>
<td>65</td>
</tr>
<tr>
<td>Administrative Officer</td>
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<tr>
<td>Area Superintendent</td>
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</tr>
<tr>
<td>Asst Agricultural Insp Agric</td>
<td>12</td>
</tr>
<tr>
<td>Asst Agricultural Insp Agric</td>
<td>61</td>
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<tr>
<td>Asst Principal</td>
<td>47</td>
</tr>
<tr>
<td>Asst Pnscp Srn Sys Analyst</td>
<td>3</td>
</tr>
<tr>
<td>Chemist</td>
<td>3</td>
</tr>
<tr>
<td>Chief Technologist</td>
<td>1</td>
</tr>
<tr>
<td>Cleaner</td>
<td>6</td>
</tr>
<tr>
<td>Clerical Off</td>
<td>1,164</td>
</tr>
<tr>
<td>Clerical Off Progr</td>
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<tr>
<td>Clerical Off Temp</td>
<td>97</td>
</tr>
<tr>
<td>Dairy Laboratory Assistant — F</td>
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<tr>
<td>Deapty Chief Technologist</td>
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<tr>
<td>Deputy Dir Vet Research Lab</td>
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<tr>
<td>Deputy Chief Technologist</td>
<td>1</td>
</tr>
<tr>
<td>Director Vet Research Lab</td>
<td>118</td>
</tr>
<tr>
<td>District Superintendent</td>
<td>318</td>
</tr>
<tr>
<td>Executive Officer</td>
<td>18</td>
</tr>
<tr>
<td>Executive Officer Analyst</td>
<td>3</td>
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<tr>
<td>Forestry Inspector Grade 1</td>
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<tr>
<td>Forestry Inspector Grade 2</td>
<td>17</td>
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<tr>
<td>Forestry Inspector Grade 3</td>
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<tr>
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<td>Higher Seed Analyst</td>
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<tr>
<td>Inspector Grade 1</td>
<td>1</td>
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<td>Inspector Grade 2</td>
<td>16</td>
</tr>
<tr>
<td>Laboratory Attendant</td>
<td>14</td>
</tr>
<tr>
<td>Laboratory Attendant Ag &amp; Mar</td>
<td>14</td>
</tr>
</tbody>
</table>
Installation Aid Scheme.

435. Mr. Cregan asked the Minister for Agriculture and Food the progress to date in 2005 on an application by a person (details supplied) in County Limerick under the installation aid scheme. [33904/05]

Minister for Agriculture and Food (Mary Coughlan): The person concerned has been deemed ineligible for grant aid under the installation aid scheme as his application was received outside the time limits laid down in the scheme. The applicant has been advised of his right to appeal the decision concerned to the agriculture appeals office.

Afforestation Programme.

436. Mr. Crawford asked the Minister for Agriculture and Food the number of acres of forestry which have been planted for each of the past ten years; her views on whether it may not be wise or sensible to restrict forestry in all the areas suggested in some of the national media to preserve hen harriers; her further views on whether a lot of the land suggested is prime forestry land and that any limit put on same could affect the viability of farm holdings and could potentially devalue the land in these areas; and if she will make a statement on the matter. [33907/05]

Minister for Agriculture and Food (Mary Coughlan): The number of hectares of land placed under grant-aided afforestation from 1995 to 2004. The total area is 146,734 hectares or 362,579.71 acres. These figures can be broken down as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Hectares</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>9,734ha</td>
<td>(24,052.71 acres)</td>
</tr>
<tr>
<td>2003</td>
<td>9,097ha</td>
<td>(22,478 acres)</td>
</tr>
<tr>
<td>2002</td>
<td>15,054ha</td>
<td>(37,198.43 acres)</td>
</tr>
<tr>
<td>2001</td>
<td>15,464ha</td>
<td>(38,211.54 acres)</td>
</tr>
<tr>
<td>2000</td>
<td>15,695ha</td>
<td>(38,782.35 acres)</td>
</tr>
<tr>
<td>1999</td>
<td>12,668ha</td>
<td>(31,302.63 acres)</td>
</tr>
<tr>
<td>1998</td>
<td>12,928ha</td>
<td>(31,945.09 acres)</td>
</tr>
<tr>
<td>1997</td>
<td>11,403ha</td>
<td>(28,176.81 acres)</td>
</tr>
<tr>
<td>1996</td>
<td>20,981ha</td>
<td>(51,844.05 acres)</td>
</tr>
<tr>
<td>1995</td>
<td>23,710ha</td>
<td>(58,587.41 acres)</td>
</tr>
<tr>
<td>Total</td>
<td>146,734ha</td>
<td>(362,579.71 acres)</td>
</tr>
</tbody>
</table>

In regard to the nine indicative areas identified as potential hen harrier habitats by the National Parks and Wildlife Service, it is estimated that between 280,000 hectares and 300,000 hectares could be affected.

Much of this land has already been planted and more is unplantable because it is situated above the 300 metre contour or would not provide a sufficiently high yield class. There remains, of course, a bank of land within these indicative areas that would be suitable for forestry and I am anxious to ensure that, as far as possible, its potential in this regard for sustainable forestry development is not unduly restricted and that due regard is had for the legitimate interest of the farming community. The forest service of my Department and the National Parks and Wildlife Service of the Department of the Environment, Heritage and Local Government are consulting closely on this matter.

Grant Payments.

437. Mr. Lowry asked the Minister for Agriculture and Food the status of an application for force majeure for a person (details supplied) in County Tipperary; when a final decision will issue; and if she will make a statement on the matter. [33917/05]

Minister for Agriculture and Food (Mary Coughlan): The person named has been notified that the circumstances outlined in his single payment scheme application for force majeure-exceptional circumstances satisfy the criteria laid down under Article 40 Council Regulation (EC) No. 1782/2003. The person named was notified on 14 March 2005 that years 2000 and 2001 would be excluded and the year 2000 would be utilised for the purposes of the calculation of his single payment entitlements.
However, my Department have re-examined the medical evidence and are satisfied that *force majeure* circumstances should be applied in respect of the years 1999 to 2002 inclusive. Consequently, the single payment entitlements for the person named will be recalculated on the basis of 1997 and 1998. An amended statement of provisional entitlements reflecting this position will issue to the person named shortly.

**Departmental Programmes.**

438. Mr. Lowry asked the Minister for Agriculture and Food the grant programmes available from her Department and from agencies under her responsibility; and the deadlines of each programme. [33918/05]

**Minister for Agriculture and Food (Mary Coughlan):** Details relating to grant programmes which are available from my Department are contained in my Department’s publication, Schemes and Services, which is available from my Department’s offices and on the 2005 Publications page of its website, www.agriculture.gov.ie. I have arranged for a copy of the current edition to be sent to the Deputy. Reference is made in this publication to grant programmes administered by An Bord Bia to assist small and medium size enterprises with marketing capabilities. Further details can be obtained directly from An Bord Bia.

In addition, grant aid is available to private veterinary practitioners in respect of computer equipment necessarily purchased to interact with the new animal health computer system introduced by my Department. Veterinary practitioners may, subject to certain thresholds, qualify for grants of 50% in respect of office-based equipment — PCs and printers etc. — and grants of 60% in respect of electronic hand-held devices.

In order to qualify for the grant aid, veterinary practitioners must have commenced operating the animal health computer system electronically by 30 September 2005 and must have submitted their claim for payment to my Department by 14 October 2005.

**Animal Welfare.**

439. Mr. Bruton asked the Minister for Agriculture and Food the role of her Department in relation to animal welfare; if she is satisfied that this aspect of policy has kept pace with developments in other countries; her views on whether there is merit in restructuring this aspect of policy and integrating all aspects of animal welfare especially in respect of domestic animals in the Department of the Environment, Heritage and Local Government which has responsibility for the local authorities; and her further views on whether there is a case for separating policy in relation to the animal welfare of livestock from the animal welfare of animals kept as pets. [33934/05]

**Minister for Agriculture and Food (Mary Coughlan):** The position is that my Department has statutory responsibility in relation to welfare and protection of farmed animals. The Protection of Animals Kept for Farming Purposes Act 1984 and the European Communities (Protection of Animals Kept for Farming Purposes) Regulations 2000 is the legislation that applies in this area. In addition, the welfare of calves and pigs is subject to the European Communities (Welfare of Calves and Pigs) Regulations 2003 which set out minimum requirements for accommodation in relation to space, lighting, ventilation, veterinary treatment etc. and to allow animals to express natural behaviour. Laying hens are subject to the provisions of the European Communities (Welfare of Laying Hens) Regulations 2002 which specify the accommodation and other welfare requirements for keeping and rearing laying hens. In addition, my Department provides funding on an ex-gratia basis to organisations involved in the direct delivery of animal care and welfare services.

The Protection of Animals Act 1911 and the Protection of Animals (Amendment) Act 1965 are the principal statutes governing cruelty to animals generally, including non-farmed animals. The responsibility for pursuing complaints under that legislation rests with the Garda Síochána. The Department of the Environment, Heritage and Local Government has functional responsibility for the operation of the Control of Dogs Acts 1986 and 1992 as well as for the protection of wild life species under the provisions of the Wildlife Acts. Local authorities have responsibilities in relation to the control of horses legislation. The current arrangements for implementing the legislation in this area operate in a satisfactory manner and ensure a high standard of animal welfare. Consequently, there are no current proposals to change the respective areas of responsibilities.

**Rural Environment Protection Scheme.**

440. Mr. Naughten asked the Minister for Agriculture and Food the number of private REPS planners recommended for suspension by her Department under each of the three REP schemes; and if she will make a statement on the matter. [33957/05]

**Minister for Agriculture and Food (Mary Coughlan):** The rules for planners in REPS 1 and 2 provided for three warnings to be given where plans were found to be deficient, to be followed by suspension if there was a fourth incident; for more serious deficiencies there was provision for immediate suspension. In the course of REPS 1, one private planner — that is, a planner not employed by Teagasc — was recommended for
suspension; under REPS 2 there were five such recommendations.

The sanction of suspension has been replaced in REPS 3 by a provision for compulsory re-training. Planners who submit deficient plans are also more likely to have their plans selected in future for full inspection.

Minister for Agriculture and Food (Mary Coughlan): The rules for planners in REPS 1 and 2 provided for three warnings to be given where plans were found to be deficient, to be followed by suspension if there was a fourth incident; for more serious deficiencies there was provision for immediate suspension. In the course of REPS 1, no Teagasc planners were recommended for suspension; under REPS 2 there were two recommendations.

The sanction of suspension has been replaced in REPS 3 by a provision for compulsory re-training. Planners who submit deficient plans are also more likely to have their plans selected in future for full inspection.

Question No. 442 answered with Question No. 119.

Ministerial Travel.

443. Mr. Cuffe asked the Minister for Agriculture and Food the occasions that she has taken a mainline train, commuter train or Luas in the course of her duties since assuming office. [34069/05]

Minister for Agriculture and Food (Mary Coughlan): Mainline rail only was used on the following occasions in the course of my duties: May 2005, Dublin to Cork to attend various agriculture functions in Clonakilty and Fermoy; May 2005, Dublin to Mallow to attend various agriculture functions in Killarney, Tralee and Castleisland; and September 2005, Dublin to Mallow to attend various agriculture functions in Kerry.

National Spatial Strategy.

444. Mr. Cuffe asked the Minister for Agriculture and Food the significant changes which have been implemented by her Department to date in 2005 relating to the national spatial strategy, its role in the continued development of the agri-food sector makes a significant contribution to regional development and the development of the rural economy more generally.

Departmental Staff.

445. Mr. Carey asked the Minister for Agriculture and Food the percentage of persons, with disabilities employed in her Department and in each body under her aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the 3% quota; and if she will make a statement on the matter. [34149/05]

Minister for Agriculture and Food (Mary Coughlan): The details sought by the Deputy are as follows. The guidelines for monitoring the employment of people with disabilities by public bodies are set out in the Code of Practice for the Civil Service, 1994. Information on the nature of staff disabilities, by grade or by specific qualifications is not collected.

The definition of a person with a disability for the purposes of the 3% target is set out in the Code of Practice for the Civil Service, 1994. The term “people with disabilities” means people with a physical, sensory or psychological impairment which may have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited.

Some 2.7% of staff working in my Department are known to have a disability, and of these 6.8% of staff with a disability working in the administration grades are in a managerial position, 23% of staff with a disability in the technical, veterinary and inspectorate grades are in a managerial position, 9% of staff with a disability are working in industrial grades and 34% of staff with a disability have a third level qualification.

Details of people with disabilities working in the State bodies under the aegis of my Department are as follows: An Bord Bia, 1.9%; National Milk Agency, nil; Coillte, nil; Irish National Stud, 1.7%; and Teagasc, 1.7%.

Beef Imports.

446. Mr. Crawford asked the Minister for Agriculture and Food if she is satisfied that sufficient steps are being taken at EU level to monitor the importation of beef from Brazil; if her attention has been drawn to the fact that beef is being imported into Brazil from other countries with no tagging and no traceability; if she is further satisfied that the industry here and especially the con-
Minister for Agriculture and Food (Mary Coughlan): While there is free movement for trade within the EU all consignments from third countries must first be landed at a border inspection post, BIP, that has been approved by the Food and Veterinary Office of the EU, FVO, and must undergo documentary, identity and physical checks. These are carried out at frequencies laid down in EU law. In Ireland BIPs approved for the processing imports of animal products are located at Dublin Port and Shannon Airport. The FVO carries out monitoring and inspection of each member state’s BIPs to ensure the conditions for import of animal products into Europe, provided under the harmonized legislation, are being correctly applied. Once it has been established that imported animal product has met all the required conditions it is released for free circulation within the community. Copies of the BIP clearance document and the health certificate must accompany the consignment to its destination. Imports failing to comply with these veterinary control checks may be detained for further examination. If non-compliance is established they are returned to the exporting country or destroyed.

Imported animal products must meet standards at least equivalent to those required for production in, and trade between, member states. All such imports must come from third countries or areas of third countries that have been approved for export to the EU.

In order to be approved as an exporter to EU a third country must appear on a list drawn up and updated on the basis of audits by the FVO and guarantees given by the competent authority of the exporting country; have veterinary controls equivalent to those applicable in the EU, particularly in terms of legislation, hygiene conditions, animal health status, veterinary medicines controls, zoonoses controls and other food law; be a member of the International Office for Animal Diseases, OIE — and have systems in place for the rapid detection, reporting and confirmation of List A OIE diseases, such as foot and mouth disease; and have in place a residues programme approved by the European Commission.

The animal products must be sourced from establishments that are approved and must bear a EU approved health mark. Exporting establishments are required to have standards equivalent to the requirements for EU export establishments; effective control systems and supervision by the competent authorities; and traceability labelling in accordance with the systems approved by the FVO and accepted and notified to the EU member states.

The FVO carries out inspections in third countries to ensure that only establishments that meet hygiene and health standards equivalent to those operating within the EU are approved. It reports findings to the EU Commission which may propose to the Standing Committee on the Food Chain and Animal Health, SCoFCAH, comprising the administrative and professional representatives of all the member states, an amendment to the approval status of a third country. Where the FVO considers that public health requirements are not being met, an establishment may be removed from the EU approved list. If outbreaks of animal diseases occur in a third country approval to export to the EU is suspended for the infected regions of the country, or the whole country, as appropriate, until the disease risk has been eliminated.

The FVO has reported its findings on production and residue controls in operation in Brazil on three occasions during the 2001 to 2004 period. These reports are available on the European Commission’s website. Following confirmation of an outbreak of foot and mouth disease in cattle and pigs on a farm in the Eldorado district of Mato Grosso do Sul in the southern part of Brazil, the European Commission presented a proposal on 12 October to suspend imports of deboned and matured beef from the regions of Mato Grosso do Sul, Parana, and also Sao Paulo. The Commission extended the scope of the measure to include the region of Sao Paulo on the basis of concerns in relation to the possible movement of animals from the area where the outbreak occurred. The proposal was adopted at a meeting of the Standing Committee on the Food Chain and Animal Health at which my Department is represented. Accordingly, beef produced in the affected regions from cattle slaughtered since 29 September 2005 may not now be traded. The measures have immediate effect throughout the EU and are being applied to direct imports of beef by my Department’s approved border inspection posts.

I fully support the policy that animal products imported into the EU from third countries meet standards at least equivalent to those required for production in, and trade between, EU member states. In this context I wrote last month to the Commissioner for Health and Consumer Protection, Mr. Markos Kyprianou, concerning the sanitary rules applying to the import of livestock products, especially beef, into the European Union. In the letter, I raised the matter of “equivalence” on the specific and important issues of animal traceability, controls on veterinary medicines, prohibited substances and residue monitoring programmes in these countries and in particular with regard to Brazilian beef in view of its increasing presence on the European market. I requested the Commission to consider the matter and invited them to put forward appropriate proposals before SCoFCAH.

Irish farmers are required to ensure that their production systems and farm practices fully com-
ply with a wide range of EU directives on important matters including traceability, animal health and welfare and consumer protection. These all have significant in-built cost factors, and bearing in mind that our beef farmers are in competition on European and international markets with beef from low cost producers such as Brazil, I will continue to seek real equivalence in these areas, both in discussions within the EU and in the context of the WTO talks on market access.

Alternative Farm Enterprises.

447. Mr. Crawford asked the Minister for Agriculture and Food if she is satisfied that there are sufficient rural development programmes available to safeguard the rural population in view of the massive decrease in mushroom farms, deer farms or any of the other so called alternative enterprises that her Department promoted and grant aided over the past number of years; and if she will make a statement on the matter. [34197/05]

Minister for Agriculture and Food (Mary Coughlan): My Department has implemented a wide range of alternative enterprise measures. I am satisfied that these have played an important part in the development of the relevant sectors. In conjunction with the Department of Community, Rural and Gaeltacht Affairs, my Department will undertake a widespread consultation process on a rural development strategy and support measures for the 2007 to 2013 period. This will allow the future opportunities and challenges of the alternative enterprise sectors to be assessed.

In the specific context of mushrooms, the level of production has increased from 57,000 tonnes in 1997 to 65,000 tonnes in 2004. The Department has to date provided €2.5 million to growers for capital investments in buildings and equipment under the National Development Plan 2000-2006 and will be providing a further €2 million this year. Funding under an EU producer organisation scheme is also being provided and this year €5 million was paid to mushroom producer organisations.

Afforestation Programme.

448. Mr. Crawford asked the Minister for Agriculture and Food the number of hectares which have been planted over each of the past ten years; the number of hectares she expects to have planted in the year 2005; if she is satisfied that she has sufficient funds to promote this very important sector; and if she will make a statement on the matter. [34198/05]

Minister for Agriculture and Food (Mary Coughlan): The number of hectares of afforestation grant aided by my Department in the last ten years is shown in the following table. It is important to note that the area quoted refers to the area for which payments were actually made in the year concerned.

<table>
<thead>
<tr>
<th>Year</th>
<th>Hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>9,734</td>
</tr>
<tr>
<td>2003</td>
<td>9,097</td>
</tr>
<tr>
<td>2002</td>
<td>15,054</td>
</tr>
<tr>
<td>2001</td>
<td>15,464</td>
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<tr>
<td>2000</td>
<td>15,695</td>
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<td>12,668</td>
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<td>1997</td>
<td>11,403</td>
</tr>
<tr>
<td>1996</td>
<td>20,981</td>
</tr>
<tr>
<td>1995</td>
<td>23,710</td>
</tr>
</tbody>
</table>

As regards 2005, I expect the outturn to be in the region of 10,000-11,000 hectares. I am satisfied that sufficient funding is available for both the promotion and grant aiding of this important sector. I remind farmers that they can plant up to 50% of their land without affecting their single payment, and draw down forestry premiums of up to €500 per hectare a year, for 20 years. I urge farmers to avail of this package now.

Alternative Energy Projects.

449. Mr. Crawford asked the Minister for Agriculture and Food if grant aid is available or will be made available for the production of biomass in view of the possibilities for this product to provide green alternative energy; and if she will make a statement on the matter. [34199/05]

Minister for Agriculture and Food (Mary Coughlan): I understand that the Deputy is specifically interested in wood biomass. The types of wood biomass that are used to provide energy include wood from normal forestry operations, the by products from those operations, wood residue from forestry related industries and purpose grown energy crops including short rotation crops such as willow. Almost all this wood biomass has been produced with public funding support. Energy from wood biomass is renewable, carbon neutral and sustainable. It can be easily produced locally, is independent of international energy prices and offers an alternative to existing fossil fuels.

My Department is currently considering further initiatives aimed at encouraging the development of energy from wood biomass as an alternative to fossil fuels.

North-South Co-operation.

450. Caoimhghín Ó Caoláin asked the Minister for Agriculture and Food if she will report on the work of the North-South unit in her Department; and if she will make a statement on the matter. [34216/05]
Minister for Agriculture and Food (Mary Coughlan): There has been excellent ongoing co-operation between the officials of my Department and the officials of the Department of Agriculture and Rural Development, Northern Ireland in a number of areas.

The development of an all-island animal health and welfare strategy which would facilitate free movement of animals on the island, subject to EU rules is given substantial consideration in this context. The main achievements to date in this area are the development of a co-ordinated and complementary approach towards import policies and portal controls at points of entry to the island, the convergence of policies in regard to scrapie and the strengthening of co-ordination and co-operation between both administrations on a variety of issues such as food and mouth disease, BSE and cross-Border fraud.

Both Departments have been developing protocols on crop variety testing for herbages, cereals and maize and in this capacity have sown preliminary trials in both jurisdictions. In the longer term they are working to agree common control varieties and to standardize protocols and the parameters measured. In the area of genetically modified crops with conventional crops and organic farming, my Department has established an inter-agency interdepartmental working group, to discuss co-existence in a cross-Border context.

Officials from the agencies, North and South, continue to examine emerging changes to the various rules of the Common Agriculture Policy and work together to develop appropriate strategies for dealing with these following the mid-term review agreement, particularly in relation to cross-compliance requirements. More recently senior officials, including veterinary and scientific experts for both Departments met to discuss their respective approaches to the threat of avian influenza. A meeting was also held between officials to discuss common areas of concern relating to the impending legislation on food hygiene which came into effect on 1 January 2006. When the Northern Ireland strategy for the organic farming industry has been finalised, my Department will commence discussions on mutual areas of interest in this sector. My Department will continue to work with Northern colleagues on the issue of food labelling, particularly at EU level. The main areas being considered are common specifications; traceability of foodstuffs, especially meat products; and a standard, common coding system.

There is also co-operation on the issue of certification of pigmeat for the Russian market, salmonella control programmes in pigs and salmonella and campylobacter programmes in poultry. My Department will seek to develop co-operation between the pigmeat inspectorate and poultry meat and egg marketing inspectors, North and South. We also are hoping to broaden the scope of co-operation in the forestry area.

My Department has recently initiated co-operation in the area of animal by-products. This co-operation could be included in the overall all-island animal health strategy referred to above. The Department also intends to approach the Department of Agriculture and Rural Development, Northern Ireland with a view to putting informal co-operation on horse registration on a more concrete basis.

EU Directives.

451. Mr. Quinn asked the Minister for Agriculture and Food if EU Directive 2004/68/EC will be implemented before 20 November 2005; if the directive will not be implemented by 20 November 2005 the reason Ireland will not meet its obligations to implement this Directive before the deadline; and if she will make a statement on the matter. [34253/05]

Minister for Agriculture and Food (Mary Coughlan): The legislation to which the Deputy refers brings together under one directive the import conditions and requirements for species susceptible to either foot and mouth disease or classical swine fever that were previously contained in two separate Directives — one covering domestic species Council Directive 72/462/EEC, and the other wild species, Council Directive 92/65/EEC, the Balai directive.

Having examined the provisions of Council Directive 2004/68/EC which lays down animal health rules for the importation into and transit through the Community of certain ungulate animals, my Department has concluded that the relevant requirements and provisions it set down can be implemented by administrative procedures as they largely involve a rationalisation of provisions prevailing under the preceding directives.

We are constantly reviewing and updating our existing import conditions in response to evolving EU legislation and I am satisfied that Ireland is in compliance with this directive.

Pension Provisions.

452. Mr. McGuinness asked the Minister for Agriculture and Food if part of the money paid from the EU relative to the Greencore sugar beet issue will go towards reimbursing the pension fund which was depleted as it was used to augment pension payments for retiring workers; her views in relation to the issue; and if she will make a statement on the matter. [34279/05]

Minister for Agriculture and Food (Mary Coughlan): I presume the Deputy is referring to the proposed voluntary scheme for the restructuring of the sugar industry. The scheme is part of the EU Commission’s legislative proposals for reform of the sugar sector, which are currently under discussion. As the proposals are still under
discussion the Deputy’s question is hypothetical at this stage.

Grant Payments.

453. Mr. Timmins asked the Minister for Agriculture and Food the position in relation to a person (details supplied) in County Wicklow for the single farm payment; and if she will make a statement on the matter. [34291/05]

Minister for Agriculture and Food (Mary Coughlan): The person named applied for an allocation of entitlements from the single payment scheme national reserve under category A, which caters for farmers who inherited land or received land free of charge or for a nominal sum from a farmer who had retired or died by 16 May 2005 and who had leased out his or her holding to a third party during the reference period 2000-2002.

The person named also submitted an application for an allocation of entitlements from the national reserve under category B, which caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under livestock premiums or arable aid schemes was payable during the reference period 2000 to 2002.

The position is that over 23,000 applications for an allocation of entitlements from the national reserve were received when account is taken of farmers who applied under more than one category. Processing of these applications is continuing and the intention is to make allocations to successful applicants early in 2006. The Department will be in touch with individual applicants as soon as their applications are fully processed.

454. Mr. Connaughton asked the Minister for Agriculture and Food if a person (details supplied) in County Galway is eligible to inherit entitlements; and if she will make a statement on the matter. [34304/05]

Minister for Agriculture and Food (Mary Coughlan): The person named has submitted applications in respect of both the new entrant and inheritance measures of the single payment scheme. His application as a new entrant was not eligible as he farmed in all three of the 2000 to 2002 reference years. However, the person named was eligible in respect of the inheritance application and the inherited entitlements have been transferred to him.

Veterinary Qualifications.

455. Ms C. Murphy asked the Minister for Agriculture and Food if the qualifications of veterinarians who received their credentials from a university (details supplied) are recognised here as sufficient to practice veterinary medicine here; if these qualifications are not recognised as such the framework in which such persons may become qualified to practice veterinary medicine; and if she will make a statement on the matter. [34395/05]

Minister for Agriculture and Food (Mary Coughlan): The Veterinary Council of Ireland is the body designated under law with responsibility for recognition of qualifications in order to practice as a veterinary practitioner in Ireland. Hitherto, the council was constrained by legislation as regards recognition of third country qualifications inasmuch as it could only do so where there are mutual recognition arrangements extant. There are no such arrangements currently in place with the country in which the university referred to is located.

However, under the new Veterinary Practice Act 2005, which will come into effect on 1 January next, the Council will be enabled to recognise a veterinary qualification from a third country where it considers it to be of equivalent standard to the Irish qualification. The council is also enabled, where it considers this to be necessary, to require an applicant to sit an examination to ensure that the training he or she has is of the required standard.

Environmental Policy.

456. Mr. Sargent asked the Minister for Agriculture and Food if she studied in detail the report she received in mid-September 2005 that was carried out by the Royal Commission on Environmental Pollution in the United Kingdom on the effect of agricultural chemicals when sprayed on farmers and other persons, especially developing children living in the vicinity of the sprayed area; and the action she plans to take based on the report’s findings. [34396/05]

Minister for Agriculture and Food (Mary Coughlan): The report will be taken into account in the review of the regulatory system for plant protection products being undertaken with our EU partners and the Commission. The report reflects public concerns brought to the attention of the Royal Commission, recognises the lack of evidence of causality, and recommends that risk assessment techniques and methodologies be reviewed and that additional monitoring and health surveillance be undertaken.

The arrangements currently in place in this country for the assessment of risks for workers, bystanders and consumers that may be exposed when crops are sprayed are based on current EU rules and take account of the most extreme exposures likely to occur. They require consideration of health effects on all sectors of the community, including vulnerable groups such as children and the elderly.
Questions—

457. Mr. Sargent asked the Minister for Agriculture and Food her views on whether the stamp duty relief that is available to young farmers under the age of 35 years should be extended beyond its current expiry date of 31 December 2005, in order to continue to provide an incentive for young people to opt for farming as a career. [34397/05]

**Minister for Agriculture and Food (Mary Coughlan):** The stamp duty relief is one of several measures that the Government have put in place to support young farmers. The question of its extension is a matter for consideration by the Minister for Finance in the context of the forthcoming budget.

**Alternative Energy Projects.**

458. Mr. Sargent asked the Minister for Agriculture and Food if she will support a 50% grant aid scheme to be made available to all farmers to convert their fossil fuel boilers to bio-fuel boilers. [34400/05]

**Minister for Agriculture and Food (Mary Coughlan):** Promotion and development of renewable energy, including biofuels, in Ireland are matters in the first instance for the Minister for Communications, Marine and Natural Resources. There are no funds available to my Department for the provision of grant aid on the lines suggested by the Deputy. However, I understand that Sustainable Energy Ireland has recently announced a pilot scheme to grant aid the installation of wood-fired boilers.

**Water Quality.**

459. Mr. Sargent asked the Minister for Agriculture and Food if her Department has identified the cryptosporidium pathogen (details supplied), which can occur in carcasses, and can pose a threat to drinking water supplies. [34401/05]

460. Mr. Sargent asked the Minister for Agriculture and Food the support she will give to local authorities when waters become contaminated with cryptosporidium through a variety of routes (details supplied). [34402/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 459 and 460 together.

Cryptosporidiosis is a highly pathogenic disease usually transmitted to humans via drinking water contaminated with either human sewage or animal manure. Water in swimming pools and theme parks may also be a source of infection. Infection can also be transferred directly to susceptible individuals from infected humans and animals.

My Department’s central veterinary laboratory has, over the last few years, developed an expertise in identifying and genotyping cryptosporidium isolates from whatever source. The laboratory has been involved in studying the epidemiology and transmission pattern of cryptosporidium in farm animals for the past three years. A second study designed to develop a forecast-risk assessment model to predict when potable water is a danger to human health from cryptosporidiosis is due to start in 2006. This project will be a collaboration with the faculty of life sciences at UCD and will be funded by the Environmental Protection Agency and the Marie Curie Transfer of Knowledge Programme of the European Commission. Issues relating to water quality and incidents involving contamination of waters are matters for the Department of the Environment, Heritage and Local Government, the Environmental Protection Agency and the local authorities. There is no funding within my Department’s Estimates from which support could be provided to local authorities in this type of situation.

**Alternative Energy Projects.**

461. Mr. Sargent asked the Minister for Agriculture and Food her views on whether the removal of excise duty on energy crops would give viability to many farmers who are suffering a dramatic fall-off in farm incomes. [34403/05]

**Minister for Agriculture and Food (Mary Coughlan):** The Minister for Communications, Marine and Natural Resources has overall responsibility for energy policy and is primarily responsible for the promotion and development of renewable energy, including biofuels. The introduction of the single farm payment, with direct payments decoupled from production, gives farmers the opportunity to explore alternative land uses such as the growing of energy crops for liquid biofuel purposes. In general, the cultivation of energy crops for biofuels will have to be demand led and production by farmers will only occur if the economic returns are greater than those offered by traditional crop enterprises. The production of biofuels from energy crops is not economic at current oil price levels and obviously the granting of excise relief on such biofuels would contribute to improving the viability of energy crop enterprises. For example, the scheme announced by the Minister for Communications, Marine and Natural Resources for mineral oil tax relief on pilot biofuel projects has given a boost to the production of oilseed rape for biofuel.

**Animal Medicines.**

462. Mr. Timmins asked the Minister for Agriculture and Food her views regarding the price of agricultural inputs, including medicines here; the way in which we compare to other European countries; if a problem exists, her plans to deal...
with same; and if she will make a statement on the matter. [34437/05]

Minister for Agriculture and Food (Mary Coughlan): The most recent statistics on agricultural inputs in Ireland published by the CSO show that agricultural input prices increased by 0.3% in August and the cost of inputs has increased by 4.8% in the 12 months to August 2005. One of the categories within the index of agricultural inputs is veterinary expenses, which includes medicines. Veterinary expenses remained unchanged in August and have increased by 1.6% in the 12 months to August 2005.

EUROSTAT publishes data for the EU 25 for agricultural inputs including veterinary expenses. The most recent complete data is for June 2005 and shows that the cost of agricultural inputs remained unchanged compared with June 2004, while veterinary expenses increased by 1.2% in the same time period. According to Eurostat, agricultural input prices in Ireland increased by 3.2% and veterinary expenses increased by 1.8% in the 12 months to June 2005, which is the seventh highest for agricultural inputs and 13th highest for veterinary expenses in the EU 25.

Animal Diseases.

463. Mr. Durkan asked the Minister for Agriculture and Food if she is satisfied that adequate precautions have been taken to prevent the introduction of animal disease into Ireland through the importation of animals and birds; and if she will make a statement on the matter. [34551/05]

Minister for Agriculture and Food (Mary Coughlan): Since the confirmed outbreaks in Russia and Kazakhstan in July and the more recent outbreaks in Turkey, Romania and Croatia, a range of measures have been put in place to further minimise the risk of the introduction of the H5N1 avian 'flu virus into the European Union and, consequently, Ireland. Since the initial outbreaks of the H5N1 virus in south-east Asia in late 2003, the EU Commission has moved swiftly to apply safeguard measures to any affected countries which, essentially, ban the importation into the Community of poultry and certain specified poultry products from those countries. In addition, the EU Commission has now banned the importation of captive birds and has placed controls on the importation of pet birds.

All of the EU Commission Decisions have now been transposed into Irish law through a series of statutory instruments that I signed over the past few weeks. These decisions include a ban on the gathering of birds for shows, exhibitions, markets and cultural events, other than under licence in regard to the latter, I have made and provision for the licensing of caged bird shows and pigeon shows. This ban will be reviewed at EU-level before the end of November and may well be extended for a further period. This is another entirely reasonable measure to minimise the risk of introduction of the disease.

I am satisfied that the measures taken to date are proportionate to the risk of the introduction of the virus and represent a reasonable and measured response. My Department is constantly reassessing the level of risk and is updating its contingency arrangements based on that risk assessment. Notwithstanding the measures taken to date, I will not hesitate to take such additional measures as I consider appropriate to any increased level of risk. My Department is actively engaged at EU and international level and will continue to take account of the most up-to-date national and international veterinary and scientific advice available to us from such sources as the EU, the FAO and the OIE. While I have no particular plans to introduce any further specific measures at this time, I am keeping the situation under review and have given consideration to other measures which it may be appropriate to introduce in the future, including the possibility of requiring compulsory housing of all free-range and organic poultry. This is a measure, which I do not consider necessary at the moment, given the current level of risk, is one which might well be appropriate in the event, for example, of confirmed outbreaks of the virus within the EU or in countries that are on a direct migratory flyway to or from Ireland.

Questions Nos. 464 to 466, inclusive, answered with Question No. 179.

Questions Nos. 467 to 469, inclusive, answered with Question No. 119.

Grant Payments.

470. Mr. N. O’Keeffe asked the Minister for Agriculture and Food the scheme under which grant aid was approved to ten producer organisations in the fruit and vegetable sector; the names and addresses of each successful applicant; if further aid packages are available; and if not, when it is anticipated that they will be put in place. [34574/05]

Minister for Agriculture and Food (Mary Coughlan): My Department provides community financial assistance to recognised producer organisations towards the cost of implementation of approved operational programmes in accordance with EU Regulations 2200/96 and 1433/2003. Programmes are for three or five year periods and on completion further programmes may be submitted. Claims for financial assistance are usually made on an annual basis for each year of the programme. Members of the producer organisation must undertake to market all of their production through the organisation.
Commercial Mushroom Producers Co-op Society Ltd
Connaught Mushroom Producers Co-op Society Ltd
Dewfresh Mushroom PO Ltd
DMG Producer Group Ltd
Meitheal Ur Teoranta Producer Organisation Ltd
Midland Mushroom Co-op Society Ltd
Quality Green Producer Organisation Ltd
Shannonside Mushroom PO Ltd
South East Mushroom Growers Co-op Society Ltd
Wexford Fruit Producers Ltd

Agricultural Prices.

471. Mr. Durkan asked the Minister for Agriculture and Food the comparisons which have been made with prices received by the producers for the full range of agricultural products here and throughout the European Union; if she has identified discrepancies; and if she will make a statement on the matter. [34581/05]

Minister for Agriculture and Food (Mary Coughlan): The most recent statistics, published by EUROSTAT for June 2005, show the percentage change in the index of producer prices of agricultural production by member state compared to the same month the previous year. The results show that the index fell in the EU by 8% and in Ireland by 3.3%. Ireland had the eighth lowest decrease, with only Slovenia and Lithuania recording increases.

The prices received by producers are determined by a number of factors and most importantly by the level of demand within the market place. The level of supply of a product, the degree of competitiveness within the sector and consumer demand will all influence the final price received by the producer. As Ireland is a trading nation, exporting the majority of its major agricultural products, the price to Irish farmers is primarily determined by conditions on EU and international markets, rather than those on the domestic market.

Sugar Beet Industry.

472. Mr. Durkan asked the Minister for Agriculture and Food the acreage under sugar beet in 2005; the projections for 2006; the extent to which this is likely to be affected by EU sugar proposals; and if she will make a statement on the matter. [34582/05]

Minister for Agriculture and Food (Mary Coughlan): The provisional estimate for sugar beet plantings in 2005 is approximately 31,000 hectares, which is sufficient to fill the Irish sugar quota. Pending the outcome of the discussions on the sugar reform proposals, it is not possible to make predictions about the impact on future sugar beet plantings.

EU Directives.

473. Mr. Quinn asked the Minister for Justice, Equality and Law Reform if EU Directive 2003/8/EC will be implemented before 19 November 2005; if not, the reason Ireland will not meet its obligations to implement this directive before the deadline and if he will make statement on the matter [34254/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The directive in question, Council Directive 2003/8/EC of 27 January, 2003 to improve access to justice in cross-Border disputes by establishing minimum common rules relating to legal aid for such disputes, has been implemented in Ireland via administrative incorporation of the required arrangements into the existing civil legal aid scheme provided by the Legal Aid Board. The Commission has been advised of these arrangements as well as of the contact details for the legal aid board, being the nominated authority for the transmission and receipt of applications made under the directive.

Coroners Service.

474. Mr. O’Connor asked the Minister for Justice, Equality and Law Reform his plans to change the Coroners Act 1962; if he will give assurances to the persons concerned; and if he will make a statement on the matter. [34798/05]

475. Mr. O’Connor asked the Minister for Justice, Equality and Law Reform the position regarding the case of a person (details supplied); if he will respond to the concerns of this person; and if he will make a statement on the matter. [34799/05]
503. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform his plans to revise the Coroners Act 1962.  [34058/05]

529. Mr. J. O’Keeffe asked the Minister for Justice, Equality and Law Reform if five years is an unacceptable delay in implementing the report of the working group on the Coroners Service which was established to replace the obsolete Coroners Act 1962; and the timeframe as to when this act will be replaced to allow for a proper system of investigation of deaths here. [34579/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 474, 475, 503 and 529 together.

The report of the working group on the review of the coroner service published in December 2000 recommended a comprehensive overhaul and modernisation of the coroners service in Ireland, with regard to the legislation governing the work of coroners, the support services available to coroners and the structural organisation of the coroner service. In keeping with the commitment in the Government legislative programme, announced by the Chief Whip on 27 September 2005, detailed proposals providing for that comprehensive reform are currently being finalised in my Department and I expect to be in a position to submit those proposals to Government before the end of the year.

I have personally indicated the position outlined to the parents of the person referred to by Deputy O’Connor.

European Council.

476. Mr. Quinn asked the Minister for Justice, Equality and Law Reform the number of proposals that his Department is opposing at European Council at any stage; the names of such proposals; the reason his Department is taking this position; and if he will make a statement on the matter. [33832/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are two matters in particular where legal issues have arisen. These relate to proposals concerning procedural rights in criminal matters and the retention of communications data. I have made Ireland’s concerns on these matters known to the Council. Ireland’s position is guided by the advice of the Attorney General.

EU Directives.

477. Mr. Quinn asked the Minister for Justice, Equality and Law Reform the exemptions from EU directives or regulations that Ireland has achieved in his Department’s competency area; the reason his Department requested each exemption; if it is intended to give up any of these exemptions; and if he will make a statement on the matter. [33847/05]

478. Mr. Quinn asked the Minister for Justice, Equality and Law Reform the exemptions from EU directives or regulations that his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33862/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 477 and 478 together.

Exemptions specific to Ireland have not been, and are not being, sought from EU directives or regulations within my area of responsibility.

Refugee Status.

479. Mr. Costello asked the Minister for Justice, Equality and Law Reform the number of non-nationals who came here as unaccompanied minors; the number who received education in the educational system here; the number who are now aged out minors; the locations in which they are accommodated; if he proposes to regularise their situation; and if he will make a statement on the matter. [33873/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the reply I gave to Parliamentary Question No. 61 on Thursday 20 October 2005. A total of 413 unaccompanied minors who have now reached the age of 18 years have been refused refugee status. These persons received notifications under section 3 (3) (a) of the Immigration Act 1999, as amended, informing them of the decision to refuse them refugee status and setting out the options available to them; that is, to voluntarily repatriate, to consent to deportation or to make representations to me setting out the reasons they should not be deported.

Of the 413 cases, 211 have been decided to date, resulting in 108 deportation orders, 72 grants of conditional leave to remain under the Irish born child scheme, 2005, eight grants of temporary leave to remain on other grounds, seven voluntary returns, three grants of residency under family reunification, four grants of residency under marriage to an Irish national, six grants of residency under EU Treaty rights, two subsequently became EU nationals on 1 May 2004 and one is deceased. The remaining 202 cases have yet to be considered by me. The number of unaccompanied non-national minors in the education system in the State is not known to my Department. The Deputy should contact my colleague, the Minister for Education and Science, who may be able to help further.

Garda Equipment.

480. Mr. Costello asked the Minister for
Justice, Equality and Law Reform (Mr. McDowell): The question of whether a person will be permitted to enter the United States of America is a matter completely within the discretion of the US immigration authorities.

Regarding the question of the re-designation of information relating to the person concerned on the Garda computer system, I understand that the Commissioner wrote to him on 19 November 2004 confirming that data on him was amended and outlining the nature of the amendment. There is no evidence available to me to the effect that the difficulty encountered was related to the amended information on the Garda computer system.

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<thead>
<tr>
<th>Date</th>
<th>Period of release</th>
<th>Reason</th>
</tr>
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<tbody>
<tr>
<td>2 March, 2005</td>
<td>One overnight</td>
<td>To attend funeral of her child's grandmother</td>
</tr>
<tr>
<td>3 June, 2005</td>
<td>2 overnights</td>
<td>To attend brother’s funeral</td>
</tr>
<tr>
<td>2 November, 2005</td>
<td>Temporary release each day approved for duration of a work training course. To return to the prison each afternoon.</td>
<td>To attend and participate on a kitchen catering course run by Fáilte Ireland.</td>
</tr>
</tbody>
</table>

The training course is a 16 week programme recommended by the local prison review committee with a view to redirecting the prisoner towards qualifying for eventual employment post release. Release is tightly controlled and any breach would have negative consequences for the prisoner. To date no problems have been reported. Participation in this course is no indication of future early release.

482. Mr. Crawford asked the Minister for Justice, Equality and Law Reform the number of rape cases which have been reported to the Garda in each of the past ten years; the percentage of those cases which have been taken to court; his views on whether it is time that victims were allowed to have legal representations in these cases and that the Director of Public Prosecutions or his representative should have some discussion with the victim or their legal representative; his further views on whether judges should retain their independence or else be accountable for their comments and sentencing; and if he will make a statement on the matter. [33906/05]
ants in such trials without breaching a fundamental principle, the right of an accused person to a fair trial.

Legal advice, as opposed to representation, is also available, through the Legal Aid Board, to complainants in rape and certain sexual assault cases. This service is currently subject to a means test and persons who satisfy the financial eligibility criteria are provided with this legal advice free of charge. I have decided in principle that this service should be provided without a means test and I intend that a provision to give effect to this will be included in a suitable legislative instrument at an early date. The traditional approach to sentencing is for the Oireachtas to lay down by law the maximum penalty appropriate to a particular offence and for the courts, having considered all the circumstances of a case, to impose an appropriate penalty up to that maximum. This approach reflects the doctrine of the separation of powers — the courts are, subject only to the constitution and the law, independent in the exercise of their judicial functions. The Legislature lays down the possible punishment range but it is for the courts to exercise discretion in deciding the punishment while taking account of all the circumstances of the case and of the offender.

The complex question of sentencing policy was addressed at length by the Law Reform Commission in its report on sentencing which specifically recommended against the introduction of statutory sentencing guidelines. The report pointed out a number of differences of opinion among members of the commission regarding some of the recommendations in the report which tends to underline the clear complexities which arise in relation to sentencing policy.

I note the recommendation made by the commission against the introduction of statutory sentencing guidelines. Statutory guidelines would involve an undue interference in the independence of the Judiciary. The decision on what kind of sentence to impose is a judicial determination and, save only in exceptional circumstances such as murder, major drug trafficking and certain firearms and explosives offences, I am of the view that the Oireachtas should generally be cautious in prescribing minimum sentences. The issue of sentencing was addressed in the recent report of the working group on the jurisdiction of the courts. The group, while it did not make final recommendations, drew attention to possible options to promote consistency of sentencing which are being considered in my Department in consultation with the Courts Service.

I believe that the courts in such cases are in the best position to see just what is the proper sentence as they alone can take all the circumstances in a particular case into account. My Department is currently engaged in drafting legislation on judicial conduct and ethics. It is proposed that the Bill in question will establish a judicial council with responsibility for such matters. With regard to the issue of the Director of Public Prosecutions, due to the independence of the director, it would not be appropriate for me to comment on the issues raised by the Deputy.

Number of Allegations of Rape of a Female and Rape Section 4 reported to An Garda Síochána from 2000 to 31 October, 2005 and percentage of cases prosecuted.

<table>
<thead>
<tr>
<th>Year</th>
<th>Reported</th>
<th>Court Cases %</th>
</tr>
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<tbody>
<tr>
<td>2005</td>
<td>376</td>
<td>6</td>
</tr>
<tr>
<td>2004</td>
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<tr>
<td>2000</td>
<td>282</td>
<td>20</td>
</tr>
</tbody>
</table>

Departmental Agencies.

483. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the grant programmes available from his Department and from agencies under his responsibility; and the deadlines of each programme. [33922/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The information requested by the Deputy follows under a number of broad headings. My Department, through the probation and welfare service, currently provides funding to 69 voluntary bodies which provide a range of services to offenders in local communities. These services include pre-industrial training and education, offender management programmes, residential accommodation, drug and alcohol abuse programmes, work with offenders in custody and post release as well as providing vital elements of a focused day time programme for those found guilty of criminal offences by the courts and placed on supervision to the probation and welfare service. While there is no deadline for the provision of funding to such programmes, funding is only granted on receipt of a favourable recommendation from the probation and welfare service management which, following an appraisal of an application, have satisfied themselves that the service being offered will be of specific benefit to the probation and welfare service client group.

The budget allocation for assistance to voluntary bodies for the current year is €14.434 million. In May 2005 my Department publicly advertised the first round of a five year funding programme for enhancing disability services project funding. Applications were invited from voluntary organisations providing services for people with disability for project funding for the period 2005-06. The closing date for the receipt of applications was 15 July 2005. The National Disability Authority is an independent statutory agency established under the aegis of the Department of...
Justice, Equality and Law Reform and currently runs a research promotion scheme. This is an annual grant scheme and has a closing date of 21 September. My Department is also administering a small grant scheme this year, relating to the provision of accessible transport to people with disabilities. The closing date for receipt of applications is 9 December 2005.

The current seven year Equal Opportunities Childcare Programme 2000-06, which is implemented by my Department, facilitates the further development and expansion of child care facilities to address the needs of parents, in reconciling their child care needs with their participating in employment, education and training. There is no deadline for receipt of applications.

The EOCP was established as an element of the National Development Plan 2000-2006 to increase the supply of child care capital grant assistance to create new and quality enhanced child care places, to support the child care needs of parents in employment, education and training through the provision of capital grant assistance; to make grant assistance available towards the staffing costs of child care services in very disadvantaged areas to enable these services to make child care available at less than full fees for parents experiencing disadvantage; and to enhance the quality and co-ordination of delivery of child care in Ireland. In addition, child minding grants are available to assist childminders providing child care services from their homes. Applications for grant assistance under the EOCP are being accepted on a rolling basis. The current programme is due to run until the end of 2006.

My Department is also responsible for the equality for women measure of the National Development Plan 2000-2006, which is designed to promote pilot initiatives aimed at improving the economic, social, cultural and political lives of women. In August 2004, my Department issued a second call for proposals. This second phase specifically targets economically disadvantaged women living in RAPID, Re-vitalising Areas by Planning, Investment and Development, areas. The closing date for receipt of proposals under the second phase was the 15 October 2004. Following a thorough appraisal of all applications funding of approximately €7 million was approved to 58 projects over the period June 2005 to March 2007. Any future calls under the measure will be announced in the press.

Grant funding is available to voluntary organisations, subject to an evaluation process, from my Department’s violence against women budget for awareness raising, intervention or preventative measures which fall within the Department’s scope of responsibility in this area. No deadlines are set for applications but the availability of funding in any given year is of course subject to the annual budget provided.

There is a small grants scheme in place to assist asylum seekers and refugee support groups. A maximum of €6,000 per project is allowed. To date in 2005, €146,000 has been allocated. The deadline for receipt of projects was 31 May 2005 but was extended subject to funding availability and special initiatives. Projects funded ranged from reception functions, such as formal and informal welcome meetings, to art classes, day trips to local places of interest, sports activities, inter-cultural food fairs, events to mark national festivals, fashion shows, music sessions and involvement in local voluntary organisations.

In June 2005, I launched the community based CCTV scheme. This scheme has been developed in response to a demonstrated demand from local communities across Ireland for the provision of CCTV systems. The scheme is designed to provide financial assistance to qualifying local organisations, towards meeting the capital costs associated with the establishment of local community CCTV systems. Communities that are not ready to apply for full scheme funding could apply for pre-development supports to assist in the formulation of high quality proposals which will have the necessary elements of local support and sustainability.

The closing date for receipt of applications was 20 September, 2005 and the scheme is being administered on behalf of my Department by area development management Limited. I am informed by ADM that a total of 83 applications for funding under the community based CCTV scheme — 51 under stage 1 and 32 under stage 2 — were received by the closing date. The process of evaluation and assessment of applications is under way and recommendations will be made by ADM, to my Department’s community based CCTV project board in due course. It is intended to invite a new round of applications for funding under the scheme early next year. The commission for the support of victims of crime has a budget of €750,000 for 2005. The commission is charged with the disbursement of funding for victim support and assistance measures. The commission received over 60 applications for funding following a national advertising campaign and formal application process during March and April 2005. The closing date for applications was in April 2005.
Justice, Equality and Law Reform if, in relation to the commitment he made in Dáil Éireann on the 21 June 2005 (details supplied) following publication of the second report from the Morris Tribunal, apologies have been made by him since that date and, if so to whom; if, in particular an apology has been made to a person arising from the findings of the first report of the tribunal; the further facts which require to be established in the cases dealt with in the tribunal reports before such apologies can be made; the fact-finding process he has put in place for the purpose; and if he will make a statement on the matter. [33943/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am on record as having commended Mr. Justice Frederick Morris on the excellent work of the Morris Tribunal thus far and I have no reason to dispute any of the findings arising therefrom. However, notwithstanding the eminence of the tribunal’s sole member and the quality of the work done to date the tribunal is not a court of law — either civil or criminal. Consequently, neither its findings nor its mere existence can affect the right of a litigant to commence proceedings before our courts regarding matters which have already been determined by the tribunal. While it is open to a court to admit the inquiry’s report in any civil proceedings, it is not constricted from admitting other evidence which may be adduced in that context and the tribunal process does not in any way detract from the right of a court to make findings of fact in relation to cases that come before it as part of either the civil or criminal process.

Many persons involved in the events in Donegal have instituted civil proceedings against the State as is their entitlement. I am not in a position to say with certainty whether or not any further facts will emerge during the course of those proceedings. What I can say with certainty is that since publication of the second Morris tribunal report settlement has been reached in relation to a number of civil actions associated with those events and negotiations are in train in relation to a number of others. So far, where a settlement has been reached a formal apology has issued.

In the particular case referred to, I can do no more at this point than refer the Deputy to the answer I gave to his question on 8 November where the position was set out. As I explained, I am constrained in what I can say because of the civil process. The issues raised in this case are being carefully examined so as to ensure that they are responded to fully and appropriately in the proceedings. I do not propose to establish any other separate fact finding process to operate in tandem with the tribunal.

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the numbers of proceedings for Residency Permits.

485. Mr. Noonan asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application by a person (details supplied) in County Limerick to remain here on the parentage of an Irish-born child; and if he will make a statement on the matter. [33963/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned was granted permission to remain in the State for a two year period from 14 October 2005 under the revised arrangements announced by me on 15 January 2005 for the non-national parents of Irish born children born before 1 January 2005. Some 18,000 applications to remain in Ireland under the revised arrangements were received by the closing date of 31 March 2005. Some 15,800 have been processed to decision stage, of which 500 approximately have been refused permission to remain.

Visa Applications.

486. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the position in regard to application for family reunification in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [33971/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I stated in my response to Parliamentary Question No. 268 on 27 October 2005, the refugee in question made an application in respect of his daughter in July 2005. The application was then forwarded to the Refugee Applications Commissioner for investigation as required under section 18 of the Refugee Act 1996.

When this investigation is completed the commissioner will prepare and forward a report to my Department. Upon receipt of this report the application will be considered and a decision will issue shortly thereafter. The timeframe for completion of the investigation will depend on the timeliness of the applicant’s responses to requests for documentation and information from the Office of the Refugee Applications Commissioners.

Road Safety.

487. Ms O. Mitchell asked the Minister for Justice, Equality and Law Reform the number of drivers apprehended for driving without insurance; the number of penalty points awarded on foot of same; and if he will make a statement on the matter. [33980/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the numbers of proceedings for
no insurance commenced for the years 2000-2004 are shown in the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>19,353</td>
</tr>
<tr>
<td>2001</td>
<td>18,820</td>
</tr>
<tr>
<td>2002</td>
<td>36,383</td>
</tr>
<tr>
<td>2003</td>
<td>30,430</td>
</tr>
<tr>
<td>2004*</td>
<td>28,754</td>
</tr>
</tbody>
</table>

*The figure for 2004 is operational, provisional and liable to change.

The application of penalty points is a matter for the Department of Transport. I have been informed by that Department that from 1 June 2003, when driving without insurance became a penalty points offence, to 31 October 2005, a total of 1,257 drivers received penalty point notices in respect of insurance offences.

**Garda Operations.**

488. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform if he will ask the Garda Commissioner the reason no action was taken to nullify the threat against a person (details supplied) in Dublin 10. [33982/05]

489. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform if he will ask the Garda Commissioner the steps he will take to ensure that persons (details supplied) in Dublin 10, are safe from attack and from threats. [33983/05]

491. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that persons (details supplied) have made numerous statements to the Garda Síochána regarding verbal, texted and gun threats, assault, malicious damage to their property by a person. [33985/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 488, 489 and 491 together.

I am informed by the Garda authorities that several incidents involving the persons referred to by the Deputy have been fully investigated by the Garda Síochána and are before the courts at present. Attention is being given to the persons concerned in the form of regular patrols in the area concerned. I am assured that any incidents which may arise will be responded to by the Garda authorities in an appropriate manner.

490. Aengus Ó Snodaigh asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the drug dealing in a park (details supplied) in County Dublin; and the action he will take to ensure that same is stopped. [33984/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the Garda Síochána has received no specific complaints regarding drug dealing in the park referred to by the Deputy. I am further informed, however, that a series of measures to proactively combat the supply and use of drugs in the general area is in place. These measures include continuous liaison with the local county council parks department, regular liaison with residents of the area and neighbouring estates through established neighbourhood watch schemes, regular mobile and foot patrols, specific targeting of known resident and transient drug dealers by the district drugs unit and the use of the juvenile diversion programme to identify and assist vulnerable youths in avoiding drug use and dependence.

In addition, a new mountain bike unit has been established in the local Garda district and is due to commence operations in the coming weeks. The unit will be specifically tasked with monitoring local parks, including the park referred to by the Deputy.

**Question No. 491 answered with Question No. 488.**

**Garda Remuneration.**

492. Mr. Wall asked the Minister for Justice, Equality and Law Reform if it would make more sense, from both a financial and numerical point of view, to hire more gardaí in view of the fact that the overtime bill for the Garda is currently running at €170 million. [33986/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The annual overtime bill for the Garda Síochána for 2005 is not running at anything like €170 million. The budgetary position is that €61.5 million was provided for Garda overtime in 2005.

The Deputy will be aware that, in October 2004, the Government approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with the commitment in An Agreed Programme for Government in this regard. This is a key commitment in the Programme for Government.

As part of the accelerated recruitment campaign to facilitate this process, approximately 1,100 Garda recruits will be inducted this year and for the next two years, by way of intakes to the Garda college of approximately 275 recruits every quarter. This will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of 2006. I should add that this accelerated recruitment process is fully on target and a total of 1,130 Garda recruits are in training at present.

The Deputy may also be aware of my plans to establish a Garda reserve as provided for in the Garda Síochána Act 2005. The purpose of the
Garda reserve, which is a standard feature of policing in many other common law countries, will be to assist the Garda Síochána in the performance of its functions, including policing road traffic and related matters. I have asked the Garda Commissioner to submit proposals to me for the reserve, addressing all relevant recruitment, training and development issues.

While these developments will greatly strengthen the operational capacity of the force and assist in the discharge of its functions, the increasingly intensive and round-the-clock nature of Garda work generally and the need for the Garda Síochána to be able to respond at short notice to particular demands means that overtime expenditure is an essential element in the provision of an effective policing service, no matter how strong the force’s regular operational capacity may be. The objective of Garda overtime, for which approximately €60 million was originally allocated this year, is to allow the Garda Síochána flexibility in responding to circumstances which require personnel resources over and above those available from Gardaí on rostered duty. Overtime typically arises in the following circumstances: crime investigation, attendance at court, security, major events or incidents, road safety, etc.

As the Deputy may be aware, in May this year I announced that an additional €6.5 million in overtime was being provided to the Garda Commissioner for Operation Anvil. This is one of the most intensive special policing operations ever undertaken in the State and is aimed at those involved in gun crime of any kind in the Dublin metropolitan region. This funding provided for an additional 15,000 hours overtime each week in the Dublin area which did not adversely affect existing agreed overtime allocations across the Garda divisions, including those for the Dublin metropolitan division. I have since made available additional funding to enable Operation Anvil to continue until the end of the year.

Crime Levels.

493. Mr. Gormley asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the anti-social behaviour and the consequent litter caused by same including alcohol bottles and cigarette packets close to the Luas on Cowper Road at weekends; if the attention of the Garda has been drawn to this problem; the action it intends to take; and if he will make a statement on the matter. [33994/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that a Garda inspector from Rathmines Garda station has acted as a liaison officer between the Garda and the company operating the Luas since it commenced operations. I am further informed that there have been no reported incidents of public disorder in respect of the Luas on Cowper Road since it commenced operations. Local Garda management have not received any written or oral complaints with regard to the matters raised by the Deputy from the residents of Cowper Road. I am assured that the Garda authorities will continue to give the area in question ongoing attention in the form of regular patrols.

Registration of Title.

494. Mr. Penrose asked the Minister for Justice, Equality and Law Reform the steps he will take to have an application for registration of Land Commission Lands (details supplied) processed as quickly as possible particularly in relation to the registration of the Land Commission allotment, as same is required in the context of a mortgage situation; and if he will make a statement on the matter. [33995/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that I have requested the Land Registry to contact him directly concerning the current position of the application in question.

Garda Recruitment.

495. Mr. Stanton asked the Minister for Justice, Equality and Law Reform the education requirements to enter An Garda Síochána; the changes he intends to make in these requirements in order to allow foreign nationals to join the Garda; and if he will make a statement on the matter. [34000/05]

496. Mr. Stanton asked the Minister for Justice, Equality and Law Reform the number of applicants for the Garda each year since 2000 who were refused entry into the Garda due to the fact that they did not meet the required standard in mathematics; the required standard of same; and if he will make a statement on the matter. [34001/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 495 and 496 together.

Entry to the Garda Síochána is governed by the Garda Síochána (Admissions and Appointments) Regulations 1988, as amended. The Deputy may be aware that prior to the current Garda Síochána recruitment competition which was launched in September 2005, I made a number of highly significant changes to the entry criteria with a view to removing barriers to entry from Ireland’s growing multiethnic communities. Key among those changes is that the requirement to hold a qualification in both Irish and English in the leaving certificate or equivalent has been replaced by a requirement to hold a qualification in two languages, at least one of which must be Irish or English.
Consequently, the educational requirements to enter the Garda Síochána, as prescribed in the Garda Síochána (Admissions and Appointments) Regulations 1988 to 2005, are as follows. An applicant must have obtained, in the Irish established leaving certificate examination or Irish leaving certificate vocational programme a grade not lower than B3 at foundation level or D3 at another level in mathematics as well as a qualifying grade in two languages, one of which must be English or Irish. In Irish, a grade not lower than C5 at foundation level or D3 at another level must be obtained while in English or another language, a grade not lower than D3 at ordinary level must be obtained. In addition, a grade not lower than D3 at ordinary level, in not less than two other subjects or the merit grade in the applied leaving certificate or like grades in another examination, which, in my opinion, is not of a lower standard than the above must be obtained.

Applicants who hold international qualifications are advised to contact the National Qualifications Authority of Ireland to ascertain if the qualification or qualifications they hold can be recognised as being comparable to one of the above qualifications. They can be contacted at info@nqai.ie. The National Qualifications Authority of Ireland also have a fact sheet and an application form available on their website at http://www.nqai.ie/en/International/RecognitionOfInternationalAwards/.

These new changes will open up entry to the Garda Síochána to persons in Ireland from all parts of the community and from all ethnic backgrounds. This is a major step towards ensuring that future intakes of recruits to the Garda Síochána will reflect the composition of modern Irish society, to the benefit of the force and the people it serves.

In respect of the number of applicants refused entry in the various Garda recruitment competitions since 2000 owing to the fact that they did not meet the required standard in mathematics, I should advise that the compilation of such statistics would be a matter for the Public Appointments Service, PAS, which is responsible for the administration of the initial stages of the Garda recruitment process.

Individual candidates’ qualifications are checked by the PAS when they are invited to the interview stage of the recruitment process. In respect of the 2004 competition, the PAS has advised that of the 3,761 persons who passed the initial selection tests, the educational qualifications of approximately 3,576, the number called to interview to date, have since been checked and approximately 24 of these persons have been found ineligible on the basis that they did not meet the required standard in mathematics and, in some cases, in other educational criteria also. As regards the current competition, tests are ongoing at present and educational qualifications will be checked at the point when candidates are called for interview. With regard to the other Garda trainee recruitment competitions going back to 2000, the PAS advises that a breakdown of the type sought by the Deputy is not readily available and could only be obtained by the expenditure of a disproportionate amount of time and resources.

I might mention that the educational requirements for entry to the Garda Síochána are set out in the notes for candidates on the Public Appointments Service website, www.publicjobs.ie, and all prospective applicants are advised to ensure that they meet the eligibility requirements before applying. The criteria are also detailed on the Garda website, www.garda.ie.

Crime Levels.

497. Mr. Deenihan asked the Minister for Justice, Equality and Law Reform if he will meet with a delegation (details supplied) to discuss the anti-social behaviour problems in Tralee, County Kerry; and if he will make a statement on the matter. [34010/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): Due to constraints on my schedule, I regret that I am not in a position to meet the delegation referred to by the Deputy. I have instructed officials from my Department to make themselves available to meet the delegation to discuss their concerns and report to me. I understand that the association in question has been informed accordingly.

Crime Prevention.

498. Mr. O’Shea asked the Minister for Justice, Equality and Law Reform his proposals to bring in legislative measures to deal with the hoodie culture (details supplied); and if he will make a statement on the matter. [34012/05]

499. Mr. O’Shea asked the Minister for Justice, Equality and Law Reform his proposals to bring in measures, legislative or otherwise to cultivate a much more responsible attitude among parents in regard to the anti-social behaviour of their children (details supplied); and if he will make a statement on the matter. [34013/05]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I propose to take Questions Nos. 498 and 499 together.

I understand the Deputy is referring to anti-social and unlawful behaviour on the part of gangs of youths wearing hoods for the purpose of making their identification by the Garda Síochána difficult. I share the Deputy’s concern about this type of behaviour and would draw his attention to the response of my colleague, the Minister of State at the Department of the Environment,
In addition, I propose to bring forward a number of legislative proposals for measures which will assist the Garda in dealing with this type of behaviour. I believe the courts can give valuable support and protection to our communities in tackling anti-social behaviour and in this regard I am finalising legislative proposals to provide for anti-social behaviour orders. As I indicated previously, I intend, subject to Government approval, to introduce these proposals by way of Committee Stage amendment to the Criminal Justice Bill 2004 which has recently completed Second Stage in this House.

An anti-social behaviour order is a mechanism whereby the law seeks to stop a person from behaving in a way which is causing very serious distress to a community or to some person in that community. In this respect the principle behind anti-social behaviour orders is similar to the power to bind over, which is a very old power.

My amendments will allow the Garda to apply to the courts by way of civil procedure for an anti-social behaviour order which will prohibit the person who is the subject of the order from behaving in an anti-social way. My proposals will include guidelines for the courts in respect of the granting of orders. The orders will be civil orders and the question of an offence will arise only if a person in question willfully defies the order and continues to engage in the behaviour.

Furthermore, my proposals will incorporate important safeguards to ensure the orders can be used for the benefit of the community as a whole. I want to stress that the orders will not be targeted at any particular group but will provide a means of dealing with persistent anti-social activity by individuals who come to the attention of the Garda and the courts.

Having regard to the special considerations that apply to children, that is, persons under 18 years, I propose that separate provisions, fully integrated into the Children Act 2001, will apply to them. In accordance with the existing approach of that Act, parental involvement will be built into the process. These proposals will be brought forward by the Minister of State at the Department of Justice, Equality and Law Reform with special responsibility for children, Deputy Brian Lenihan, in the near future in the context of other proposals for amendment to the Children Act 2001.

As stated above, in the event that a person willfully breaches an anti-social behaviour order, that breach will constitute a criminal offence. In the case of a child it will be punishable in accordance with the existing range of sanctions available to the courts in the 2001 Act. The concept of parental responsibility is already encompassed in the following sanctions. Section 23 of the Children Act 2001 provides that a child who is over the age of criminal responsibility and who accepts responsibility for his or her criminal behaviour can be admitted to a programme intended to divert the child from committing further offences. A feature of the diversion programme is the involvement of the parents or guardians in a family conference and the possibility of redress for the victim which can be as simple as an apology or, where appropriate, financial or other reparation. In convening a family conference, regard is given to the role and responsibilities of the child’s parents or guardian and with the assistance of those other persons permitted to be present at the family conference an action plan for the child is formulated. The compliance of the child with the terms of the action plan is monitored.

Sections 111 to 114 of the Children Act 2001 introduced provisions in relation to the parents or guardians of children found guilty of offences. Section 111 provides that in any proceedings in which a child is found guilty of an offence, the court may make an order for the supervision of the child’s parents where it is satisfied that a wilful failure of the child’s parents to take care of or control of the child contributed to the child’s criminal behaviour. While this section has not, as yet, been commenced, the probation and welfare service has introduced a pilot parenting programme which is evidence-based and focuses on parenting skills. The programme — The Incredible Years Advanced Programme — commenced in October 2005 and is currently operating in the south Dublin area.

Section 113 empowers the court to order the parent or guardian of such a child to pay compensation in accordance with the provisions of that section. Section 114 allows the court to order a parent or guardian, with his or her consent, which cannot be unreasonably refused, to enter into a recognisance of not more than €317 to exercise proper and adequate control over their child.

In the recent Adjournment Debate, the Deputy also referred to the use of fireworks by these gangs in a dangerous and intimidating manner. I wish to advise that, in the context of the Criminal Justice Bill 2004, I propose to bring forward amendments which will provide for a new offence of possession of illegally imported fireworks with intent to supply, new offences governing the misuse of fireworks in public places, and meaningful increases in penalties governing the illegal importation, sale and use of fireworks. I believe these amendments will significantly strengthen the enforcement capability of the Garda Síochána in respect of controlling illegal fireworks.

Citizenship Recognition.

500. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform his views on the State's
Recognitions of different types of Estonian citizenship. [34035/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Due to the non-specific nature of the Deputy's question, it is not possible to identify whether, in fact, the question is a matter for my Department. If the Deputy wishes to contact my departmental office with further details, I will ensure that those details are passed to the relevant section of my Department for a response.

Visa Applications.

501. Mr. Haughey asked the Minister for Justice, Equality and Law Reform if permission will be granted for persons (details supplied) in Dublin 5 to remain here on humanitarian grounds; and if he will make a statement on the matter. [34039/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am pleased to inform the Deputy that permission to remain in the State has been granted to both of the persons in question.

Garda Training.

502. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform the number of gardaí who have signed the declaration of personal commitment that forms part of the Garda declaration of professional values and ethical standards. [34057/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the declaration of professional values and ethical standards is issued to each member of the Garda Síochána. There is no obligation on members of the Garda Síochána to return a signed declaration of personal commitment, which formed part of the declaration of professional values and ethical standards. I have made provision in the Garda Síochána Act 2005 for the establishment of a code of ethics which will be incorporated into the Garda disciplinary framework in due course. Preparatory work is already under way by the Garda Commissioner in this regard.

Question No. 503 answered with Question No. 474.

Ministerial Travel.

504. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34070/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Since the Luas became operational in June 2004, I have used it on a number of occasions to travel to work.

Departmental Programmes.

505. Mr. Cuffe asked the Minister for Justice, Equality and Law Reform the significant changes which have been implemented by his Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34085/05]

Visa Applications.

506. Mr. Howlin asked the Minister for Justice, Equality and Law Reform the status of an application for leave to remain here for a person (details supplied) in County Wexford (details supplied); if a determination will be made in this case; and if he will make a statement on the matter. [34122/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned submitted an application to remain in the State on the basis of being the parent of an Irish born child under the revised arrangements announced by me on 15 January 2005 for the processing of applications for permission to remain in the State from the non-national parents of Irish born children born before 1 January 2005. The application is being processed at present and the person concerned will be advised of the outcome shortly.

Some 18,000 applications to remain in Ireland under the revised arrangements were received by the closing date of 31 March 2005. Some 15,800 have been processed to decision stage, of which approximately 500 have been refused permission to remain.

507. Mr. Carey asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in Dublin 11 will be issued with a visa; and if he will make a statement on the matter. [34132/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the absence of the appropriate visa application reference number, it has not been possible to identify any record of a visa application from the person named in the details supplied by the Deputy. If such an application exists, the Deputy may wish to contact my
Department through the standard channels, with the reference number, at which time my officials will ascertain the status of the application. If necessary, the applicant should initially contact the Irish consulate in Kenya to obtain the correct visa application reference number.

Irish Prison Service.

508. Mr. Wall asked the Minister for Justice, Equality and Law Reform if the substance of a submission (details supplied) will be investigated and resolved in view of the serious concerns expressed in the submission; and if he will make a statement on the matter. [34138/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The circumstances surrounding the incident on 18 March 2005 are presently the subject of legal action. Pending determination of this action, the Deputy will appreciate that it would be inappropriate for me to provide a more detailed response. The letter required to enable this individual to process his medical insurance will issue from the Irish Prison Service immediately.

Departmental Staff.

509. Mr. Carey asked the Minister for Justice, Equality and Law Reform the percentage of persons, with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the three per cent quota; and if he will make a statement on the matter. [34150/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): General policy in respect of the 3% target for the employment of people with disabilities in the Civil Service is the responsibility of the Minister for Finance. Guidelines for monitoring the employment of people with disabilities by public bodies are set out in the 1994 code of practice for the Civil Service. The term, “people with disabilities” means, for the purposes of the code, people with a physical, sensory or psychological impairment which may “have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited”.

Data is not collected with reference to the nature of disabilities, persons’ grades or qualifications. A total of 4% of persons employed in my Department’s head office and associated agencies are persons with disabilities. The Disability Act 2005 provides a new statutory framework for implementation and compliance monitoring of the 3% employment target in the public sector. Implementation of the various provisions of the Act in this regard is currently being addressed.

Asylum Support Services.

510. Mr. S. Ryan asked the Minister for Justice, Equality and Law Reform the funding which is available for the publication of literature to inform refugees and asylum seekers of their rights; and if he will make a statement on the matter. [34156/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The following information material and funding is provided by the asylum agencies under my Department to inform refugees and asylum seekers of their rights and entitlements.

The Office of the Refugee Applications Commissioner, ORAC, provides asylum applicants with a comprehensive information leaflet which explains how the asylum process in Ireland operates. The leaflet is currently available in 30 languages, and is kept under ongoing review. Asylum applicants are also provided with a customer service information leaflet and a customer service charter and are informed of their right to consult a solicitor in addition to or instead of the UNHCR. ORAC also facilitates the refugee legal service by disseminating their information leaflets to all applicants.

The Refugee Appeals Tribunal, RAT, has the following leaflets available for applicants: an information leaflet for applicants for refugee status in Ireland, appeals procedure and an information leaflet for applicants for refugee status in Ireland, appeals procedure Dublin II regulation. Both leaflets have been translated into 24 different languages. The RAT customer charter which is on display in the reception area of the tribunal has also been translated into 24 different languages. No specific funding is provided to asylum seekers by ORAC or RAT for information purposes although, as has been indicated, comprehensive information literature is provided by both organisations.

The reception and integration agency, RIA, operates a number of information programmes which include asylum seeker facilities at resident centres covering information clinics with representatives from community welfare services, public health nurses and other service providers invited to participate, distribution and display of leaflets, posters etc. from a wide range of Departments and agencies as well as NGOs and in-house publications in nine languages on access to services and information about Ireland. A number of centres provide on-site facilities for community welfare and medical services.
[Mr. McDowell.]

In addition, outreach clinics outside Dublin are currently being run in conjunction with UNHCR, bringing together a wide range of agencies and organisations involved in asylum seekers and refugee matters. Moreover, persons leaving RIA centres who have obtained refugee status or leave to remain are given orientation information in four languages and this is currently being extended to include a further four languages. Special publications are also provided by the RIA for resettlement refugees coming to Ireland.

With regard to specific targeted funding for publications, the RIA operates an annual small grants scheme, with €146,000 allocated to date for 2005, which provides for a maximum individual grant of €6,000 and can be used for publicity-related purposes by NGOs. The RIA also administers the European refugee fund which is worth €1 million annually and is used by NGOs for reception, integration and voluntary return projects, some of which will incorporate elements addressing information provision for refugees and asylum seekers.

Finally, the refugee legal service, RLS, provides independent legal advice and assistance to asylum applicants at all stages of the asylum process. The service, which is part of the Legal Aid Board, is largely Exchequer funded. The RLS uses a variety of methods to inform asylum applicants about the availability of its service and also about the nature of the asylum process.

It produces a number of leaflets, namely, one about its own services, and two providing general information about the asylum process in Ireland. These leaflets are made available at all accommodation centres for asylum applicants. They are also provided to the citizens information centres and to various support groups throughout the country. In addition, the RLS arranges an outreach service at accommodation centres, where it provides information to newly arrived asylum seekers about its services and about the asylum process. Apart from the substantial legal, outreach and information services it provides, the RLS does not provide funding for specific publications for asylum seekers.

In addition, information is also available on my Department’s website and the websites of the Office of the Refugee Applications Commissioner, the Refugee Appeals Tribunal, the reception and integration agency and the refugee legal service. Other Departments and State agencies also provide services to refugees and asylum seekers and may provide information material, etc., for this purpose.

Visa Applications.

511. Mr. Durkan asked the Minister for Justice, Equality and Law Reform the position in respect of an application for residency based on marriage to an Irish national in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [34187/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for permission to remain in the State based on marriage to an Irish national was received from the person concerned in November 2004. Applications of this type are dealt with in chronological order and currently take sixteen to eighteen months to process. It should be noted that marriage to an Irish national does not confer an automatic right of residence in the State.

Proposed Legislation.

512. Mr. P. Breen asked the Minister for Justice, Equality and Law Reform his proposals to amend the Explosives Act 1875 as part of the better regulations process; and if he will make a statement on the matter. [34193/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Explosives Act 1875, which provides for the control of the importation, manufacture, storage and sale of explosives, is being reviewed by my Department with a view to consolidating and updating the law and policy in this area. As part of this ongoing review, it has become apparent that the fines and penalties provided for under the 1875 Act are inadequate and there is an urgent need to strengthen these provisions. Accordingly, I propose, in advance of bringing forward my proposals for a total reform of the law in this area, to take the opportunity presented by the Criminal Justice Bill 2004, which is currently before the House, to table, on Committee Stage amendments which will significantly increase penalties governing the illegal importation, manufacture, storage and sale of explosives. In so far as the overall consolidation and updating of the explosives legislation is concerned, I envisage seeking Government approval for my proposals in this regard by the end of 2006.

North-South Co-operation.

513. Caoimhghin Ó Caoláin asked the Minister for Justice, Equality and Law Reform if he will report on the work of the North-South unit in his Department; and if he will make a statement on the matter. [34217/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department does not have a unit dealing exclusively with North-South issues. Work on these issues, which arise primarily in the context of criminal justice co-operation, is carried out across a range of divisions in my Department, depending on its nature.

Asylum Applications.

514. Mr. Penrose asked the Minister for Justice, Equality and Law Reform if a person (details
December 2004. Both applications were refused following consideration of their cases by the Office of the Refugee Applications Commissioner and, on appeal, by the Office of the Refugee Appeals Tribunal.

The applicants were informed by letters dated 17 November 2004 and 23 March 2005, respectively, that the Minister proposed to make deportation orders in respect of them and afforded three options under section 3(3)(b)(ii) of the Immigration Act 1999, as amended, namely, to make representations to the Minister setting out the reasons they should be allowed to remain in the State, to leave the State voluntarily or to consent to the making of a deportation order. Their cases were examined under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 — prohibition of refoulement. Consideration was given to all representations received on their behalf. On 15 September 2005, deportation orders were signed in respect of the persons concerned. Notices of these orders were served by registered post requiring them to present to the Garda National Immigration Bureau, 13-14 Burgh Quay, Dublin 2, on Thursday, 10 November 2005, in order to make arrangements for their deportations from the State. They failed to present as required and are now classified as evading deportation. Consequently, they are now liable to arrest and detention and should present themselves to the Garda National Immigration Bureau without delay. The enforcement of the deportation orders remains an operational matter for the bureau.

Grant Payments.

516. Ms F. O’Malley asked the Minister for Justice, Equality and Law Reform the reason a school (details supplied) in County Dublin has been refused the renewal of their grant under the equal opportunities child care fund; and if he will make a statement on the matter. [34296/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The equal opportunities child care programme, EOCP, 2000-06, has an equal opportunities and social inclusion perspective and facilitates the further development and expansion of child care facilities to address the needs of parents in reconciling their child care needs with their participation in employment, education and training. With regard to the community based group referred to by the Deputy, its application for continued staffing funding was recently refused as the group had failed to express a willingness to extend the operating hours of its service beyond 40 weeks per year. Therefore, it did not meet the objectives of the EOCP.

An appeal against the decision on staffing funding has been submitted to my Department and is being assessed by Area Development Management Limited, which has been appointed by
my Department to operate the day-to-day implement-ation of the programme. On completion of the assessment process, the appeal will be considered by the programme appraisal committee chaired by my Department before a final decision is made regarding funding. The group will be informed of the outcome of the assessment in due course.

Citizenship Applications.

517. Mr. Healy asked the Minister for Justice, Equality and Law Reform the position regarding the applications for naturalisation of persons (details supplied) in County Tipperary. [34416/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for certificates of naturalisation from the persons referred to by the Deputy were received in the citizenship section of my Department on 13 April 2004. The average processing time for such applications is currently 24 months. It is likely, therefore, that both applications will be finalised in or around April 2006. I will be in touch with both the Deputy and the applicants when a decision has been made on the applications.

Deportation Orders.

518. Mr. Healy asked the Minister for Justice, Equality and Law Reform if deportation decisions will be reversed for persons (details supplied) in Dublin 11. [34417/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Deportation orders were signed in respect of the named persons on 26 August 2004 and 15 and 19 September 2005, respectively. On examination of further representations received in relation to the case, I have now decided as an exceptional measure to revoke the deportation orders of the persons concerned and grant them temporary leave to remain for a period of 12 months with their case being reviewed at the end of that period. The individuals concerned will be notified of my decision shortly.

Garda Investigations.

519. Mr. Gregory asked the Minister for Justice, Equality and Law Reform when he expects to be in a position to state his intentions regarding an inquiry into the Dean Lyons case; and if he will make a statement on the matter. [34418/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 16 of 20 October 2005 in which I set out at some length the steps which had been taken in respect of this case. These included the appointment of Mr. Shane Murphy, SC, to conduct an independent review and thorough examination of relevant Garda papers, my consideration of same and my discussions with my colleague, the Minister for Finance, in the context of the detailed statutory obligations imposed on me under section 3(1) of the Commissions of Investigation Act 2004. In light of these discussions, I hope to bring proposals to Government within the next few weeks in accordance with the provisions of that Act, with a view to establishing a commission of investigation to investigate the circumstances of this case.

520. Mr. Gregory asked the Minister for Justice, Equality and Law Reform when he expects to have completed his examination of a Garda Síochána report on the fatal injuries to a person (details supplied) in Store Street Garda station on the 2 June 2005; and if he will make a statement on the matter. [34419/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my answer to Parliamentary Question No. 2 of 20 October 2005. The Garda investigation in this case is ongoing.

Residency Permits.

521. Mr. Carey asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the hardship to new immigrant families where the husbands of women who got permission to reside under the IBC rule and who arrived here after 30 March 2005 are forced to live separately from their spouses and children; and if he will make a statement on the matter. [34420/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 15 January 2005, I announced revised arrangements for the processing of applications for permission to remain in the State from the non-national parents of Irish born children born before 1 January 2005. The closing date for receipt of applications was 31 March 2005. Late applications are not being considered and are being returned to the applicants. Of the 17,877 applications received under the scheme, thus far some 15,000 applicants have been granted leave to remain.

The terms of the scheme include certain criteria which applicants must meet in order to be considered for permission to remain. These include evidence of continuous residency in the State since the birth of the Irish born child and the parent and child must be resident in the State. Residency granted on the basis of parentage of an Irish born child does not give rise to any entitlement to be joined in the State by other family members. This was clearly stated on the front page of the application form. The application form also included a statutory declaration
to be signed by applicants indicating their acceptance, inter alia, that the granting of permission to remain does not confer any entitlements or legitimate expectation on any other person, whether related, to enter the State.

The Deputy may be referring to men who entered the State after the 31 March 2005 closing date who are residing separately from their spouses and children, in circumstances in which their wives were successful under the scheme. Such persons are ineligible to remain under the terms of the revised arrangements. It is possible that some of the men in question are applicants for asylum from states covered by the accelerated asylum processing arrangements which came into operation on 25 January 2005 for nationals of Nigeria, Croatia, Romania, Bulgaria and South Africa. The arrangements for processing prioritised asylum applications include processing in the first instance in the Office of the Refugee Applications Commissioner in an average of 15 working days and processing in the Refugee Appeals Tribunal in an average of 14 working days. The accelerated process includes the operation of dedicated accommodation centres for applicants while their asylum claims or deportation orders are being processed. Persons covered by this process have statutory obligations imposed on them to reside in such centres and report to immigration officers in both the asylum and deportation processes.

These arrangements facilitate the speedier processing of asylum applications from the states referred to and the effecting of deportation orders in respect of unsuccessful applicants. The residence and reporting requirements are, inter alia, intended to ensure that persons subject to deportation orders are more readily available to the Garda national immigration bureau while travel arrangements are being made for their return to their country of origin.

**Penalty Points System.**

522. Ms O. Mitchell asked the Minister for Justice, Equality and Law Reform the purpose of the additional €4.5 million provided to the company to develop the fixed charge processing system; the amount spent to date in 2005 on the fixed charge processing system; the way in which this system will interact with the proposed involvement of An Post in the processing of penalty points; and if he will make a statement on the matter. [34421/05]

523. Ms O. Mitchell asked the Minister for Justice, Equality and Law Reform the position regarding the involvement of An Post in the processing of penalty points; the function An Post will play in the processing; when this proposed service will be fully operational; and if he will make a statement on the matter. [34422/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 522 and 523 together.

The development cost of the fixed charge processing system was in the order of €13.5 million. This was composed of the original tender price of just under €9 million and additional works at a cost of €4.5 million. The majority of the expenditure arose in two areas: a technical upgrade required to be carried out to the entire PULSE infrastructure. As the fixed charge processing system is linked to PULSE, this also necessitated an upgrade to the FCPS software so that the FCPS was implemented on an up-to-date technical platform; to implement the FCPS system prior to completion of the work outlined, it was decided to adopt a phased approach to the implementation of the system. This required work to be done to the system to enable the early implementation of the system, in advance of the putting in place of an outsourced payment collection system and integration with PULSE. Accordingly, the system is currently operational in the Dublin metropolitan region, Cork city and parts of counties Louth and Meath.

Development of FCPS is now complete. Expenditure has been incurred in 2005 on the maintenance of the system, including some tasks associated with stabilisation work on PULSE. I am advised by the Garda authorities that an amount of €418,000, VAT inclusive, has been paid in 2005 in this regard.

Contract negotiations with An Post for the outsourced payment collection service are now complete and a contract was signed on Thursday, 10 November. The contract will enable procedures to be put in place to enable persons issued with fixed charge notices to make payments at post offices, by post and in respect of non-penalty point offences, by telephone and Internet. This will free up Garda resources currently engaged in the collection and accounting of moneys for operational duties.

Work is already well under way to progress the roll-out of the system and over the coming weeks plans will be finalised with the relevant agencies viz., my Department, the Garda Síochána, the Courts Service and the Departments of Transport and the Environment, Heritage and Local Government. This will include plans for roll-out of further penalty point offences. It is planned that as part of this process, the Garda Síochána and An Post will roll out the payment collection service on a phased basis.

**Garda Deployment.**

524. Mr. Kelleher asked the Minister for Justice, Equality and Law Reform if he has satisfied himself with the number of gardaí assigned to the Glanmire sub-district; if his attention has been drawn to the fact that sometimes during the night there may only be one to two gardaí on duty to cover the whole sub-district; if his attention has...
[Mr. Kelleher.] Further been drawn to the fact that a person detained or arrested in Glanmire has to be taken to the district headquarters at Cobh to be processed, which could take a number of hours and leaves all of Glanmire without any Garda presence; if his attention has further been drawn to the fact that the number of gardaí available for duty has decreased in recent times even with a large population increase; if the number of gardaí available for duty in Glanmire will be increased; if the provision of a new Garda station will be expedited; if he has satisfied himself with the reply received from the Garda authorities (details supplied); and if he will make a statement on the matter. [34454/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have sought information from the Garda authorities on the detailed issues raised in this question and I will be in contact with the Deputy as soon as it becomes available.

Citizenship Applications.

525. Mr. Wall asked the Minister for Justice, Equality and Law Reform the position regarding an application for Irish citizenship for a person (details supplied) in County Kildare. [34455/05]

526. Mr. Wall asked the Minister for Justice, Equality and Law Reform the position regarding an application for Irish citizenship for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [34456/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 525 and 526 together.

The two persons, a husband and wife, applied for certificates of naturalisation in May 2003. The applications were deemed to be ineligible as the persons concerned did not have the statutory 60 months reckonable residence at the time of their applications. This decision was communicated to the persons concerned in February 2005. In my response to Parliamentary Question No. 143 on 10 March 2005, I acknowledged to the Deputy that the applicants had periods of permission to remain in the State which were not recorded in their passports, and as a result were not taken into account when considering their eligibility for naturalisation. I understand that an official from the citizenship section of my Department informed the Deputy in the course of a telephone conversation on 10 March 2005 that even taking into account the additional periods of permission to remain, the persons concerned still did not have the necessary 60 months reckonable residence at the time of their applications in March 2003. The Deputy was further informed that it was open to the two individuals to submit new applications since they appeared to have the necessary residence at that time — March 2005. I have been informed that there is no record of new applications having been received to date. It is still open to the two persons concerned to reapply for naturalisation, provided they renewed their residency permission when it expired at the end of March 2005.

Garda Deployment.

527. Mr. Kelleher asked the Minister for Justice, Equality and Law Reform the number of Gardaí assigned to each sub-district in the Cork north division of the Garda Síochána; the general population to Garda ratio for the different sub-districts of the said division; and if he will make a statement on the matter. [34457/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the personnel strength of each Garda station in the Cork north division as at 15 November 2005 is as set out in the following table. Corresponding figures sourced from the CSO 2002 census of population are also included.

<table>
<thead>
<tr>
<th>Station</th>
<th>Population</th>
<th>Strength</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cobh</td>
<td>11,459</td>
<td>27</td>
</tr>
<tr>
<td>Carrigtwohill</td>
<td>4,047</td>
<td>3</td>
</tr>
<tr>
<td>Glanmire</td>
<td>12,949</td>
<td>17</td>
</tr>
<tr>
<td>Glenville</td>
<td>695</td>
<td>1</td>
</tr>
<tr>
<td>Carrig Na Bhfear</td>
<td>4,048</td>
<td>4</td>
</tr>
<tr>
<td>Watergrasshill</td>
<td>2,049</td>
<td>1</td>
</tr>
<tr>
<td>Fermoy</td>
<td>7,122</td>
<td>46</td>
</tr>
<tr>
<td>Rathcoormac</td>
<td>3,262</td>
<td>2</td>
</tr>
<tr>
<td>Ballynoe</td>
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<td>1</td>
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<tr>
<td>Kildorrey</td>
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<td>1</td>
</tr>
<tr>
<td>Kilworth</td>
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<td>1</td>
</tr>
<tr>
<td>Mitchelstown</td>
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<td>17</td>
</tr>
<tr>
<td>Castletownroche</td>
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<td>2</td>
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<tr>
<td>Ballyduff</td>
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<td>1</td>
</tr>
<tr>
<td>Mallow</td>
<td>12,370</td>
<td>32</td>
</tr>
<tr>
<td>Buttevant</td>
<td>2,709</td>
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<tr>
<td>Charleville</td>
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<tr>
<td>Doneraile</td>
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<tr>
<td>Milford</td>
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<tr>
<td>Glantaine</td>
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<tr>
<td>Liscarroll</td>
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<tr>
<td>Midleton</td>
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<td>Cloyne</td>
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<tr>
<td>Killeagh</td>
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<tr>
<td>Whitegate</td>
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<tr>
<td>Youghal</td>
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<td>Ballycotton</td>
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<td>2</td>
</tr>
<tr>
<td>Ardmore</td>
<td>2,215</td>
<td>1</td>
</tr>
</tbody>
</table>

Garda management states that Garda personnel assigned throughout the country, together with
the overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources and the best possible Garda service is provided to the general public.

Regarding Garda resources generally, the accelerated recruitment campaign to reach a record force strength of 14,000, in line with the commitment in An Agreed Programme for Government, is fully on target. This will lead to a combined strength of both attested gardaı´ and recruits in training of 14,000 by the end of 2006. The Garda Commissioner will draw up plans on how best to distribute and manage these additional resources and in this context the needs of the Cork north division will be fully considered within the overall context of the needs of Garda divisions throughout the country.

Services for People with Disabilities.

528. Mr. Stanton asked the Minister for Justice, Equality and Law Reform, further to Parliamentary Question No. 165 of 9 November 2005, the way in which the funding, with special reference to the extra funding, which his Department received for people with disabilities as published in the expenditure Estimates in November 2004 and subsequently on budget day 2004 has been used or will be used; the way in which this funding has been disbursed; the mechanisms in place to ensure the funding is spent correctly; if he has satisfied himself that auditing procedures are in place and are adequate in each case; and if he will make a statement on the matter. [34460/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department's total allocation for 2005 for people with disabilities is €10,979,992, divided across three subheads. Subhead F1, status of people with disabilities, has a budget of €2,997 million, of which €2.06 million is given to organisations in the disability sector in support of their work. All these organisations submit audited accounts annually. All organisations are subject to the normal Government departmental accounting and auditing processes and have been made aware of the relevant requirements in this regard. They also provide regular reports about their activities, which enable my officials to ensure moneys are used to progress the objectives agreed between the organisations and the Department.

The remaining moneys under subhead F1 were spent by my Department mainly on awareness raising initiatives and a variety of smaller projects. All these projects are subject to the normal accounting and procurement procedures of the Civil Service, including expenditure sanction by the Department of Finance as appropriate.

The amount allocated to subhead F2, grant to the National Disability Authority, is €4,982,892 — €2,551,992 for pay and €2,431 million for non-pay expenditure. All expenditure by the National Disability Authority is subject to the same financial controls as outlined in the preceding paragraph.

The amount allocated to subhead F3, enhancing disability services project funding, is €15 million over five years for disbursement to voluntary organisations providing services to people with disabilities. In May of this year my Department publicly advertised the first €6 million available under this subhead for the period 2005 and 2006. Voluntary organisations were asked to submit project proposals which showed an innovative, cost-effective approach to service provision for people with disabilities and had the capacity to be mainstreamed. By the closing date for receipt of applications 134 project proposals had been submitted. All the applications were acknowledged by my Department and forwarded to Area Development Management for appraisal and assessment. Area Development Management has submitted its appraisals and recommendations to an independent expert group which has been formed to oversee and advise me on the allocation of grants under the programme. All the organisations which receive funding under this subhead will be supported and monitored by Area Development Management to ensure the successful start-up and operation of their projects.

Question No. 529 answered with Question No. 474.

Departmental Agencies.

530. Mr. P. McGrath asked the Minister for Education and Science if the National Education Welfare Board and National Council for Special Education are housed in the NEPS office in Mullingar, County Westmeath; the number of staff employed in these bodies and their grades; and if she will make a statement on the matter. [34042/05]

Minister for Education and Science (Ms Hanafin): I have had inquiries made with the National Education Welfare Board, NEWB, and the National Council for Special Education, NCSE, regarding the information sought by the Deputy. The National Education Welfare Board is in the initial stages of development. Service delivery staff have been deployed by the NEWB in areas of greatest disadvantage and in areas designated under the Government’s RAPID programme. There is an NEWB presence in Athlone at present but not in Mullingar. Consideration will be given by the agency to deploying staff in Mullingar as it develops capacity in line with the strategic plan 2005 to 2007.

I understand the National Council for Special Education has assigned two special educational needs organisers to County Westmeath. Both officers are based in the Department of Education and Science midlands regional office in Mullingar. The number and grades of staff
Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 531 to 533, inclusive, together.

My Department is not opposing any proposals at European Council level at this time, nor has my Department achieved or sought an exemption from any EU directive or regulation within our area of competency.

School Curriculum.

534. Mr. Kehoe asked the Minister for Education and Science her views on introducing a meaningful sex, relationship, gender and gender-based violence component into mainstream education programmes; and if she will make a statement on the matter. [33867/05]

Minister for Education and Science (Ms Hanafin): Social, personal and health education, SPHE, incorporating relationships and sexuality education has been developed at junior cycle level, and this has been made mandatory for all schools with effect from September 2003. In addition, all schools are required to have an agreed school policy and a suitable relationships and sexuality education programme in place for senior cycle pupils. Comprehensive guidelines for junior cycle and senior cycle have also been published and provided to schools by the NCCA to support the RSE aspects of the curriculum. An integrated SPHE programme at senior cycle incorporating RSE is being developed.

The overall aims of the SPHE curricula are: to foster the personal development, health and well-being of students and help them create supportive relationships and become responsible citizens; to develop a framework of values, attitudes, understanding and skills that will inform their actions and decision-making; and to establish and maintain healthy patterns of behaviour.

The SPHE modules at junior cycle in post-primary schools deal specifically with belonging and integrating, handling conflict constructively, dealing with peer pressure, influences on decision-making, relationships and sexuality regarding values, the reproductive system, tackling myths about sex and pregnancy, personal safety, substance use and the impact of teenage pregnancy. Two of the SPHE modules relate specifically to relationships and sexuality and personal safety. The aims of those modules include bringing students to an understanding of the physical changes that take place during adolescence and exploring with them procedures for protecting their personal safety along with appropriate responses when their safety is threatened. In third year, an awareness of help agencies is promoted and students’ skills for obtaining access to them are developed.
For senior cycle students, all schools are required to have an agreed school policy and a suitable relationships and sexuality education programme in place. The RSE programme at senior cycle deals further with those issues and includes pregnancy, contraception, sexually transmitted diseases, sexual harassment, sexual assault, and accepting sexual orientation.

The National Council for Curriculum and Assessment, NCCA, is currently developing an SPHE curriculum framework for senior cycle, and a draft document has recently gone for consultation to the partners. The draft curriculum framework includes five areas of learning, most of which contribute to the education of young people on aspects of violence, its causes and preventive measures and to the promotion of physical and mental health. The five areas are: mental health; gender studies; substance use; relationship and sexuality education; and physical activity and nutrition.

The Department of Education and Science has developed two sets of resource materials particularly relevant to this area for use with transition year and senior cycle students as part of an SPHE programme. Those are BALANCE — Who cares? and Exploring Masculinities. Those resources use a variety of materials and strategies to explore and discuss issues of gender equality. Specific attention is paid to addressing sexual harassment and domestic violence in both resources. Also included in the Exploring Masculinities resources are materials on bullying and child sexual abuse.

Finally, all post-primary schools provide a guidance and counselling service for their students and they receive ex quota hours from the Department for that provision. Guidance counsellors are qualified to provide counselling support to students who may have suffered abuse and to assist them in accessing appropriate help when needed.

### Child Protection.

535. Mr. Kehoe asked the Minister for Education and Science her views on introducing policies for schools on disclosure and appropriate referral where children have experienced violence in the family; and if she will make a statement on the matter. [33868/05]

Minister for Education and Science (Ms Hanafin): Child protection guidelines for primary and post-primary schools, which were distributed to primary and post-primary schools in 2001 and 2004 respectively, were produced in consultation with the partners in education to meet the needs for schools to have in place clear procedures which teachers and other school staff should follow where they suspect, or are alerted to, possible child abuse.

The guidelines cover four different types of abuse: neglect; emotional abuse; physical abuse; and sexual abuse. The guidelines provide management authorities and staff with guidance regarding recognising the signs and symptoms of child abuse and with procedures for dealing immediately with such concerns.

A central facet of the guidelines is the requirement for each board of management to designate a senior member of staff as the designated liaison person for the school. The designated liaison person will act as a liaison for the school in all dealings with the Health Service Executive, the Garda Síochána and other parties, in connection with allegations of or concerns about child abuse and as a resource person to staff who may have child protection concerns.

### School Staffing.

536. Mr. Deasy asked the Minister for Education and Science the number of teachers without a permanent teaching position here and the number seconded to DES-funded positions, using a virtual school number since the teacher arbitration award came into effect. [33869/05]

Minister for Education and Science (Ms Hanafin): My Department’s records indicate that there are currently approximately 3,956 teachers in non-permanent teaching positions in voluntary secondary schools and community and comprehensive schools. In the case of schools within the vocational education committee, VEC, sector the details requested by the Deputy are not held in my Department, as the appointment of teachers is a matter for the relevant VEC, subject to agreed procedures. There are currently 2,985 qualified teachers in temporary teaching posts at primary level.

I can also confirm that my Department’s records indicate that there are currently 13 seconded teachers at primary level and 24 seconded teachers at post-primary level who, in the absence of a base school, have been assigned to a notional school for payment purposes.

### Higher Education Grants.

537. Mr. J. O’Keeffe asked the Minister for Education and Science if her attention has been drawn to the dissatisfaction and hardship arising from delays in payments of grants to third level students, which in some instances run to upwards of nine months; and if arrangements to ensure the earlier processing of applications and the timely payment to eligible students will be put in place. [33870/05]

567. Ms O’Sullivan asked the Minister for Education and Science if any local authority or vocational educational committee has outstanding applications for higher education grants not yet decided or awarded; the local authorities and vocational educational committees in question; the number of applications in each case; and if
Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 537 and 567 together.

My Department funds four maintenance grant schemes for third level and further education students. Those are the higher education grants scheme, the vocational education committees' scholarships scheme, the third level maintenance grants scheme for trainees, and the maintenance grants scheme for students attending post-leaving certificate courses. The higher education grants scheme is administered by the local authorities. The other three schemes are administered by the vocational education committees. The process of assessing eligibility for third level or further education grants is a matter for the relevant local authority or VEC. It is not, therefore, possible to indicate the number of outstanding applications for higher education grants not yet decided or awarded at this stage.

Among the factors which give rise to delays in processing applications is where the administering body is awaiting further information or documentation from applicants, or applicants have failed to submit complete application forms.

My Department, in recognition of the importance of the timely provision of payment to eligible students, is engaged in ongoing consultations with the Irish Vocational Education Association and the County and City Managers' Association with a view to enhancing the existing arrangements and ensuring the earlier processing of applications and the making of payments to eligible students. In that regard, a working group with representatives from both associations was established earlier this year. The broad terms of reference of the group are to examine ongoing operational issues with the current system of administration of the schemes. Issues regarding the early payments of grants to eligible students are a priority for the group.

The Deputy will be aware of my Department's discussions with the existing stakeholders regarding the future administration of the schemes. I intend that whatever future administration of the schemes we put in place should deliver a quality and timely service to students and ensure consistency of application and client accessibility.

School Accommodation.

538. Mr. McCormack asked the Minister for Education and Science the status of new permanent accommodation for a school (details supplied) in County Galway; the reason there is such a delay in progressing this application; if this application can be advanced further; and if she will make a statement on the matter. [33871/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy has made an application for capital funding towards the provision of additional classroom and ancillary accommodation.

An upward trend in enrolment in recent years necessitated a review of enrolment and demographic trends to ensure that any capital funding being provided is appropriate to meet the school's long-term accommodation needs. That review is almost complete, and once agreement has been reached with the school authority on the matter a decision will be made on how best to meet the school's long-term accommodation needs. The project is being considered in the context of the school building and modernisation programme 2005-09.

The position regarding the construction of a carpark is that the project was progressed by the school without the prior agreement of my Department, and retrospective funding was sought by way of an application under the 2004 summer works scheme. The application was rejected on the basis that it is not my Department's policy to sanction retrospective funding for any project progressed by a school authority without my Department's prior approval.

Stay Safe Programme.

539. Mr. Gregory asked the Minister for Education and Science the names of the national schools in the South Eastern Health Board area in which the school authorities or boards of management refused to introduce the Stay Safe programme in their schools, and to allow parent information meetings to inform parents and seek their permission for the programme during 1992 to 1995 when all national schools were offered the programme. [33872/05]

Minister for Education and Science (Ms Hanafin): The Stay Safe programme, which is also known as the child abuse prevention programme, CAPP, is a primary-school-based four-stage approach to the prevention of child abuse involving: children's safety education; teacher-training; parent education; and community awareness. The programme aims to reduce vulnerability to child abuse through the provision of in-service training for teachers, parent education and personal safety education for children at primary school level from senior infants to sixth class.

When the programme was introduced, an initial one-day in-service training seminar on it was made available to all primary schools. In the South East Health Board, SEHB, area — Counties Wexford, Waterford, Kilkenny and Carlow and south Tipperary — in-service was provided over the 1992-94 period, and I understand that all primary schools in the area availed themselves of that training. That compares with a national rate...
of 99.7% for schools participating in the available in-service.

By the end of 1995, 80% of schools in the SEHB area had held parents’ information meetings on the programme, and 68% of schools reported to the CAPP that they had taught the Stay Safe programme. At that stage of the programme, the figure for the South East Health Board area was higher than the figure for the rest of the country, which showed that approximately 65% of schools were teaching the programme. It should be noted that during the 1992-94 period, the Stay Safe programme was new and, as such, encountered a degree of opposition in some parts of the country although, according to CAPP, not so much in the South East Health Board area.

Regarding detailing specific schools in the context of introducing or teaching the programme, it is not the policy of my Department to name individual schools.

At present, approximately 82% of all primary schools in the country are teaching the Stay Safe programme to their pupils, but it should be recognised that the Stay Safe programme is not mandatory, and schools can decide whether to introduce the programme.

It is important to realise, however, that the central elements of the Stay Safe programme — primarily personal safety strategies for children — and, more importantly, the overall issue of child protection are now taught as integral parts of the subject of social, personal and health education, SPHE, which is part of the curriculum taught in every primary school. Specifically, the strand unit entitled Safety and Protection provides material for teachers to explore with children appropriate strategies in personal safety which incorporate elements of the Stay Safe programme. In addition, the implementation of my Department’s child protection guidelines for all primary schools has given an additional impetus to the Stay Safe programme as well as the overall issue of child protection.

School Accommodation.

540. Mr. Hayes asked the Minister for Education and Science when funding will be provided for additional classrooms for a school (details supplied) in County Tipperary. [33892/05]

Minister for Education and Science (Ms Hanafin): As part of the expansion of the devolved scheme for primary school building works, a grant was sanctioned to enable the management authorities of the school in question to provide additional accommodation.

It is my understanding that the board of management of the school will make an application for planning permission in the near future and expects to be on site by Easter next year, at which time the Department will issue 70% of the grant to the school.

School Funding.

541. Ms Shortall asked the Minister for Education and Science if her attention has been drawn to the huge disparity in funding for a school patron’s curriculum as provided to Catholic and Protestant patron bodies compared with Educate Together; her views on the proposal for service level agreements from Educate Together; her further views on whether school patron bodies should receive State aid in proportion to their activity in opening schools which are recognised by her Department; the funding which is provided to the Gaelscoil movement; the reason similar funding is not provided to Educate Together; and if she will make a statement on the matter. [33893/05]

Minister for Education and Science (Ms Hanafin): My Department does not fund patron bodies. My Department does, however, fund management bodies at primary level.

The level of funding that my Department provides to Educate Together as a school management body is on a par with that provided to Foras Patrúnachta na Scoileanna LánnGhhaeilge, the Church of Ireland Board of Education, the Islamic Board of Education and the National Association of Boards of Management in Special Education. However, following discussions with Educate Together, my Department provided additional funding to it in 2005 to meet the immediate issues of concern to that body. The amount provided in 2005 was €81,133. I have indicated to Educate Together that I will consider its application for additional funding in the context of the Estimates and I will advise it of my decision in due course.

In accordance with the provisions of the Education Act 1998, I, as Minister, am obliged to have regard to the need to reflect the diversity of educational services provided in the State. Applying that provision to the development of multi-denominational education at primary level, my Department has supported the establishment of a significant number of new multi-denominational schools in recent years. Of the 24 new schools granted provisional recognition in the past three years alone, 12 are multi-denominational. At post-primary level, the requirement for multi-denominational education is met by the State sector through non-designated vocational education committee schools.

To underpin the establishment of new schools, my Department has made several changes in recent years which have assisted patron bodies in the provision of accommodation. One of those, which was strongly welcomed by the patron body for multi-denominational schools, was the abolition of the local contribution to the building costs for State-owned school buildings, which had cost up to €63,000 per school. Other innovations include the development of the design-and-build model to provide permanent accommodation
much faster, such as in the case of the new multi-denominational school in Griffeen Valley, Lucan, which was designed and built in less than 13 months.

Many multi-denominational primary schools are established in areas of rapidly expanding population growth. School building projects in those areas are assigned a band 1 rating under the published prioritisation criteria for large-scale building projects. That is the highest band rating possible, which results in the delivery of permanent accommodation in the shortest timeframe achievable.

Those measures are a strong indication of my Department’s commitment to supporting an educational diversity agenda, including multi-denominational education provision. It will continue to do so as part of its own statutory obligations and in the context of the national development plan, which is structured to support the development of all educational sectors, regardless of ethos.

State Examinations.

542. Ms Burton asked the Minister for Education and Science the suitable exam courses which are being run in Dublin at the moment in respect of An Scrúdú le hAghaidh Cálóichta sa Ghaeilge; if her attention has been drawn to the fact that previously Coláiste Mhuire, Marino has run courses; if additional courses will be put in place for candidates wishing to sit this exam; or failing that, if candidates will be given an extra six to eight weeks study time in which to prepare for the exam. [33894/05]

543. Ms Burton asked the Minister for Education and Science if her attention has been drawn to the high level of expenses incurred by many students who wish to sit An Scrúdú le hAghaidh Cálóichta sa Ghaeilge; if her attention has further been drawn to the fact that a candidate for the exam has incurred expenses (details supplied) in order to learn Irish and further examination fees for the actual course, if available, and related examination fees; if her attention has further been drawn to the fact that the estimated cost for such a student is in the region of €1,650; and if she will make a statement on the matter. [33895/05]

544. Ms Burton asked the Minister for Education and Science her proposals to alleviate the financial hardships suffered by students entering for An Scrúdú le hAghaidh Cálóichta sa Ghaeilge; if her attention has been drawn to the fact that the cost of learning Irish for primary schoolteachers who have completed their teacher-training course outside the State can be very significant; her plans to assist students in that position; and if she will make a statement on the matter. [33896/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 542 to 544, inclusive, together.

Arrangements have been put in place enabling teachers qualified outside the State to be granted recognition to teach in primary schools, provided that their qualifications meet the requirements set by my Department. Two forms of recognition are granted to those teachers: provisional recognition to commence teaching in mainstream primary schools; or restricted recognition to teach only in special schools or classes where Irish is not a curricular requirement. Holders of provisional recognition have five years in which they must pass an examination in the Irish language referred to as An Scrúdú le hAghaidh Cálóichta sa Ghaeilge, SCG, which qualifies them with full recognition to teach in a primary school. As an exceptional measure, that five-year period has been extended to seven years for those candidates who held provisional recognition prior to April 2004. If candidates do not pass the SCG examination within the specified period, they lose their provisional recognition.

The SCG examination consists of four elements: two written papers and an aural and oral examination. In addition, candidates must provide certification that they have attended an approved Gaeltacht course for a specific period: three-week; or its aggregated equivalent, either in one-week blocks or in a combination of one-week and two-week blocks.

Regarding course provision, I am pleased to inform the Deputy that several education centres throughout the country, which are directly funded by my Department, are providing preparation courses for the SCG examination at a reasonable cost that has been set by my Department. Regarding the availability of courses in the Dublin area, I understand that Blackrock Education Centre and Drumcondra Education Centre are delivering such courses for the 2005-06 year. Those courses are based on a training programme, also funded by my Department, which was developed by the Irish department in Coláiste Mhuire, Marino. The courses have been very successful, with 400 of the 520 candidates who sat the examination in March 2005 passing — the best outcome to date.

I understand that there are also other providers of courses for the SCG which charge rates to students different from those which apply in the courses run through education centres. As those providers include privately owned Institutions and individuals, I do not have any role regarding those courses or their related fees.

Regarding the cost incurred by candidates who attend the Gaeltacht in accordance with the SCG requirements, my Department refunds a proportion of the fees incurred by candidates. Established in May 2000, these arrangements apply to candidates who have successfully completed the SCG and provided certification of their residence...
in the Gaeltacht while attending an approved Gaeltacht course. That refund is equivalent to the subsidy payable to the colleges of education students for analogous courses. At present, the subsidy is €431.71 per candidate. I do not intend to increase that subsidy for the coming year.

In light of the refund available for the Gaeltacht course and the provision of funding for the education centre-based tuition, there are no additional supports available to students for any other costs incurred in preparing for the SCG examination. It should be noted, however, that once a teacher has been granted full recognition to teach in a primary school, he or she can progress along the teacher pay scales with a consequential increase in salary.

Finally, I am pleased to inform the Deputy that a repeat examination for those students who did not achieve a pass mark at last Easter’s sitting will be held on 26 November 2005 and 3 December 2005. That is being organised by the Irish department in Coláiste Mhuire, Marino. I understand that all candidates concerned have been notified.

**Special Educational Needs.**

545. **Ms O. Mitchell** asked the Minister for Education and Science her plans to appoint a classroom assistant or a special needs assistant to the 20 one-teacher schools countrywide in order to guarantee the health and safety of the pupils in these schools. [33903/05]

562. **Mr. McCormack** asked the Minister for Education and Science if her attention has been drawn to the very serious situation in which pupils and teachers in one-teacher schools find themselves in as regards health and safety where there is only one adult in these schools; her plans to have a second teacher classroom assistant or adult installed in each one-teacher school; and if she will make a statement on the matter. [34137/05]

580. **Ms Fox** asked the Minister for Education and Science if she intends to provide classroom assistants to one-teacher schools in the interests of safety; and if she will make a statement on the matter. [34271/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 545, 562 and 580 together.

The mainstream teacher allocation of all primary schools, including one-teacher schools, is determined by reference to the enrolment of the school on 30 September of the previous school year. The staffing schedule is outlined in a circular which is issued annually to all primary schools. In addition, such schools may be eligible for additional teacher or special needs assistant allocations in accordance with the criteria for the allocation of special needs resources.

The staffing situation of one-teacher schools is currently being reviewed.

**Grant Payments.**

546. **Mr. Lowry** asked the Minister for Education and Science the grant programmes available for community and voluntary groups from her Department under her responsibility; and the deadlines of each programme. [33923/05]

**Minister for Education and Science (Ms Hanafin):** My Department deals with the non-formal education of Ireland’s young people and provides support by way of financial and other assistance to organisations providing youth-work programmes and services. The funding available meets the costs of direct support for national voluntary youth-work organisations and several related activities, which include special projects for youth, particularly in disadvantaged areas, youth information services and grants to local youth groups and clubs. Grants-in-aid are made available on an annual basis to the youth sector through the following schemes.

Through the youth service grant scheme, funding is made available to some 31 national and major regional voluntary youth organisations. The closing date for 2006 applications is 31 December 2005.

Through the special projects for youth scheme, funding is made available in respect of out-of-school projects for disadvantaged young people. Priority is given to projects in the spheres of special youth-work initiatives, young homeless people, young substance abusers and young Travellers. The deadline for receipt of applications for 2006 is 31 January 2006.

The local youth club grant scheme supports youth-work activities at a local level. Those grants are made available to youth clubs and groups through the local vocational education committees, which determine an appropriate deadline for receipt of applications in their administrative area.

**School Staffing.**

547. **Mr. Lowry** asked the Minister for Education and Science, further to Question No. 651 of 8 November 2005, if a person (details supplied) in County Tipperary has been reinstated to the position previously held; if not, when this person will be reinstated; if an alternative person has been appointed; if so, the reason for such an appointment; and if she will make a statement on the matter. [33924/05]

**Minister for Education and Science (Ms Hanafin):** The recruitment, employment and dismissal of individual special needs assistants, SNAs, are matters for each school authority.

My Department understands from the board of management of the school referred to by the
Deputy, that it has ceased the employment of the special needs assistant in question. A temporary replacement has been employed. The negotiation of the original contract of employment was between the SNA and the school authority, and any further action in respect of the termination of that contract, is a matter for the parties concerned.

**Higher Education Grants.**

548. Mr. Carey asked the Minister for Education and Science if she will arrange to have the appeal by a person (details supplied) in Dublin 11 dealt with; and if she will make a statement on the matter. [33939/05]

**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 of approved courses in approved third level institutions and one maintenance grant scheme in respect of students attending approved post-leaving certificate 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 5 qualification, formerly known as a FETAC (NCVA) level 2 qualification, or FETAC level 6 qualification, formerly known as a FETAC (NCVA) level 3 qualification, or a third level qualification at level 6 or higher. However, notwithstanding that condition, candidates who already hold a FETAC level 5 qualification, formerly known as a FETAC (NCVA) level 2 qualification, and are now pursuing a course that offers progression may be deemed eligible for grant aid.

It is understood that the candidate to whom the Deputy refers already holds a FETAC level 5 course, formerly known as a FETAC (NCVA) level 2 qualification. Accordingly, with reference to the above provisions of the PLC scheme, I regret that the candidate is ineligible for grant assistance in respect of another course at FETAC level 5.

I regret that the news is not better regarding 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.

**School Transport.**

549. Ms O. Mitchell asked the Minister for Education and Science the number of additional school buses provided to the fleet from the start of September 2005 school term to date in 2005; and if she will make a statement on the matter. [33940/05]

**Minister for Education and Science (Ms Hanafin):** In July this year, I announced a comprehensive package of measures to address the phasing out of the three-for-two seating arrangement on school buses. Those included the hiring in of 250 buses from the private sector from September 2005 and the purchase of 50 large buses by Bus Éireann to go into service this school term.

Bus Éireann has informed my Department that 221 additional vehicles referred to above have been hired in from the private sector. In addition, the company has purchased 12 of the 50 large buses, which have been added to their own school bus fleet. The process of hiring and acquiring the remaining vehicles is ongoing.

550. Mr. Naughten asked the Minister for Education and Science if she will facilitate a meeting with a group of parents (details supplied) regarding a school transport issue in County Roscommon; and if she will make a statement on the matter. [33959/05]

**Minister for Education and Science (Ms Hanafin):** My Department is examining all relevant correspondence on file regarding this case. I will communicate again with the Deputy if it is considered that a meeting would be useful to clarify matters.

**Oideachas Gaeltachta agus Gaelscoileanna.**

551. D’hiachraigh Mr. O’Shea den Aire Oideachas agus Eolaisocht a bhi fuil a thiomáin aici nach bhfuil ach 20 de 30 scoil iar-bhunscoile sa Ghaeltacht ag múineadh go hiomlán tri mheán na Gaeilge; agus an raibh cainteanna aici leis an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta faoi sin [33966/05]

**Minister for Education and Science (Ms Hanafin):** Faoi láthair tá 29 scoil iar-bhunóideachas lonnaithe sa Ghaeltacht. De réir na bhfilleachán atá curtha chun na Roinne seo, tá an Ghaeilge luaite mar mheán teagaisc do na hábhair uile i 20 scoil diobhsean. Cuireadh ìosta na scoileanna seo ar fáil don dTeachta ag éirí as ceist uaidh roimhe seo.

Ní bhfuair mo Roinn aon iar-ratas chun dul i mbun cainte leis an Roinn Gnóthaí Pobail Tuaithe agus Gaeltachta maidir le rangú na scoileanna sna limistéir Ghaeltachta.
Site Acquisitions.

552. Aengus Ó Snodaigh asked the Minister for Education and Science if her attention has been drawn to moves by the National College of Art and Design to relocate to University College Dublin’s Belfield complex; and if she will make a statement on the matter. [33978/05]

Minister for Education and Science (Ms Hanafin): I am aware that NCAD is looking at how its future accommodation needs might be met and that, as part of that examination, it is considering with UCD the feasibility of options pertaining to the Belfield site. This is only an evaluation of options and does not assume a decision, which would have to take account of a range of issues, both educational and socio-economic.

School Curriculum.

553. Mr. J. Higgins asked the Minister for Education and Science if at least €50 million will be made available to implement the recommendations of the McIver report regarding the PLC sector, none of which has been implemented to date in 2005 since the report’s publication in April 2003. [34005/05]

561. Mr. Carey asked the Minister for Education and Science when her Department intends to start the implementation of the McIver report; and if she will make a statement on the matter. [34133/05]

584. Mr. McHugh asked the Minister for Education and Science if funding will be made available in 2006 to commence the implementation of the recommendations contained in the McIver report; and if she will make a statement on the matter. [34313/05]

602. Ms Enright asked the Minister for Education and Science if she will implement the recommendations of the McIver report; the number of recommendations that she will initially prioritise for implementation; the funding to be allocated towards the implementation of the report in 2006; and if she will make a statement on the matter. [34393/05]

604. Mr. O’Dowd asked the Minister for Education and Science if she will implement the recommendations of the McIver report; and if she will make a statement on the matter. [34448/05]

Child Protection.

554. Mr. Kenny asked the Minister for Education and Science if a primary school (details supplied) in County Mayo was vested in the diocese involved or in her Department during the years of attendance of an abused person; and if she will make a statement on the matter. [34007/05]

Minister for Education and Science (Ms Hanafin): I understand, following advice from the Chief State Solicitor’s Office, that the school referred to by the Deputy was vested in the diocese, in named trustees, during the years in question.

Site Acquisitions.

555. Ms C. Murphy asked the Minister for Education and Science if she intends to ensure that school sites are provided in line with the development and expansion of residential areas; the action she has taken or proposes to take in order that such integrated development transpires; the role she envisages the construction industry should and would play in this form of integrated development; and if she will make a statement on the matter. [34025/05]

Minister for Education and Science (Ms Hanafin): My Department is included among the prescribed authorities to which local authorities are statutorily obliged to send draft development plans or proposed variations to development plans for comment. As a matter of course, meetings are arranged with local authorities to establish the location, scale and pace of any major proposed developments, and sites are reserved, where necessary, to ensure as far as possible the timely delivery of any required education infrastructure. Furthermore, under the provisions of the strategic development zones, SDZs, it is gen-
generally the position that sites must be reserved for schools and also that the schools must be developed in line with housing and other developments.

In addition, the school planning section of my Department is working proactively with some local authorities to explore the possibility of the development of school provision in tandem with the development of community facilities. That enhanced co-operation has the effect of minimising my Department’s land requirements and thus reducing site costs, while at the same time providing local communities with new schools with enhanced facilities.

With regard to the role of the construction industry, the Deputy will be aware that the provisions of the Planning and Development Act 2000 do not place any onus on developers to provide school sites other than at market rates. I am keeping an open mind as to whether legislative change might be of assistance or prove the best way forward here. Any changes in the area would require careful consideration in the context of constitutional protection for private property and, indeed, in weighing up how any reduction in the price per acre of any land given for schools development might impact on the unit costs and affordability of houses developed on the remaining lands.

Schools Building Projects.

556. Ms C. Murphy asked the Minister for Education and Science if the new school building planning model launched in January 2004 is intended to be the sole basis on which capital funding decisions are made by her Department in the future; if the recommendations derived from the pilot area of this planning model will be fully implemented; and if she will make a statement on the matter. [34045/05]

Minister for Education and Science (Ms Hanafin): The recommendations in the area development plans will form a vital framework in which future decisions about school planning in this area will be made. Progress on individual recommendations will be considered in the context of the school building and modernisation programme from 2006 onwards subject to the prioritisation criteria for large scale building projects. When the current pilot plans have been completed consideration will be given to extending it to other areas of the country.

In the meantime, the normal planning processes will continue to apply. This involves research by the school planning section of my Department into all the relevant factors affecting school accommodation in any given area including enrolment and demographic trends, housing developments and the capacity of existing schools to meet the demand for places. Liaison with exist-

Special Educational Needs.

557. Ms C. Murphy asked the Minister for Education and Science the number of primary school students with special educational needs who will require accommodation in special educational units and classes at secondary school level in the future; the provision being made to ensure that such facilities are available for these students to transition between primary and secondary school without interruption to their special educational provision; the number of support staff, that is speech and language therapists, occupational therapists and psychologists her Department estimates will be required to provide for the needs of these students; if her Department has set aside adequate resources to provide for the needs of these children in their secondary school education; and if she will make a statement on the matter. [34046/05]

Minister for Education and Science (Ms Hanafin): My Department provides a range of supports to second level schools to enable them to cater for students with special educational needs transferring from primary level. The supports in question include remedial and resource teaching support, special needs assistant support and funding for the purchase of specialised equipment.

As the Deputy is aware enormous progress has been made in the past number of years in relation to increasing the number of teachers in our schools who are specifically dedicated to providing education for children with special educational needs. At primary level there are now approximately 5,000 teachers working directly with children with special needs, including those requiring learning support. This compares to under 1,500 in 1998.

At second level approximately 1,614 whole time equivalent additional teachers are in place to support pupils with special educational needs. This compares to the approximately 200 teachers that were in place in 1998 for such pupils. In addition, there are 532 whole time equivalent learning support teachers and approximately 1,023 whole time equivalent special needs assistants, SNAs, in our second level schools.

The general allocation model at primary level is based on the premise that all primary schools have children with learning support or high incidence special educational needs. Early intervention support at primary level ensures that many children do not need additional support at second level.
The precise model of provision made available at second level will depend on the assessed needs of the pupils involved. Some students are capable of attending ordinary classes on an integrated basis with additional teacher and-or special needs assistant support. In other cases, placement in special dedicated classes or units attached to the school may be the more appropriate response. Such special classes operate at significantly reduced pupil teacher ratios. Students attached to these special classes may be facilitated in attending ordinary subject classes on an integrated basis wherever possible.

The Deputy will be aware that my Department’s National Educational Psychological Service provides direct contact and services to children and young adults who need the support of an educational psychologist. The provision of speech and language therapists, occupational therapists and other health related supports is a matter for the health services.

With effect from 1 January 2005, the National Council for Special Education, NCSE, has taken over key functions from my Department in relation to special educational provision. The NCSE was formally established as an independent statutory body on 1 October 2005 under the Education for Persons with Special Educational Needs Act 2005. The council acts under the broad policy direction of my Department but has the resources and the remit to play the leading role in the delivery of education services to children with disabilities-special needs.

The NCSE co-ordinates with the health services, schools and other relevant bodies regarding the provision of education and related support services to children with disabilities-special needs. The responsibilities of the NCSE include the following: deciding on applications for additional teaching support in respect of children with disabilities with special educational needs at second level; deciding on applications for special needs assistant, SNA, hours; and processing applications for school placement in respect of children with disabilities with special educational needs. The responsibilities of the NCSE include the following: deciding on applications for additional teaching support in respect of children with disabilities with special educational needs at second level; deciding on applications for special needs assistant, SNA, hours; and processing applications for school placement in respect of children with disabilities with special educational needs.

Under the new arrangements, the council, through the local special educational needs organiser, SENO, will process the relevant application for resources and inform the school of the outcome. It is important to note that in the case of decisions on additional teaching and SNA support, the SENO will outline the process to the school and parents, where appropriate, and will at the end of the process outline the basis on which the decision was made.

My Department will continue to ensure that the necessary resources are made available for the education of children with special needs. I am confident that the advent of the NCSE will prove of major benefit in ensuring that all children with special educational needs receive the support they require, when and where they require it.

Public Transport.

558. Mr. Cuffe asked the Minister for Education and Science the occasions that she has taken a mainline train, commuter train or Luas in the course of her duties since assuming office. [34071/05]

Minister for Education and Science (Ms Hanafin): Given the volume of engagements that I undertake as Minister and my desire to fit as many events as possible into my diary it is not often possible to use the train. For example, I was in four different counties on official business last Friday alone. However, when I am in Dublin I try to use the DART to travel to Leinster House for Dáil sittings as often as I can.

National Spatial Strategy.

559. Mr. Cuffe asked the Minister for Education and Science the significant changes which have been implemented by her Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34086/05]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, the new school planning model involving published area development plans is being piloted by my Department in five different areas. An area development plan sets out a blueprint for the development of educational infrastructure. A draft development plan for an area is first produced containing details of existing primary and post primary provision; the demographics of the area and other relevant factors; commentary on the data; and recommendations for educational infrastructural provision in an area into the future.

Following a widespread consultation process where all interested parties are invited to make submissions, the completed area development plan is then published. It will be used into the next decade for capital funding decisions on educational infrastructure.

Area development plans have now been published for Mountmellick and Mouthrath and the areas covered by the N4-M4 route, from Leixlip to Kilbeggan.

The public consultation process is well under way on the draft plan for Newport-Westport and it is anticipated that the final plan will be published before the end of the school year.

Over the remainder of the school year, draft plans will be published for the remaining areas included in the pilot, that is, north Dublin, south Louth and mid-Meath and the north Kerry area, which will include Tralee and Castleisland.

The Deputy will also be aware that since the beginning of 2005, I have made a serious of announcements — listed below — under the school building and modernisation programme detailing major projects allowed to progress under the €3.4 billion multi-annual funding
secured for the years 2005-09. 2005 School Building Programme Publications (1) 122 projects allowed to proceed to tender-construction — announced 10 January 2005. (2) 191 devolved capital projects — an expansion of the number of schools invited to deliver their building projects on the basis of devolved funding — announced 24 February 2005. (3) 43 schools with projects allowed to start architectural planning — announced 3 March 2005. (4) 590 projects approved under the 2005 summer works scheme totalling in excess of €62 million — announced 7 March 2005. (5) 124 schools with building projects allowed to progress through architectural planning — announced 20 April 2005. (6) 151 projects approved under the 2nd phase of the 2005 summer works scheme totalling €8.5 million — announced 23 June 2005. (7) 27 education projects in addition to third level projects suitable for construction under public private partnership totalling €555 million — announced 29 September 2005. In 2005 a total of €206 million of Exchequer funds will be invested in primary schools and €224 million in post-primary schools for building and modernisation works.

School Staffing.

560. Mr. Howlin asked the Minister for Education and Science when a special needs assistant will be provided for a person (details supplied) at a school in County Wexford; and if she will make a statement on the matter. [34119/05]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that the National Council for Special Education, NCSE,—which was established recently and which has developed as part of the new code of practice for the Civil Service, 1994. Fig-ures are not available in respect of the number of people with disabilities employed in bodies under the aegis of my Department.

In relation to the wider Civil Service specifically, the Deputy might be interested in the results of independent research carried out on the operation of the 3% employment target. The research identified problems with the existing system of recording and monitoring staff with a disability within the Civil Service. A survey carried out as part of the research, which relied on civil servants to self-declare a disability, shows that 7% of Civil Service staff have a disability compared with the 2.8% reported in the annual survey.

Following the consultants’ recommendations, the Government approved proposals to improve the operation of the policy, including the development of a new code of practice for the Civil Service and a more effective approach to monitoring staff with a disability. For this new approach to work successfully, it will be necessary to consider the use of a survey based on voluntary self-disclosure both for new staff on appointment and for existing staff. As this gives rise to a number of complex issues about confidentiality and the use of information, it is proposed that specific guidelines on these matters will be developed as part of the new code of practice for the Civil Service.

Other results from the research in relation to the cohort of staff with disabilities across the wider civil service are that the most common disabilities are physical, 32%, and sensory, 22%; one-third acquired their disability since joining the Civil Service; people with disabilities are to be found at all levels of Government Departments, though there are proportionately more people with a disability at the lower grades; and on joining the service people with a disability tend to have slightly lower educational qualifications than other people but are more likely to work to improve their qualifications, for instance, 33% of civil servants with a disability are studying for a third level qualification compared to 18% of civil servants without a disability.

Departmental Staff.

563. Mr. Carey asked the Minister for Education and Science the percentage of persons with disabilities employed in her Department and in each body under her aegis; the guidelines issued by which this data is to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the three per cent quota; and if she will make a statement on the matter. [34151/05]

Minister for Education and Science (Ms Hanafin): The most recent data available on officers in my Department who have a disability indicate that the percentage of such officers is 3.03% of staff. The guidelines followed for the collection of this information is set out in the Code of Practice for the Civil Service, 1994. Figures are not available in respect of the number of people with disabilities employed in bodies under the aegis of my Department.

In relation to the wider Civil Service specifically, the Deputy might be interested in the results of independent research carried out on the operation of the 3% employment target. The research identified problems with the existing system of recording and monitoring staff with a disability within the Civil Service. A survey carried out as part of the research, which relied on civil servants to self-declare a disability, shows that 7% of Civil Service staff have a disability compared with the 2.8% reported in the annual survey.

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Schools Catchment Areas.

564. Mr. Crawford asked the Minister for Edu-
Minister for Education and Science (Ms Hanafin): Catchment boundaries have their origins in the establishment of free post-primary education in the late 1960s and were determined following consultation with local educational interests. For planning purposes the country was divided into geographic districts each with several primary schools feeding into a post-primary centre with one or more post-primary schools. The intention was and continues to be that these defined districts facilitate the orderly planning of school provision and accommodation needs.

Neither I nor my predecessors have made any order regarding a change in the catchment area affecting the schools referred to by the Deputy. However, I can confirm that a change in the catchment area was made by officials following the closure of the school referred to.

Community Colleges.

565. Mr. G. Murphy asked the Minister for Education and Science the position regarding the setting up of a community college in Charleville, County Cork. [34162/05]

Minister for Education and Science (Ms Hanafin): The schools referred to by the Deputy are two of three primary schools serving the needs of the area in question, two of which are voluntary schools and one a vocational school under the aegis of the vocational education committee.

On foot of an application for capital investment in the two school mentioned, officials in my Department carried out an examination of all relevant factors such as enrolment and demographic trends in the area. This examination indicated a downward trend in enrolments in the longer term and the possibility of a single school to cater for the needs of pupils in the area was put to the trustees of the three existing schools for their consideration. The issue has not yet been finalised.

Vocational Education Committees.

566. Ms Enright asked the Minister for Education and Science the number of vocational educational committee appointments which have been referred to her Department since 2003 to have the qualifications of candidates assessed; and if she will make a statement on the matter. [34200/05]

Minister for Education and Science (Ms Hanafin): Since the start of the 2003-04 academic year, vocational education committees, VECs, have referred qualifications to my Department for assessment in the case of 544 proposed appointments. Of these, 100 were deemed suitable for the purpose of appointment to the teaching post as advertised, 187 were deemed unsuitable, further information has been sought in 186 cases and 71 cases are currently being assessed.

Question No. 567 answered with Question No. 537.

Weight of Schoolbags.

568. Ms O’Sullivan asked the Minister for Education and Science the status of the study carried out on the weight of schoolbags, if her Department has implemented changes arising from the study; her plans to put in place measures to reduce the weight of schoolbags; and if she will make a statement on the matter. [34204/05]

Minister for Education and Science (Ms Hanafin): The report of a working group to examine potential problems caused by the weight of schoolbags, which was presented in July 1998, acknowledged that many of the solutions belong at local school level. One of the main recommendations of the report related to the need to heighten the awareness of the potential health hazards posed by excessively heavy schoolbags.

In this regard, my Department initiated an awareness raising campaign by disseminating the report, with an accompanying circular, to all primary and post-primary schools. A further circular was issued this year, again highlighting the potential health hazard of heavy schoolbags and outlining a range of local measures that could be adopted to alleviate the problem. It is a matter for each individual school to choose those measures that would be most suited to its individual needs.

My Department is aware that positive action has been taken by many schools. At second level, actions taken by some schools consist of a range of measures, including the provision of lockers, the arrangement of the timetable into double class periods, active liaison with parents and the co-ordination of homework by subject teachers.

North-South Co-operation.

569. Caoimhghín Ó Caoláin asked the Minister for Education and Science if she will report on the work of the North-South unit in her Department; and if she will make a statement on the matter. [34218/05]

Minister for Education and Science (Ms Hanafin): My Department is involved in North-South work at primary, post-primary and third level across a very wide area of activity including school exchange, joint school projects, Irish language, youth exchange and information technology. There is a wide-ranging collaboration at departmental, education professional, institutional, local education and organisational level both prior to the Good Friday Agreement and
[Ms Hanafin.]
since. The number of projects linking teachers, schools and youth in co-operative projects in education continues to increase.

My Department has identified key priority areas of North-South educational co-operation including the following. An all-island body, Universities Ireland, has been established to promote co-operation and collaboration between the nine universities in the island of Ireland and to enhance their reputations in Europe and overseas. Its objective is to identify the challenges facing the university sector on the island and to explore the potential for collaboration; North-South Exchange. The North-South Exchange Consortium commissioned research into the extent of collaboration in education between the North and South. The research will be published at the end of November and will inform the Departments on future decisions in this area. In the case of the middletown Centre for Excellence, the Departments of Education, North and South, are currently working through the various organisational and operational issues and an a North-South endorsement panel has been established with the purpose of developing a comprehensive framework for accreditation and certification in youth work.

In addition, initiatives to promote and enhance consultation and co-operation in education on a North-South basis within the broader context of relationships with Britain, Europe and the USA have been established.

I have met with Angela Smith, MP, Minister with responsibility for education in Northern Ireland, on two occasions this year to discuss ongoing education co-operation and my Department’s Secretary General has also met with the Permanent Secretaries of the Department of Education and the Department of Employment and Learning in Northern Ireland.

School Transport.

570. Mr. Neville asked the Minister for Education and Science the situation in relation to her commitment to parents in the Ballybrown, Mungret and Raheen areas of County Limerick that a school bus service will be made available for first year students to a school (details supplied) in County Limerick. [34225/05]

Minister for Education and Science (Ms Hanafin): I have decided to commission an area development plan for Limerick city and its environs. This will cover educational provision in the city and surrounding area, factoring in the existing education provision in Shannon, Askeaton, Pallaskenry, Croom and Newport.

This process ensures that issues regardin school provision and enrolments are decided only after a transparent consultation process with interested parties including parents, patrons, boards of management, staff and others.

The area development plan for Limerick city and its environs will examine the situation that has pertained in relation to enrolments generally in the city schools and the pattern of actual and proposed new housing developments in the greater Limerick area, together with work travel patterns highlighted by the census.

It is envisaged that the exercise will be not be fully completed for two years. While this process is under way, I have decided to continue with the provision of the existing school transport services for students. This will mean that first year students currently attending Pallaskenry can avail of the school transport service. My Department is contacting the transport liaison officer for County Limerick and Bus Éireann to make the necessary arrangements.

School Staffing.

571. Mr. Timmins asked the Minister for Education and Science the position in relation to a school (details supplied) in County Wicklow; and if she will make a statement on the matter. [34239/05]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by applying the enrolment of the school on 30 September of the previous school year to a staffing schedule, which is issued annually to all primary schools.

The staffing of the school referred to by the Deputy is a principal and 27 mainstream class teachers based on an enrolment of 766 pupils on 30 September 2004. The school also has four learning support-resource posts under the new general allocation system. There is also a special class attached to the mainstream school which caters for children with mild general learning disability.

The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school.

Significant improvements have been made in the pupil-teacher ratio and in average class size in recent years at primary level. The most recent figure available for average class size at primary level refers to the 2003-04 school year, when the average class size was 23.9, down from 26.6 in 1996–97. The pupil-teacher ratio at primary level, which includes all the teachers including resource teachers, has fallen from 22.2:1 in the 1996–97 school year to 17.1:1, projected, in 2004-05.

To ensure openness and transparency in the system an independent appeal board is now in place to decide on any appeals on mainstream staffing. 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.
Schools Building Projects.

572. Mr. Lowry asked the Minister for Education and Science if an application has been received from a school (details supplied) in County Tipperary; the status of such an application; when the school will be progressed; and if she will make a statement on the matter. [34242/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy has made an application for capital funding towards the provision of additional classroom and ancillary accommodation.

The project is being considered in the context of the School Building and Modernisation Programme 2005-2009.

Disadvantaged Status.

573. Mr. Lowry asked the Minister for Education and Science when the most recent list of disadvantaged schools was published; if an updated and expanded list will be published to include the maximum number of Tipperary schools in the revised list; and if she will make a statement on the matter. [34243/05]

574. Mr. Lowry asked the Minister for Education and Science if a school (details supplied) in County Tipperary has been classified as disadvantaged; when the school received this classification; if she will ensure that the school is classified as severely disadvantaged; if the school will be provided with the maximum grant-aid and supports for such schools; and if she will make a statement on the matter. [34244/05]

575. Mr. Lowry asked the Minister for Education and Science if a school (details supplied) in County Tipperary has been considered for a programme; when the school received this consideration; if she will ensure that the school receives the maximum classification under this programme; if the school will be provided with the maximum grant-aid and supports for such schools; and if she will make a statement on the matter. [34245/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 573 to 575, inclusive, together.

My Department’s approach to tackling disadvantage has been refined in more recent initiatives to ensure that individual ’at risk’ pupils are targeted. Rather than the old method of designating schools as disadvantaged, we now provide supports that are commensurate with the levels of concentration in schools of pupils with characteristics that are associated with educational disadvantage.

The school to which the Deputy refers is included in the rural dimension of my Department’s Giving Children an Even Break programme aimed at combating educational disadvantage. The school receives additional financial resources to provide educational supports to be targeted at disadvantaged pupils.

A key element of DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion, is the putting in place of a standardised system for identifying levels of disadvantage in our primary and second level schools for the purposes of qualifying for resources, both human and financial, according to the degree of disadvantage experienced. This standardised system will replace all of the existing arrangements for targeting schools for participation in initiatives to address disadvantage.

As a result of the identification process, approximately 600 primary schools, comprising 300 urban-town and 300 rural, and 150 second level schools will be included in a new school support programme, SSP. The SSP will bring together, and build upon, a number of existing interventions for schools and school clusters-communities with a concentrated level of educational disadvantage.

We anticipate being in a position to notify participating schools in relation to the outcome of the ongoing identification process by the end of the year.

Site Acquisitions.

576. Mr. McHugh asked the Minister for Education and Science if a project (details supplied) in County Galway; when construction works will commence on same; and if she will make a statement on the matter. [34246/05]

Minister for Education and Science (Ms Hanafin): I am pleased to advise the Deputy that contracts for the transfer of the site for the project in question have been signed.

In order for this transaction to formally close, the agreement of the Commissioners of Charitable Donations and Bequests is required. It is the responsibility of the vendor to refer the transfer contracts to the commissioners. Accordingly, confirmation from the vendor’s solicitor of the agreement of the commissioners is now awaited.

The question of the project proceeding to construction will be considered further when the site transfer closes.

577. Mr. McHugh asked the Minister for Education and Science the progress which has been made in acquiring a site for a project (details supplied) in County Galway; when construction works will commence on same; and if she will make a statement on the matter. [34247/05]

Minister for Education and Science (Ms Hanafin): The acquisition of additional land...
required to facilitate the development of the school in question is almost finalised.

Officials are also finalising the long-term enrolments and projected staffing at the school which will inform the decision on the extent of accommodation to be provided. Once this is agreed with the school authority, a decision will be made on how best to provide the accommodation required.

The project is being considered in the context of the School Building and Modernisation Programme 2005-2009.

School Accommodation.

578. Mr. S. Ryan asked the Minister for Education and Science the reason for the non-payment of a minor works grant in 2004 and to date in 2005; if approval will be given to the outstanding grants in view of the similar categories of school having received such grants in the past. [34260/05]

Minister for Education and Science (Ms Hanafin): The school to which the Deputy refers has temporary recognition. Schools with this status are not entitled to capital funding. This includes minor works grant aid which is paid from my Department’s overall capital allocation. A payment was previously made to the school in question under the minor works grant scheme. However, given the status of the school, this was made in error. My Department took steps to rectify the situation when the error came to light.

579. Mr. J. Breen asked the Minister for Education and Science further to Parliamentary Questions Nos. 729 and 694 of 18 October 2005 if this school will be put on the priority list; and if she will make a statement on the matter. [34266/05]

Minister for Education and Science (Ms Hanafin): An application for capital investment for the provision of suitable accommodation to cater for an autistic unit was recently received from the school to which the Deputy refers. The application is being assessed and officials of my Department will be in contact with the school authority as soon as a decision is made on how best to provide for the required accommodation.

Question No. 580 answered with Question No. 545.

Schools Recognition.

581. Mr. McHugh asked the Minister for Education and Science if a school (details supplied) in County Galway will be granted recognition; and if she will make a statement on the matter. [34280/05]

Minister for Education and Science (Ms Hanafin): It is my Department’s policy to support the provision of all-Irish school facilities at primary and post-primary level in all areas where a demand for such provision is clearly demonstrated and no alternative exists within a reasonable distance. An application has been received from County Galway VEC to establish a Gaelscoil in the area referred to from September 2006 and this is under active consideration in my Department. A decision on the granting of recognition to the proposed school will be conveyed to the VEC when the assessment is finalised.

Special Educational Needs.

582. Ms C. Murphy asked the Minister for Education and Science when a mainstream school place will be provided for a person (details supplied) in County Kildare. [34292/05]

Minister for Education and Science (Ms Hanafin): The National Council for Special Education, NCSE, which became operational on 1 January 2005, now processes applications for special educational needs, SEN, supports. The council has a local area presence through a network of more than 70 special educational needs organisers, SENOs, who are responsible for coordinating and facilitating delivery of educational services to children with disabilities at local level. Any parents experiencing difficulty in securing an appropriate placement for their children should make contact with their local SENO in the first instance.

The pupil referred to by the Deputy is in a special class for autism in a mainstream national school. His parents wish to have him enrolled in a mainstream school with supports. My officials have been in contact with the NCSE regarding the matter. The local SENO has been in contact with the relevant parties and arrangements are being made to arrange a case conference to consider the pupil’s placement. The school authorities will be notified accordingly.

Higher Education Grants.

583. Mr. McHugh asked the Minister for Education and Science if the situation where persons (details supplied) who were grant-aided to pursue courses of higher education under the millennium partnership fund for disadvantage in the past two years are being deprived of grant aid this year due to a late application; if this will be investigated; if the grants will be awarded in this instance; and if she will make a statement on the matter. [34312/05]

Minister for Education and Science (Ms Hanafin): The millennium partnership fund for disadvantage is one of a number of access measures recommended in the 2001 report of the action group on access to third level education. The objective of the fund is to support students from disadvantaged areas with regard to reten-
tion and participation in further and higher education courses. It provides assistance to partnership companies and community groups to develop their support schemes for students from disadvantaged families.

For the current academic year 2005-2006, the allocation for the fund is €2.05 million, which will provide support to 57 community organisations, including area partnership companies and community groups. Area Development Management, Limited, ADM, under whose aegis the partnerships operate, has administered the fund on behalf of my Department since its introduction and has continued to do so since the establishment of the national office for equity of access to higher education. More than 60 groups have implemented the millennium partnership fund at local level since its inception in 2001.

The decision on eligibility for fund is a matter for the relevant partnership or community group. In the interests of fairness and transparency, many community organisations operate a closing date for prospective applications and stipulate that they do not consider any late applications. It is understood in this case that the applications forms were submitted after the closing date for the relevant partnership group.

The students to which the Deputy refers may be eligible to apply for the student assistance fund. The objective of this fund is to assist students, in a sensitive and compassionate manner, who might otherwise, due to their financial circumstances, be unable to continue their third level studies. Further information on this fund is available from the student access officer at the relevant college.

**Question No. 584 answered with Question No. 553.**

**School Accommodation.**

585. **Mr. Ring** asked the Minister for Education and Science when funding will be available for additional accommodations at a primary school (details supplied) in County Mayo; the position regarding this application; and when it can expect to receive approval for same. [34314/05]

**Minister for Education and Science (Ms Hanafin):** The school referred to by the Deputy has made an application for capital funding towards the provision of additional classroom and ancillary accommodation. The overall accommodation needs of the school are being examined in my Department in order to ensure any capital funding provided is appropriate to meet the school’s long-term accommodation needs. The application will be considered in the context of the school building and modernisation programme 2005 to 2009.

**Special Educational Needs.**

586. **Ms Enright** asked the Minister for Education and Science the policy guidelines available in Laois and Offaly to staff working in education or health regarding assessment, treatment and educational practice for children with autism; and if she will make a statement on the matter. [34322/05]

**Minister for Education and Science (Ms Hanafin):** My Department recently issued a comprehensive circular, Sp Ed 02/05, to all primary schools regarding the organisation of teaching resources for pupils who need additional support in mainstream primary schools. The main purpose of this circular is to provide guidance for schools on the deployment and organisation of the teaching resources allocated under the general allocation model. Reference is also made in this circular to the deployment of additional teaching resources allocated to schools for the support of individual pupils with low-incidence disabilities, including those with autism.

My Department has developed a strategy designed to meet the continuing professional development needs of all school personnel working with children with special educational needs, SEN, and supports for persons with autistic spectrum disorders. Specifically, the strategy has produced: a major expansion of the range of postgraduate professional training programmes; the introduction of a range of new training programmes to provide a mix of intensive induction training and more advanced training in specific areas; and the establishment of the special education support service, SESS, in September 2003.

For teachers involved in teaching children with special educational needs, my Department provides support on an annual basis for 140 places on a postgraduate diploma programme in special educational needs; 20 places on a postgraduate programme in autism; and 16 places on a further education-masters programme in SEN. My Department also funded the development of an applied behaviour analysis, ABA, training programme in Trinity College Dublin and funded the participation of 12 teachers on the course in 2003-2004. The successful participants are now available to the Department, as classroom teachers and as a further training resource.

As part of its response to the growing demand from teachers for support and training, the SESS has developed teams of trainers to deliver training in four specific areas: autism, challenging behaviour, dyslexia and inclusion at post-primary level. This training is delivered locally across the State through the education centre network. In addition, the service provides immediate responses to requests from schools for support in a variety of autism-related areas. The SESS is providing a one-day seminar, An Introduction to Autism, for classroom teachers who currently have a child with autism in their classroom.
The service also funds the provision of on-line training courses for teachers, including a course on autism, during the summer months of July and August and during the autumn and spring terms. An on-line course in autism commenced on 17 October 2005 and will run until 2 December 2005. The service funds approved approaches to the teaching of children with autism such as picture exchange communication system, PECS, and treatment and education of autistic and related communication handicapped children, TEACCH, and the Hanen approach.

The provision of guidelines to staff working in the health sector is a matter for the Health Service Executive.

587. **Ms Enright** asked the Minister for Education and Science the number of children in Laois and Offaly who have an individual education plan; and if she will make a statement on the matter. [34323/05]

**Minister for Education and Science (Ms Hanafin):** The specific information requested in regard to individual education plans for children in Laois and Offaly is not available to my Department. The enactment of the Education for Persons with Special Educational Needs Act 2004 and the establishment of the National Council for Special Education, which has been operational since 1 January 2005, provides a legislative and structural framework for the support of all children with disabilities.

The Education for Persons with Special Educational Needs Act 2004 provides a comprehensive legislative framework to govern the delivery of these services while the establishment of the National Council for Special Education has improved and speeded up the delivery of services to pupils with special needs, their parents and schools. The Act sets out a range of services, which must be provided, including assessments, education plans and support services. Every child with special educational needs will be entitled to an individual education plan, IEP, prepared by appropriate professionals. The IEP will set out the child’s educational needs, the special education and related support services to be provided to him or her and the goals which the child is to achieve over a period of not more than 12 months. Parents have a right to participate and provide inputs in the preparation of the IEP and it is subject to regular review and amendment.

While the sections of the EPSEN Act relating to IEPs have not yet commenced, my Department is aware that some schools have already initiated processes whereby individual educational plans have been drawn up in respect of pupils with special educational needs. This process generally involves school staff, the pupil’s parents, the school psychologist and any other professionals involved with the pupil. Part of the requirement of such plans is that they are reviewed regularly with all those involved in drawing them up.

588. **Ms Enright** asked the Minister for Education and Science the training resources available to teachers in educational practice in autism; the duration of this training; and if she will make a statement on the matter. [34325/05]

**Minister for Education and Science (Ms Hanafin):** My Department has developed a strategy designed to meet the continuing professional development needs of all school personnel working with children with special educational needs, including those students with autistic spectrum disorders. Specifically, since the strategy was introduced it has produced: a major expansion of the range of postgraduate professional training programmes; the introduction of a range of new training programmes to provide a mix of intensive induction training and more advanced training in specific areas; and the establishment of the special education support service, SESS, in September 2003. The increased training provision is specifically designed to address the complex range and variety of training needs in the area of special education needs, including autism.

For teachers involved in teaching children with special educational needs, my Department provides support on an annual basis for 140 places on a postgraduate diploma programme in special educational needs; 20 places on a postgraduate programme in autism; 16 places on a further education-masters programme in special educational needs; and 160 on the postgraduate programme in learning support. All these courses are of one year’s duration.

This major increase in postgraduate training places will further increase the number of teachers who have already developed their skills over previous years under the strategy. It is important to note that the new diploma programmes are aimed not only to provide development and support at individual teacher level, but, crucially, at whole school-staff level. This ensures the optimum learning outcomes for SEN students. My Department also funds the development of an applied behaviour analysis, ABA, training programme in Trinity College Dublin and it supported the participation of 12 teachers on the course in 2003-04. The successful participants are now available as classroom teachers and, more importantly, as a further training resource for other teachers in this area. Short-term induction programmes in SEN are provided annually by a number of teacher training colleges, usually two or three courses per college, catering for up to 120 teachers.

In terms of new structures, my Department established the special education support service, SESS, in September of 2003 to manage, co-
ordinate and develop a range of supports in response to identified training needs including autism. Hosted in Cork Education Support Centre, the SESS, which is funded by my Department, has recently undergone a significant expansion in available resources in response to the education and development needs of teachers and other school staff working with students with special educational needs.

As part of its response to the growing demand from teachers for support and training, the SESS has developed teams of trainers to deliver training in four specific areas: autism, challenging behaviour, dyslexia and inclusion of SEN students at post-primary level. This training is delivered locally across the State through the education centre network. In addition, the service provides immediate responses to requests from schools for support in a variety of autism-related areas. The SESS is providing a one-day seminar, An Introduction to Autism, for classroom teachers who currently have a child with autism in their classroom.

The service also funds the provision of on-line training courses for teachers, including a course on autism, during the summer months of July and August and during the autumn and spring terms. An on-line course in autism commenced on 17 October 2005 and will run until 2 December 2005. The service funds approved approaches to the teaching of children with autism such as picture exchange communication system, PECS, and treatment and education of autistic and related communication handicapped children, TEACCH, and the Hanen approach.

The position regarding existing pre-service teacher training courses is that they contain appropriate elements to assist teachers in dealing with the full range of pupils, including those with special educational needs. Discussions with the various colleges of education and universities are ongoing in order to ensure that appropriate responses are made to the continuing needs for all trainee teachers to acquire knowledge of, and familiarity with, the needs of children with special educational needs, including children with autism.

In September 2004, my Department, as a joint venture with the Department of Education Northern Ireland, launched the Centre for Autism, Middletown, County Armagh. As a model of best practice, the centre will provide a lead for, and offer exemplars of, educational interventions, provide training for professionals and parents, as well as a research facility and an out-reach support service which will complement current and developing service provision locally.

I am satisfied that the steps taken in recent years and those in hand represent significant progress in the development of in-career supports for teachers of children with autistic spectrum disorders.

589. Ms Enright asked the Minister for Education and Science the number of qualified and unqualified resource teachers, SNAs, SENOs and teachers working in schools in Laois and Offaly; and the number of these that have had specific training in educational practice in autism; and if she will make a statement on the matter. [34326/05]

Minister for Education and Science (Ms Hanafin): There are a total of 1,654 teachers in primary and post-primary schools in Laois and Offaly of whom approximately 221 are in special education teaching posts. Information on the number of qualified and unqualified teachers is not available but all special education teachers who have a teaching qualification are regarded as fully qualified to teach in special education posts.

There are approximately 232 whole-time equivalent, WTE, SNAs in primary and post-primary schools in Laois and Offaly. All of these SNAs had to meet the appointment criteria as set out in departmental circulars. There are three SENOs in Laois and Offaly, all of whom were appointed following a recruitment process carried out by the National Council for Special Education and all of whom have an appropriate third level qualification.

My Department does not have information on the number of teachers, SNAs or SENOs who may have received specific training in educational practice in autism. However, the Deputy may be aware that my Department established, in September 2003, the special education support service to manage, co-ordinate and develop a range of supports in response to identified training needs including autism. This is hosted in Cork Education Support Centre, is funded by my Department and has recently undergone a significant expansion. I can confirm that all teachers working with children with special needs including autism can request support from the special education support service and can apply for funding to undertake a training programme in the area of autism.

Three colleges of education, namely, St. Angela's College in Sligo, Mary Immaculate College in Limerick, and Church of Ireland College, Rathmines, in conjunction with the education centre network, have formulated and delivered officially recognised training courses for special needs assistants. All existing special needs assistants may apply for these courses.

It is the policy of my Department to keep all programmes under review including those offered to special needs assistants. The Department in conjunction with the special education support service will shortly commence this process with the aim of further developing training in the area of special needs assistants. I would like to stress that there has been enormous progress made over the past number of years in regard to increasing the number of teachers and other supports in our
schools which are specifically dedicated to providing education for children with special educational needs, including children with autism.

At primary level there are now approximately 5,000 teachers in our schools working directly with children with special needs, including those requiring learning support. This compares to less than 1,500 in 1998. One out of every five primary school teachers now works specifically with children with special needs. To date, at second level there are 1,614 whole-time equivalent additional teachers in place to support pupils with special educational needs. This compares to approximately 200 teachers that were in place in 1998 for such pupils. In addition, there are 532 whole-time equivalent learning support teachers our second level schools.

The National Council for Special Education, NCSE, which became operational on 1 January 2005, now processes applications for special educational needs, SEN, supports. The council has a local area presence through a network of more than 70 special educational needs organisers, SENOs.

Physical Education Facilities.

590. Ms Enright asked the Minister for Education and Science the proportion of schools in Laois and Offaly that have physical education facilities and the way in which this compares nationally; and if she will make a statement on the matter. [34328/05]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available in the format requested. However, should the Deputy require information in regard to a specific school or schools, I will gladly provide same.

Pupil-Teacher Ratio.

591. Ms Enright asked the Minister for Education and Science the average class size for primary and secondary schools in Laois and Offaly; and if she will make a statement on the matter. [34329/05]

Minister for Education and Science (Ms Hanafin): The most recent data available to my Department in respect of average class size in primary schools are for the 2004-05 school year. In that year, the average class size in primary schools in Laois was 23.9 and in Offaly 24.0. Information on class sizes in post-primary schools in Laois and Offaly is not readily available in my Department.

The number of children in primary school classes of more than 30 has halved nationally since this Government took up office. Major improvements in school staffing have been made in recent years with the hiring of more than 4,500 additional teachers at primary level. This represents the largest increase in teacher numbers since the expansion of free education. The annual estimated value of the additional expenditure on these posts is more than €200 million. In 1996-97, the average class size in primary schools was 27. Today it is 24. In 1996-97, there was one teacher for every 22 children in our primary schools. Today there is one teacher for every 17 children, the lowest pupil-teacher ratio in the history of the State.

Significant improvements have also been made in the pupil-teacher ratio at second level in recent years. The post-primary ratio has been reduced from 16:1 in the 1996-97 school year to 13.4:1 in the 2004-05 school year. Aside from decreasing average class size, the unprecedented increase in school staffing in recent years has also greatly improved the services provided for children with special needs and those from disadvantaged areas.

While there is more to be done to reduce class sizes further, it should be acknowledged how much progress has been made in this area in recent years. Under the new action plan for tackling education disadvantage which I launched last May, more children in disadvantaged primary schools will be in classes of 20 in the current school year. In line with Government policy, my Department will continue to provide further reductions in the pupil-teacher ratio within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs and those from disadvantaged areas.

Special Educational Needs.

592. Ms Enright asked the Minister for Education and Science the role of special educational needs organisers, SENOs, in the assessment of children’s needs for school supports including special needs assistants, SNAs, and resource teachers; if SENOs carry out individual assessments of children; the basis by which this is done and with what training; and if she will make a statement on the matter. [34330/05]

Minister for Education and Science (Ms Hanafin): Special educational needs organisers, SENOs, do not carry out individual assessments of children. The assessment of children is normally a matter for the National Educational Psychological Service or the professionals operating as part of a multidisciplinary team in the health sector. In addition, some parents may wish to have recourse to private assessments for their children.

SENOs are responsible for co-ordinating and facilitating delivery of educational services to children with disabilities at local level. The SENO decides on the allocation of resource teaching and SNA support to both primary and post-primary schools to cater for the needs of pupils with
special needs. These decisions are based on the professional assessments carried out by the range of professionals referred to above and in accordance with the criteria for allocation of resources laid out in various departmental circulars. The SENO’s role therefore is not one of assessing disability, but of ensuring that appropriate educational services are put in place to meet the needs of individual children. Extensive training has been provided by the National Council for Special Education to all SENOs in this regard.

593. Ms Enright asked the Minister for Education and Science the speech and language or occupational therapy services that are available on-site in mainstream schools in Laois and Offaly; and if she will make a statement on the matter. [34331/05]

Minister for Education and Science (Ms Hanafin): My Department has established two special classes for speech and language in County Offaly and one such class in County Laois. However, the provision of therapy services for people with disabilities, including speech and language therapy and occupational therapy, is a matter for the Health Service Executive, HSE, to which funding is provided for such purposes.

Psychological Service.

594. Ms Enright asked the Minister for Education and Science the arrangements for liaison between her Department and the Department of Health and Children at national and local level in Laois and Offaly; and if she will make a statement on the matter. [34332/05]

595. Ms Enright asked the Minister for Education and Science the facilities available in Laois and Offaly for diagnostic assessment of mental handicap and-or autism in Laois and Offaly; and if she will make a statement on the matter. [34333/05]

596. Ms Enright asked the Minister for Education and Science the way in which parents of children with a moderate, severe or profound mental handicap and-or autism in Laois and Offaly can access psychology services for the treatment of challenging behaviour; and if she will make a statement on the matter. [34335/05]

597. Ms Enright asked the Minister for Education and Science the way in which parents of children with a moderate, severe or profound mental handicap and-or autism in Laois and Offaly can access educational psychology services, specifically assessments, re-assessments and monitoring of school progress including social integration between formal assessments; and if she will make a statement on the matter. [34336/05]

598. Ms Enright asked the Minister for Education and Science the way in which parents of children with a moderate, severe or profound mental handicap or autism in Laois and Offaly can access diagnostic psychology assessments for diagnosis of mental handicap and-or autism; and if she will make a statement on the matter. [34337/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 594 to 598, inclusive, together.

There is ongoing liaison and collaboration at national, regional and area levels between the National Educational Psychological Service, NEPS, and the Health Service Executive, HSE. Following publication of a NEPS-HSE working group report entitled Achieving Through Partnership in 2002, a joint NEPS-HSE national steering committee was established to oversee the implementation of the report. This committee promotes collaborative working, including the development of agreed work protocols at regional and area levels. It is currently considering the development of joint working projects that should ensure a more co-ordinated approach to the delivery of services at regional level for target groups such as children with autistic spectrum disorders, ASD.

Diagnostic assessment services for children with moderate, severe or profound intellectual disability are the responsibility of the HSE local services. In the case of autism, I understand the HSE has a number of autism diagnostic teams in place in all regions. The provision of therapeutic services is also the responsibility of the HSE. Where children are identified as having severe emotional or child psychiatric difficulties, these children are treated on an individual basis through HSE services.

I understand that over the past two years in Laois and Offaly, the NEPS has provided in-service training for classroom teachers and resource and learning support teachers in the application of best practice in supporting children with autism. I understand NEPS psychologists also provided support to teachers in the development of individual education plans, IEPs, in this context. NEPS is committed to promoting a collaborative approach with the relevant health services in regard to interventions for children with ASD.

The current business plan of NEPS provides for a gradual expansion into special units in mainstream schools and into special schools that do not have access to other psychological services. The first stage is an analysis of needs and increased access to the scheme for commissioning of psychological assessments, SCPA, which NEPS administers, where the analysis indicates this to
be necessary. I understand planning in this regard is at an advanced stage. I am hopeful that on completion of this process, NEPS will be in a position to collaborate with HSE services in supporting children with autism placed in mainstream schools and their teachers and parents. I also understand that NEPS aims to incorporate a plan of support for special units into its service provision to schools in 2006-2007.

PLC Sector.

599. Mr. Gregory asked the Minister for Education and Science whether her Department has received a submission from the Teacher’s Union of Ireland requesting a specific budgetary allocation in budget 2006 to facilitate the implementation recommendations of the McIver report on the post-leaving certificate, PLC sector; her views on the submission; and if she will make a statement on the matter. [34380/05]

Minister for Education and Science (Ms Hanafin): In its pre-budget submission dated 3 November 2005, the TUI recommends that no less than £50 million be provided in 2006 in order to commence the implementation of the recommendations contained in the McIver report on the PLC sector. This report contains 21 overarching recommendations, incorporating more than 90 sub-recommendations. The principal recommendations are: a reduction in the number of timetabled class teaching hours and appropriate increases in staff to compensate; enhancement of senior and middle management structures to allow more time for assessment, student support and interaction, team development and cross-curricular planning, industry liaison and quality assurance processes; an increase in technical and administrative support staff; improvements in student library, information technology and social facilities, and capital infrastructure; and new programme support services.

Having regard to the number and scope of the recommendations in the report, consultations have been held with management and staff interests on such issues as the prioritisation of recommendations, the structural changes envisaged in the report, and their implications and associated costs. However, the Department has made it clear that the recommendations of the PLC review cannot be dealt with in isolation and must be considered in the light of the totality of provision made available for further and adult education in the annual Estimates. Further such meetings with management and staff interests will be necessary in the future.

Schools Building Projects.

600. Ms C. Murphy asked the Minister for Education and Science when she envisages the building of a permanent school will commence for a school (details supplied) in County Kildare; and if she will make a statement on the matter. [34391/05]

Minister for Education and Science (Ms Hanafin): The school planning section of the Department of Education and Science has received an application for major capital funding from the management authority of the school in question. The application has been assessed in accordance with the published prioritisation criteria for large scale projects. Progress on the proposed works is being considered in the context of the school building and modernisation programme from 2006 onwards.

601. Ms C. Murphy asked the Minister for Education and Science the prioritisation criteria for large-scale building projects with regard to the school building and modernisation programme; and if she will make a statement on the matter. [34392/05]

Minister for Education and Science (Ms Hanafin): The following is a summary of the Department of Education and Science’s prioritisation criteria for large scale building projects, revised last year following consultation with the education partners. Each application received is assessed by officials in the school planning section in accordance with the criteria and is assigned a band 1, 2, 3 or 4 rating.

Band 1 projects being the highest priority rating consist of new schools/extensions in developing areas, accommodation for special needs students, schools that are structurally unsound and rationalisation projects. Band 2 projects range from major extensions and extensive refurbishment of existing schools to moderate refurbishment. Band 3 projects consist of ancillary accommodation and improvement works for special education and deficits of ancillary accommodation. Band 4 projects include all other requests, such as PE halls, general purpose rooms, etc.

Question No. 602 answered with Question No. 553.

Education Centre Network.

603. Mr. Healy asked the Minister for Education and Science if a centre (details supplied) will be upgraded from part-time status to full-time status; and if she will make a statement on the matter. [34394/05]

Minister for Education and Science (Ms Hanafin): There are 21 full-time and nine part-time education support centres. The Education Act 1998 outlined their role as “providing services for schools, teachers, parents, boards and other relevant persons which support them in
carrying out their functions in respect of the provision of education”.

I have recently received a submission from the part-time education centre in question, requesting that it be given full-time status. Officials in the Department of Education and Science are examining the submission in the context of the existing education centre network. This work is being undertaken in the context of the many competing demands for resources in the area of teacher education and development, in addition to the overall resources available to the Department of Education and Science. When this examination is complete, which is expected shortly, my officials will contact the authorities of the part-time education centre directly.

Question No. 604 answered with Question No. 553.

Services for People with Disabilities.

605. Mr. Stanton asked the Minister for Education and Science further to Parliamentary Question No. 165 of 9 November 2005, the way in which the funding, with special reference to the extra funding, which her Department received for people with disabilities as published in the expenditure estimates in November 2004 and subsequently on budget day 2004 has been used or will be used; the way in which this funding has been disbursed; the mechanisms in place to ensure the funding is spent correctly; if she has satisfied herself that auditing procedures are in place and are adequate in each case; and if she will make a statement on the matter. [34461/05]

Minister for Education and Science (Ms Hanafin): The Department of Education and Science allocates resources for the education of people with disabilities under a variety of headings. These include teacher and special needs assistant salaries, school transport, grants to schools and VECs, psychological services and the National Council for Special Education. Approximately €570 million was provided for these purposes in the Estimates for 2005. These allocations are subject to monitoring and review by the Department of Education and Science and/or agencies under its aegis and are subject to audit by the Comptroller and Auditor General.

Research Funding.

606. Ms O’Sullivan asked the Minister for Education and Science if funding will be allocated for a school with disadvantaged status (details supplied) in County Tipperary to build a badly needed gym; and if she will make a statement on the matter. [34559/05]

Minister for Education and Science (Ms Hanafin): The Department of Education and Science already has a North-South collaborative research programme in place. There are two strands, with the first covering a range of research topics across the scientific, humanities and economic disciplines. Since its launch in mid 2003, the Department of Education and Science has provided €5.5 million to support 21 projects. A total of 56 persons, 24 from northern and 32 from southern higher education institutions respectively, have been engaged under this strand, which is due to finish in autumn 2006.

The second strand is designed to engage the research and education community on issues and themes directly associated with peace and reconciliation. This programme was launched in mid-2004, and is scheduled to finish in early 2007. A total of €3.2 million, which funds five projects, has been provided by the special EU programmes body for this strand. A total of 27 personnel, 11 from northern and 16 from southern higher education institutions respectively, have been engaged under this strand.

The promotion of economic and industrial development on a North-South basis falls within the remit of Intertrade Ireland, one of the bodies established under the Good Friday Agreement. Intertrade Ireland is responsible for commissioning economic and business research on a collaborative all-island basis, which also involves higher education institutions and companies, north and south.

Schools Building Projects.

607. Ms O’Sullivan asked the Minister for Education and Science if funding will be allocated for a school with disadvantaged status (details supplied) in County Tipperary to build a badly needed gym; and if she will make a statement on the matter. [34560/05]

Minister for Education and Science (Ms Hanafin): An initial application for additional accommodation, to include a number of specialist rooms, an administration area, a general purpose/dining area and servery, storage areas and a PE hall, was received from the management authority of the school in question. Subsequently the school submitted an application for funding towards the provision of six small rooms in temporary accommodation for special needs education.

The overall accommodation needs of the school are being examined in the Department of Education and Science in order to ensure any capital funding being provided is appropriate to meet the school’s long-term accommodation needs. My officials are in contact with the school authority in this regard. The project is being considered in the context of the school building and modernisation programme 2005-09.


**Student Representation.**

608. Ms O’Sullivan asked the Minister for Education and Science if she will ensure there is representation for students on the governing body of a third level college (details supplied) in Dublin 9 in accordance with the governance model of other such institutions; and if she will make a statement on the matter. [34561/05]

Minister for Education and Science (Ms Hanafin): The Universities Act 1997 provides, among other things, for representation of students on the governing bodies of certain third level institutions. However, the institution in question is not covered by the Act and its relevant provisions covering the membership of governing bodies, including the question of student representation. I am not, therefore, in a position to ensure student representation on the institution’s governing body. The institution in question is privately-owned and I, therefore, do not have any direct role in its governance. I understand, however, that students at the institution in question have recently sought to be represented on its governing body and that this request is being considered by the trustees of that institution.

**Schools Building Projects.**

609. Ms O’Sullivan asked the Minister for Education and Science the measures in place to ensure planning authorities take account of future expansion needs of schools when determining planning applications; and if she will make a statement on the matter. [34562/05]

Minister for Education and Science (Ms Hanafin): The Department of Education and Science is included among the prescribed authorities to which local authorities are statutorily obliged to send draft development plans or proposed variations to development plans for comment. As a matter of course, meetings are arranged with local authorities to establish the location, scale and pace of any major proposed developments and sites are reserved, where necessary, to ensure the timely delivery of any required education infrastructure. Furthermore, under the provisions of the strategic development zones it is generally the position that sites must be reserved for schools and also that the schools must be developed in line with the housing and other developments.

In addition, the school planning section of the Department of Education and Science is working proactively with some local authorities to explore the possibility of the development of school provision in tandem with the development of community facilities. This enhanced co-operation has the effect of minimising the Department’s land requirements and thus reducing site costs while at the same time providing local communities with new schools with enhanced facilities.

**Student Support Schemes.**

610. Mr. N. O’Keeffe asked the Minister for Education and Science the position regarding an appeal being considered by the student support unit of her Department. [34572/05]

Minister for Education and Science (Ms Hanafin): The candidate in question was awarded the full non-adjacent rate of grant by Cork VEC. However she was refused the special rate of maintenance grant for the academic year 2005-06 as the reckonable income exceeded the €15,626 income threshold. I am sorry the news is not better but the Deputy will appreciate that the terms of the schemes are of general application and it is not possible to make an exception in individual cases.

**Higher Education Grants.**

611. Mr. J. O’Keeffe asked the Minister for Education and Science if the 2005 winter professional practice course of the Incorporated Law Society will be eligible for grant assistance under the terms of the higher education grant scheme. [34577/05]

Minister for Education and Science (Ms Hanafin): The Department of Education and Science has received correspondence from the Incorporated Law Society seeking approval for the 2005 winter professional practice course under the higher education grant scheme for 2005-06. The Department of Education and Science has been in correspondence with the society seeking more information and further clarification on several matters in order to fully consider the application. The application is being examined further in light of the additional details provided.

**EU Directives.**

612. Mr. Quinn asked the Minister for Defence the number of proposals that his Department is opposing at European Council at any state; the names of such proposals; the reason his Department is taking this position; and if he will make a statement on the matter. [33834/05]

Minister for Defence (Mr. O’Dea): The Department of Defence is not opposing any proposals at European Council.

613. Mr. Quinn asked the Minister for Defence the exemptions from EU directives or regulations that Ireland has achieved in his Department’s competency area; the reason his Department requested each exemption; if it is intended to give up any of these exemptions; and if he will make a statement on the matter. [33849/05]

Minister for Defence (Mr. O’Dea): Ireland has not sought or achieved any exemptions from EU
 directives or regulations in the Department of Defence's competency area.

614. **Mr. Quinn** asked the Minister for Defence the exemptions from EU directives or regulations that his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33864/05]

**Minister for Defence (Mr. O’Dea):** The Department is not seeking any exemptions from EU directives or regulations.

**Defence Forces Reserve.**

615. **Mr. J. O’Keeffe** asked the Minister for Defence if, in view of the outstanding voluntary service over so many years by so many in the FCA, it is proposed to provide a special medal to mark the disbandment of the FCA and the establishment of the RDF. [33901/05]

**Minister for Defence (Mr. O’Dea):** On 1 October 2005, the establishment of the Army Reserve, Cúlta an Airm, and Naval Service Reserve, Cúlta an tSeirbhís Chábhlaigh, of the Reserve Defence Force was marked by a special military ceremony in Sarsfield Barracks, Limerick. This occasion also marked the end of the FCA and An Slua Muirí and represented an important milestone in the reserve defence force review implementation plan process. In my speech at that ceremony, I expressed my thanks and that of the Government to all the members of the FCA and An Slua Muirí, for their loyalty and dedication throughout the years.

The provision of a medal, An Bonn Seirbhísé, FCA agus An Slua Muirí, for service in the FCA and An Slua Muirí, is provided for in regulation DFR A9, new series and admin. instructions. There are no plans for the provision of another special medal to mark such periods of voluntary service in the FCA and An Slua Muirí. An amendment to DFR A9, new series, and admin. instructions will provide for the issue of service medals to members of the newly established Army Reserve and Naval Service Reserve. The question as to the appropriate service requirements for such medals is under consideration.

616. **Mr. O’Keeffe** asked the Minister for Defence if, with the issue of long service medals to members of the RDF, earlier service in the FCA will be taken into account. [33902/05]

**Minister for Defence (Mr. O’Dea):** The provision of a medal, An Bonn Seirbhísé, FCA agus An Slua Muirí, for service in the FCA and An Slua Muirí, is provided for in regulation DFR A9, new series, and admin. instructions. An amendment to DFR A9, new series, and admin. instructions will provide for the issue of service medals to members of the newly established Army Reserve and Naval Service Reserve. The question as to the appropriate service requirements for such medals is under consideration.

**Defence Forces Strength.**

617. **Mr. Fleming** asked the Minister for Defence the number of units which were in the Defence Forces in 1990; and the number at present. [33991/05]

**Minister for Defence (Mr. O’Dea):** The military authorities advise that the number of units in the Defence Forces, both Permanent Defence Force and Reserve Defence Force, in 1990 was 172. The number of units in the Defence Forces as constituted in 2005 is 112. The change in the number of units is a result of the re-organisation of the Defence Forces, which occurred between 1998 and 2005.

618. **Mr. Fleming** asked the Minister for Defence the number of members of the Defence Forces who are still serving but not doing duty; and the numbers, grades and ranks on this issue. [33996/05]

**Minister for Defence (Mr. O’Dea):** The information requested by the Deputy is not readily available. This information is being compiled by the military authorities and will be forwarded to the Deputy at a later stage.

**Ministerial Transport.**

619. **Mr. Cuffe** asked the Minister for Defence the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34072/05]

**Minister for Defence (Mr. O’Dea):** I have not availed of rail travel of the type indicated in the Deputy’s question in the course of my official duties since assuming office.

**National Spatial Strategy.**

620. **Mr. Cuffe** asked the Minister for Defence the significant changes which have been implemented by his Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34087/05]

**Minister for Defence (Mr. O’Dea):** The Department of Defence has no specific role in delivering the national spatial strategy.

**Casement Aerodrome.**

621. **Mr. Sherlock** asked the Minister for Defence if major noise emissions from aircraft over a location (details supplied) in Dublin 22 will be investigated; if he will report on procedures for pilots on the flight paths and altitudes at this
Minister for Defence (Mr. O’Dea): The Department of Defence carried out a noise survey at this location in 2004 and the results of the survey indicated the noise in the area could not be considered excessive and, further, was caused primarily by road traffic. A copy of the report was made available to the legal representatives of the occupiers of the residence in question.

The residence in question does not lie directly under any designated flight path in or out of Casement Aerodrome. Altitudes flown are dictated by the need to approach and land on a runway and are in compliance with international standards. In order to minimise the impact of flying activities at this location, a directive was issued in 2004 by the chief of air staff operation to air traffic control not to route traffic, military or civil, over the residence in question, unless in a situation of aircraft urgency or distress or for security reasons.

Casement Aerodrome is the only secure military aerodrome in the State and as such facilitates military training and operational aircraft movements daily, including the operation of the ministerial air transport service, the Garda air support unit, fisheries protection patrols, air ambulance missions etc. In the provision of services as required from time to time by the Government, the military authorities are committed to ensuring the impact of their activities on the local population in the environs of Casement Aerodrome is kept to the minimum possible.

Departmental Staff.

622. Mr. Carey asked the Minister for Defence the percentage of persons with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data are to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the 3% quota; and if he will make a statement on the matter. [34121/05]

Minister for Defence (Mr. O’Dea): The current position is that people with disabilities make up 3.75% of the total Civil Service staff in my Department. The guidelines for the employment of people with disabilities as set out in the Code of Practice for the Civil Service 1994 is followed by my Department which has consistently exceeded the target of 3% for the employment of people with physical, sensory or psychological impairment. In my Department, staff with these three categories of disability are employed at clerical and services levels. None of these staff has third level qualifications. In addition, a number of civilians are employed with the Defence Forces at military barracks, 2.5% of whom are persons with disabilities. As regards third level qualifications, one of our clerks is studying for a BA in Local and Community Studies.

The Defence Forces have a derogation from the Employment Equality Act in respect of the criteria of physical ability and age. Therefore, the current age, medical and physical requirements for entry into the Defence Forces reflect the fact that only able bodied and fit recruits can satisfy the difficult and strenuous physical demands of the training and operational environment of the Defence Forces.

The definition of a person with a disability for the purposes of the 3% target is the positive action definition set out in the Code Of Practice for the Civil Service 1994. In this context, the term “people with disabilities” means people with a physical, sensory or psychological impairment which may “have a tangible impact on their functional capability to do a particular job; or have an impact on their ability to function in a particular physical environment; or lead to a discrimination in obtaining or keeping employment of a kind for which they would otherwise be suited”.

My Department strongly subscribes to the objective of employing persons with disabilities whenever possible. People with disabilities are entitled to apply for any post for which they are qualified and to have their applications considered on the basis of their abilities, qualifications and suitability for the work in question.

North-South Co-operation.

623. Caoimhghín Ó Caoláin asked the Minister for Defence if he will report on the work of the North-South unit in his Department; and if he will make a statement on the matter. [34219/05]

Minister for Defence (Mr. O’Dea): There is no North-South unit, as such, in my Department. However, close contact is maintained by my Department with the Department of Foreign Affairs, the Department of Justice, Equality and Law Reform and the Department of the Environment, Heritage and Local Government with regard to North-South matters. The impact of policy decisions on North-South relations is considered by my Department when submitting memoranda for proposals requiring Government decisions. In addition, any requests for assistance from my Department are dealt with by the relevant lead Department, depending on the nature of the assistance required.

Military Uniforms.

624. Mr. Timmins asked the Minister for Defence if new dress regulations or instructions have been introduced since 1997 for members of
the Defence Forces; and if he will make a statement on the matter. [34440/05]

Minister for Defence (Mr. O’Dea): As part of the ongoing programme to review and rewrite the administrative series of Defence Force regulations with a view to their simplification and modernisation, my predecessor, Deputy Michael Smith, signed into effect on 18 December 2001 a new regulation entitled Defence Force Regulations A.9 (New Series) Dress and Medals. This regulation revoked Defence Force regulations A.9 Dress — Na Buan Óglaigh and Defence Force Regulations A.19 — Medals and Decorations.

Defence Forces Recruitment.

625. Mr. Timmins asked the Minister for Defence the number of personnel who joined the Defence Forces from 1994 onwards as enlisted personnel; the number of these who are currently serving; the breakdown by male and female; the terms of their enlistment; and if he will make a statement on the matter. [34441/05]

Minister for Defence (Mr. O’Dea): The statistical information sought by the Deputy is set out in the following table.

<table>
<thead>
<tr>
<th>General Service Enlistment 1994 to-date.</th>
<th>Number</th>
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<tbody>
<tr>
<td>Total enlisted</td>
<td>6,269</td>
</tr>
<tr>
<td>Still serving</td>
<td>3,371</td>
</tr>
<tr>
<td>Male</td>
<td>2,992</td>
</tr>
<tr>
<td>Female</td>
<td>379</td>
</tr>
</tbody>
</table>

The original terms of enlistment were set out in Defence Force Regulation A.10 which stipulates that personnel enlisted into the Defence Forces after 1 January 1994 will serve for five years in the Permanent Defence Force and seven years in the Reserve Defence Force. Personnel are not permitted to extend their service beyond this initial period unless they fulfil certain specified criteria. Personnel who qualify to have their term of service extended will have the term of their original enlistment extended for such period or periods as will make up a total of not more than 12 years service reckoned from the date of their original attestation. The initial period of extension will be from five years to nine and then from nine years to 12.

In 2004 PDFORRA submitted a claim under the conciliation and arbitration scheme for a further review of the terms of service applying to personnel enlisting in the Permanent Defence Force after 1 January 1994. Following detailed and prolonged discussion on this claim, a set of revised criteria has been agreed. The criteria meet PDFORRA’s desire to provide longer careers in the Permanent Defence Force while continuing to address the Government’s previously stated objective of having an appropriate age profile to meet the challenges of a modern defence force. The criteria require that any person re-engaging must be able to continue to operate at their current level both at home and overseas on an ongoing basis. Re-engagements will be subject to the individual soldier meeting specified criteria in regard to physical fitness, medical category, successful completion of military courses of instruction, service overseas and conduct ratings. PDFORRA is in the process of balloting its members on the agreed criteria.

Local Authority Housing.

626. Ms C. Murphy asked the Minister for the Environment, Heritage and Local Government if it is intended to assist, with the use of the new rental assistance scheme, housing applicants who are in low paid work and who are not in receipt of supplementary rent assistance due to their work status; and if he will make a statement on the matter. [34127/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Persons in receipt of rent supplementation are eligible for the rental accommodation scheme, RAS. Some recipients of rent supplement have part-time work or participate in community employment schemes. These persons would be eligible to transfer to RAS if they are deemed to have a long-term housing need. Following transfer to RAS, persons may obtain full-time employment and remain within the scheme. At this stage there are no plans to extend the scope of eligibility of the scheme beyond those in receipt of rent supplement.

EU Directives and Regulations.

627. Mr. Quinn asked the Minister for the Environment, Heritage and Local Government the number of proposals that his Department is opposing at European Council at any stage; the names of such proposals; the reason his Department is taking this position; and if he will make a statement on the matter. [33835/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department is not opposing any proposal before or being prepared for the EU Environment Council. As is normal at any point in time, there are a number of proposals under consideration for the advancement of sustainable development and the protection of the environment, in particular. These proposals are discussed in various working groups at EU level in preparation for meetings of the Environment Council, at the European Parliament and by our own Oireachtas committees.
Such broad consideration of proposals is aimed at achieving consensus in moving towards the achievement of our environmental objectives.

628. Mr. Quinn asked the Minister for the Environment, Heritage and Local Government the exemptions from EU directives or regulations that Ireland has achieved in his Department’s competency area; the reason his Department requested each exemption; if it is intended to give up any of these exemptions; and if he will make a statement on the matter. [33850/05]

629. Mr. Quinn asked the Minister for the Environment, Heritage and Local Government the exemptions from EU directives or regulations that his Department is seeking; the reason his Department is requesting each exemption; and if he will make a statement on the matter. [33865/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 628 and 629 together.

My Department has not sought or obtained any exemption as such from EU directives within its remit and is not seeking any.

Ireland has had extremely limited recourse to derogations in the context of the 200 or so items of EU environmental legislation which are in force. We have availed of specific provisions in the Birds Directive 79/409/EEC and the Habitats Directive 92/43/EEC allowing member states to derogate from particular articles of the directives so as to authorise the capture, killing or disturbance of pest wildlife species. Under this arrangement, Ireland has since 1986 invoked periodic derogations allowing for the disturbance of certain bird species at airports for reasons of public safety, and for the capture or killing of species such as crows, magpies and pigeons where they pose a threat to public health or a risk of serious damage to crops or livestock. For similar reasons, my Department also occasionally grants wildlife licences which constitute derogations under one or other of these directives, for the capture, killing or disturbance of particular wildlife species at specified locations.

I have already indicated that, in the context of our action plan to implement the nitrates directive, Ireland, following the precedent of other member states, is proposing a derogation from the general livestock manure limit of 170 kg of nitrogen per hectare per year laid down in the directive.

Waste Disposal.

630. Mr. Deasy asked the Minister for the Environment, Heritage and Local Government his views on the recommendation in the report produced on behalf of the Combat Poverty Agency, Implementing a Waiver System: Guidelines for Local Authorities, that utilising high quality income data, consideration should be given to centralised funding of the waiver scheme, with grants given to local authorities for its operation; his further views on whether this approach will ensure that low income families are treated equally throughout the country; his further views on whether this would ensure that local authorities should not be constrained by their own financial resources in implementing a proper waiver system; and if he will make a statement on the matter. [33885/05]

669. Mr. O’Dowd asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 772 of 8 November 2005, if he will make a statement on the proposal for a national policy for a waiver scheme for waste management charges for local authorities from the Combat Poverty Agency. [34428/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 630 and 669 together.

As indicated in the reply to the Question No. 772 of 8 November 2005, the determination of waste management charges and waivers is a matter for the relevant local authority where it acts as a service provider. Similarly, where a private operator provides the collection service, it is a matter for that operator to determine charges.

I have asked local authorities to engage with commercial waste collectors with a view to agreeing on a scheduling of payments, that is, a pay-as-you go system, rather than a periodic lump sum payment. This approach would be likely to be of particular value to low income households, as has been recognised in the Combat Poverty Agency guidelines.

Waste management services have traditionally been provided at a local level, with individual arrangements being locally determined and tailored to local circumstances. The present legal framework reflects this. While noting the views of the agency with regard to a greater contribution of waste collection schemes, I do not consider it appropriate to propose a departure from the existing statutory provisions which reflect the local nature of waste management services. However, I am giving consideration to the overall regulation of the waste management sector, including whether and to what extent there might be a need to identify public service obligations appropriate to service providers.

Waste Management.

631. Mr. Deasy asked the Minister for the
Environment, Heritage and Local Government if his attention has been drawn to the fact that the 2005 joint waste management plan for the south east estimates that 23% of all household waste and 41% of all commercial and industrial waste in the region consists of packaging; the measures he proposes to implement to reduce the generation of such packaging; and if he will make a statement on the matter. [33886/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Waste prevention and minimisation is an important element of the Government’s overall integrated policy framework on waste management which is based on the internationally recognised waste hierarchy prioritising waste prevention, minimisation, recycling, energy recovery and the environmentally sound disposal of waste which cannot be recovered or recycled. Taking action to prevent waste being generated in the first instance is fundamental to the overriding objective of decoupling economic growth from growth in waste arising.

To support these objectives, my Department is funding the development and roll-out of a national waste prevention programme which will assist in delivering substantial results on waste prevention and minimisation across all waste streams, including packaging, in the years ahead. A core prevention team was established last year in the Environmental Protection Agency, EPA, to develop and drive the programme: a draft programme was published by the agency in April 2004. The core prevention team is in the process of developing baseline studies as part of the initial phase of the programme. The five-year programme also envisages mandatory waste and material audits, waste prevention pilot schemes, etc. The initial budget for the national waste prevention programme is €2 million.

Ireland has made significant progress in meeting its obligations under European Union directives with regard to the recovery and recycling of packaging waste. In 2001, Ireland, assisted by Repak, met the target of 25% packaging waste recovery target required by the directive. The latest indications are that Ireland is on course to meet the higher recovery and recycling targets specified for end 2005. The EPA has reported in its national waste database interim report for 2003 — published in December 2004 — that packaging waste recovery increased to over 44% in that year, up from 35% in 2002.

Building on our success in this area, in October 2004 I established the national strategy group on packaging waste recycling, involving the key public and private stakeholders such as Repak, IBEC, producers, waste collectors, reprocessors, local authorities and my Department, to develop an appropriate strategy to facilitate the achievement of the challenging 2011 packaging waste recovery and recycling targets required under an amending directive on packaging and packaging waste. I have asked, in accordance with the waste hierarchy, that the proposed six-year strategy address the fundamental issues of waste prevention, minimisation and reuse. In particular, I have indicated that I will consider making a contribution from the environment fund towards trials to develop innovative packaging systems designed to reduce the amount of packaging and food waste arising in the household waste stream. These trials will be aimed at innovative improvements which will not only target a reduction in the amount of packaging on specified products but also examine the feasibility of increasing the amount of recycled material used in the manufacture of new packaging.

632. Mr. Deasy asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that Waterford County Council has been pioneering the recovery and processing of recyclable waste; his views on whether this success is leading to increased charges to the public; his further views on whether exorbitant increases in charges leads to illegal dumping; the measures he intends to implement to provide incentives to individuals and families to recycle; and if he will make a statement on the matter. [33889/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Local authorities and central government are working together to comply with the polluter pays principle, as this is a core element of national and EU environmental policy, including in the area of waste management. In accordance with this policy, all of society must be encouraged to reduce, reuse and recycle waste to the maximum extent possible.

Waste management planning, including the provision of facilities for the recovery and processing of recyclable waste, is primarily a matter for individual local authorities. All local authorities, including Waterford County Council, are making good progress in providing the facilities which are necessary for the effective recovery and processing of recyclable waste in their areas. In support of these efforts, my Department operates a capital grants scheme which is targeted towards the provision of waste recovery infrastructure, the need for which is identified in local authority waste management plans, or is otherwise considered to support the attainment of the recycling and recovery targets specified in these plans. My Department also makes grant assistance available to local authorities to offset the operational costs of operating existing recycling facilities.

In accordance with section 52 of the Protection of the Environment Act 2003, the determination of waste management charges is a matter for the
relevant local authority where it acts as the service provider. Similarly, where a private operator provides the collection service, it is a matter for that operator to determine charges. As with other service providers, increases in Waterford County Council’s waste charges are mainly driven by the higher environmental standards which are now rightly demanded by the regulatory authorities and society generally. This includes costs associated with the proper operation of landfills and their closure and ongoing management thereafter, as well as the need to contribute to the costs of the provision of appropriate recycling facilities.

To ensure charging systems more fully embody the polluter pays principle my Department asked service providers to move to a system of use-based charging from the current year. In addition, I have asked local authorities to engage with commercial waste collectors with a view to agreeing on a scheduling of payments, that is, a pay-as-you-go system, rather than a periodic lump sum payment. Use-based charging acts as an incentive for individuals and families to change their behaviour by effectively rewarding those who minimise their waste output through recycling. However, the imposition of a use-related charge for waste collection services does not justify individuals or households engaging in illegal waste disposal. Illegal waste activity is now being tackled in a systematic way by the Office of Environmental Enforcement in conjunction with local authorities.

**Recycling Policy.**

633. Mr. Deasy asked the Minister for the Environment, Heritage and Local Government the total percentage of recyclable waste being recovered in each county and city council area; and if he will make a statement on the matter. [33890/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The detailed information sought is not available in my Department. National waste statistics for all waste streams are published at three-yearly intervals by the Environmental Protection Agency with the most recent national waste database report being in respect of 2001. In the intervening period two further interim reports have been published to provide data on municipal waste specifically, that is, household and commercial waste, for the years 2002 and 2003, respectively. While the database reports do not provide recycling rates for individual local authorities, an overall recycling figure for Ireland is provided for in respect of a number of waste streams.

The latest figures available on municipal waste generation, recovery and disposal are contained in the national waste database interim report for 2003, published by the agency in December 2004, which reports that the recycling rate in the municipal waste stream has advanced to 28.4% in 2003, up from 20.7% in 2002. I understand the agency is compiling its database for 2004 which will be finalised by end 2005.

**Waste Management.**

634. Mr. Deasy asked the Minister for the Environment, Heritage and Local Government the funding from his Department to each county and city council in respect of waste management services in the years 2003, 2004 and to date in 2005. [33891/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department does not in general provide funding for local authorities in respect of the provision of waste management services which are matters for individual authorities having regard to the polluter pays principle. Limited support for local authorities is provided from the environment fund, principally in respect of a contribution to the capital and operational costs of providing necessary recycling infrastructure. I am arranging to have a detailed breakdown compiled and it will be forwarded to the Deputy as soon as possible.

**Architectural Heritage.**

635. Mr. Lowry asked the Minister for the Environment, Heritage and Local Government when he will meet with a deputation (details supplied). [33912/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have asked the OPW to bring forward recommendations for a visitor facility development at Nenagh Castle which would have regard, inter alia, to anticipated visitor numbers, consultation with local stakeholders and ongoing running costs. When these recommendations have been received, I will consider the matter further.

**Grant Payments.**

636. Mr. Lowry asked the Minister for the Environment, Heritage and Local Government the grant programmes available from his Department and from agencies under his responsibility; and the deadlines of each programme. [33913/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department administers a small number of grant schemes under which grant assistance is provided directly for applicants and information on these is set out in the following table. My Department provides funding or partial funding for a number of other schemes which are operated directly by local
authorities and other agencies under our aegis and to which the public have access. The approval of grants under these schemes, including dead-

Grant Schemes/Programmes — Department of Environment, Heritage & Local Government.

<table>
<thead>
<tr>
<th>Scheme</th>
<th>Programme Deadlines</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTERREG IIIa (Waste Projects under Measure 2.2) in conjunction with Department of the Environment Northern Ireland and Special EU programmes Body</td>
<td>Measure is closed at present. May be re-opened at any time up to mid 2008 if funding to approved projects is de-committed or if Letters of Offer for the funding of projects are rejected.</td>
</tr>
<tr>
<td>Thatching Grant</td>
<td>No application deadlines</td>
</tr>
<tr>
<td>Grants to bodies for the provision of advice on housing</td>
<td>No application deadlines</td>
</tr>
</tbody>
</table>

Water and Sewerage Schemes.

637. Mr. Ring asked the Minister for the Environment, Heritage and Local Government the position regarding a water scheme (details supplied) in County Mayo. [33929/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Kilmaine and Shrule water supply scheme which will be served by an extension of the Tuam regional water supply scheme has been approved for construction in my Department’s water services investment programme 2004 — 2006. Mayo County Council’s contract documents for the scheme will be further considered on receipt of a certificate of completion of planning from the council. Once the contract documents have been approved, the council will be in a position to invite tenders for the construction of the scheme.

Animal Welfare.

638. Mr. Bruton asked the Minister for the Environment, Heritage and Local Government the role of his Department with regard to animal welfare; if he has satisfied himself that this aspect of policy has kept pace with developments in other countries; his views on whether there is merit in restructuring this aspect of policy and integrating all aspects of animal welfare especially in respect of domestic animals in his Department which has responsibility for the local authorities; and his further views on whether there is a case for separating policy with regard to the animal welfare of livestock from the animal welfare of animals kept as pets. [33933/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The principal statutes governing animal welfare are the Protection of Animals Acts 1911 and 1965. Responsibility for that legislation, including any proposals for amendment, is a matter for my colleague the Minister for Agriculture and Food.

My Department’s functions relate to the provisions of the Control of Dogs Acts 1986 and 1992. The main focus of these Acts is not animal welfare but the control of stray and dangerous dogs such as guard dogs which could present nuis-

ance or danger to the general public or to other animals. The implementation of the Control of Dogs Acts 1986 and 1992 is vested in local authorities which have power, inter alia, to appoint dog wardens, to provide shelters for stray and other dogs, to impose on-the-spot fines for a number of offences and to take prosecutions.

Fuel Infrastructure.

639. Mr. F. McGrath asked the Minister for the Environment, Heritage and Local Government if there is any proposal to pump oil, fuel or gas along Griffith Avenue, Dublin 9 from Dublin Port to the airport. [33961/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department does not have details of any specific proposal as referred to in the question. Such development would require compliance with the relevant statutory consent processes, including gas or petroleum consent requirements which are a matter for my colleague the Minister for Communications, Marine and Natural Resources.

Water Pollution.

640. Mr. Timmins asked the Minister for the Environment, Heritage and Local Government the position with regard to the criteria or guidelines used by his Department when adjudicating on the distance from water courses that slurry spreading should be prohibited; and if he will make a statement on the matter. [34002/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Where the application to land of animal slurry and other organic substances is prohibited, buffer zones adjacent to watercourses are intended to avoid or reduce the risk of water pollution arising from the overland flow of such substances. Particular care is required for the protection of public health in the case of watercourses which serve as sources of drinking water.

The Code of Good Agricultural Practice to Protect Waters from Pollution by Nitrates, issued in 1996 jointly by my Department and the Department of Agriculture and Food, contains
recommendations relating to farm management practices, including the spreading of slurry. It recommends that buffer zones of specified minimum distances be maintained from watercourses, wells, etc. when spreading slurry. Similar provisions will be included in the regulations now being finalised to provide statutory support for good agricultural practice and to give effect to the nitrates action programme.

Local Authority Housing.

641. Ms Lynch asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the High Court decision of 2 November 2005 regarding the right of residents to make tenant purchases from Dún Laoghaire-Rathdown County Council at 1996 property price values; if this is an isolated case or if there are other tenants with applications before local authorities; if so, the number of tenants affected in each local authority area; and if he will make a statement on the matter. [34014/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): This High Court case, to which my Department was not a party, related to the terms for the purchase by certain tenants of maisonettes from Dún Laoghaire-Rathdown County Council. The resulting judgment is being examined by my Department with a view to identifying any need to amend regulations or guidance to local authorities in consequence of the judgment. Pending completion of this examination, it is not possible for my Department to speculate on the numbers of tenants who might be affected.

642. Mr. Kenny asked the Minister for the Environment, Heritage and Local Government the level of moneys he proposes to make available for refurbishment of council houses in County Mayo for 2005 and 2006; his views on the number of houses that were surveyed that required refurbishment within each district of the council; the assessed amount required overall; when he expects to readvertise for the works to be carried out; and if he will make a statement on the matter. [34026/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Mayo County Council submitted preliminary proposals in July 2005 to my Department for remedial works to a significant range of local authority houses in its functional area. Following the submission of further information, my Department was in a position to issue approval to the council in September 2005 to accept tenders for the refurbishment of rural houses in the Belmullet area.

In order for my Department to determine an overall budget cost for the Belmullet refurbishment works and assess the funding required for 2005, the council has been requested to submit documentation on the proposed all-in-budget costs for formal approval. My Department has also requested the council to submit a schedule of proposed remedial works over the next three years at various locations throughout the county to enable the council and my Department to assess funding requirements over the period. This information is awaited from the council.

EU Directives.

643. Mr. Cuffe asked the Minister for the Environment, Heritage and Local Government the progress which has been made within the past year to ratify the Aarhus Convention and incorporate same into Irish law. [34056/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Ireland signed the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters on 25 June 1998. Progress towards ratification of the convention is closely aligned with work at EU level. To date, the European Union has adopted two directives as part of the ratification process for the convention. These deal with public access to environmental information, 2003/4/EC, and public participation in certain environmental decision-making procedures, 2003/35/EC. Ratification of the convention will take place after these directives have been transposed into Irish law.

Work is continuing in my Department with regard to the transposition of these two directives and will be completed as soon as possible. When the above work on transposition is completed, the instrument of ratification of the Aarhus Convention will be submitted to Government and laid before the Dáil.

Ministerial Travel.

644. Mr. Cuffe asked the Minister for the Environment, Heritage and Local Government the occasions that he has taken a mainline train, commuter train or Luas in the course of his duties since assuming office. [34073/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Consideration is given by my office to all forms of transport when planning official trips within the State. Factors taken into account when making decisions on these matters include the number of engagements being undertaken on a particular day, the locations where these engagements take place and the need to make the most efficient use of time available. In practice, having regard to these considerations, official trips within the State are typically undertaken by official car. However, within these constraints I have endeavoured to...
use public transport where appropriate such as during the recent car free day.

**National Spatial Strategy.**

645. Mr. Cuffe asked the Minister for the Environment, Heritage and Local Government the significant changes that have been implemented by his Department to date in 2005 in delivering the national spatial strategy; and the costs, benefits and savings that have accrued. [34088/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The national spatial strategy, NSS, is a 20 year strategic planning framework aimed at achieving more balanced regional development. Substantial progress has been made in implementing the strategy through relevant policies and programmes across a range of Departments and agencies, including my own Department. Multiannual capital envelope agreements which have been made between the Department of Finance and Departments responsible for capital expenditure, including mine, require Departments in reporting annually on capital expenditure under the agreements to demonstrate how investments and spending are being prioritised to implement the NSS. The Government has also decided that delivering on the NSS will be a priority objective of the next national development plan.

To support the development of the NSS gateways, a major study of their potential for accelerated development and the key infrastructure priorities that will be necessary to facilitate such development is nearing completion. Work on a feasibility study to further develop an Atlantic gateways initiative seeking to enhance linkages and networking between Cork, Galway, Limerick-Shannon and Waterford is also nearing completion.

My Department is addressing the cross-Border aspects of the implementation of the NSS in conjunction with the Department for Regional Development in Northern Ireland. An ongoing research programme into different aspects of spatial trends in Ireland to support the formulation and implementation of spatial policy in my Department and across Departments has been put in place. Measures have also been put in place to ensure my Department’s expenditure programmes support the implementation of the NSS. In this regard, for example, local authorities were asked in their assessment of needs which inform the selection of projects for approval under the water services investment programme to identify water services requirements necessary to give effect to the objectives of the NSS. This will be repeated when the next assessment is undertaken.

In the area of non-national roads, in addition to compliance with previous eligibility requirements, projects being proposed for funding out of the EU co-financed scheme of grants for improvement works on non-national roads were also required to show how they would facilitate the implementation of the NSS and, in particular, how they would contribute to improving accessibility to the gateways, hubs and other centres identified in the strategy. To ensure the NSS is taken into account in my Department’s capital programme expenditure programmes, a cross-divisional team has been established to promote a co-ordinated approach to relevant activities in the areas of housing, environmental and water services infrastructure provision, local roads, urban and village and heritage programmes. My Department has not at this stage attempted to quantify specifically the costs, benefits or savings that have accrued from implementing the NSS.

**Local Authority Funding.**

646. Ms C. Murphy asked the Minister for the Environment, Heritage and Local Government if the subsidy for the low cost sites (details supplied) has been agreed; if Kildare County Council has been formally notified of such agreement; if agreed, the extent to which the subsidy will be provided; and if he will make a statement on the matter. [34129/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** My Department informed Kildare County Council in June 2005 of a site subsidy of €133,929 for the eight individual sites in the Celbridge scheme. There is no application with my Department from the council concerning a site subsidy for the scheme in Leixlip. The level of low cost site subsidy provided by my Department for a local authority under the low cost site scheme varies from location to location depending on factors such as the acquisition and development costs of the sites.

**Departmental Staff.**

647. Mr. Carey asked the Minister for the Environment, Heritage and Local Government the percentage of persons with disabilities employed in his Department and in each body under his aegis; the guidelines issued by which this data are to be recorded in the public service; the nature of the disabilities; the levels of employment; the percentage of the total numbers of persons with disabilities in each sector who are holders of third level qualifications; the precise definition of disability which is used in the public service to meet the 3% quota; and if he will make a statement on the matter. [34153/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Guidelines on the nature of disability and for monitoring the employment of people with disabilities in the Civil Service are set out in the Code of Practice for the Employment of People with Disabilities.
1994. My Department fully complies with this code of practice and currently meets the Government’s 3% target for the employment of people with disabilities. The position regarding the employment of persons with disabilities in the State bodies under the aegis of my Department is as set out in the following table.

<table>
<thead>
<tr>
<th>Name of public sector body</th>
<th>Total workforce</th>
<th>Total number of people with disabilities</th>
<th>Percentage of workforce represents</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Chomhairle Leabharlanna</td>
<td>15</td>
<td>0</td>
<td>—</td>
</tr>
<tr>
<td>Irish Water Safety Association</td>
<td>5</td>
<td>0</td>
<td>—</td>
</tr>
<tr>
<td>An Bord Pleanála</td>
<td>146</td>
<td>5</td>
<td>3.4</td>
</tr>
<tr>
<td>Environmental Protection Agency</td>
<td>251</td>
<td>8</td>
<td>3.2</td>
</tr>
<tr>
<td>Housing Finance Agency</td>
<td>11</td>
<td>0</td>
<td>—</td>
</tr>
<tr>
<td>Local Government Computer Services Board</td>
<td>95</td>
<td>3</td>
<td>3.2</td>
</tr>
<tr>
<td>Local Government Management Services Board</td>
<td>28</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Radiological Protection Institute of Ireland</td>
<td>48</td>
<td>0</td>
<td>—</td>
</tr>
<tr>
<td>Heritage Council</td>
<td>15</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Dublin Docklands Development Authority</td>
<td>40</td>
<td>0</td>
<td>—</td>
</tr>
<tr>
<td>National Building Agency</td>
<td>55</td>
<td>2</td>
<td>3.6</td>
</tr>
</tbody>
</table>

The code of practice does not provide for the retention by the Department of information on the number of staff with a disability who hold a third level qualification. Such information is not readily available.

**Planning Issues.**

648. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if progress has been made with regard to the commencement of the provisions of the Local Government Act 2001 that will empower towns to apply for town council status; the stage of establishment of the Local Government Commission; if he has had consultations with local government interests, including the various local government bodies regarding the commencement of these sections of the Act; and if he will make a statement on the matter.  

653. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if regulations will be issued under the Local Government Act 2001 to allow, by order, the establishment of new town councils in 2005; if he does not intend to issue these regulations in 2005 when he expects to be in a position to do so; and if he will make a statement on the matter.

**Local Authority Status.**

649. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if regulations will be issued under the Local Government Act 2001 to allow, by order, the establishment of new town councils in 2005; if he does not intend to issue these regulations in 2005 when he expects to be in a position to do so; and if he will make a statement on the matter.

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 649 and 653 together.

The Local Government Act 2001 modernises the legislative framework, supports community involvement with local authorities in a more participative local democracy and underpins generally the programme of local government renewal, including the position of county and city councils as the primary units of local government. The Act takes account of the recommendations of the 1996 report of the reorganisation commission.
towards cohesive local government — town and county regarding improved accessibility, interaction and linkages for all towns with their local county council as the way forward.

Part 17 of the Local Government Act 2001 provides that qualified electors of a town having a population of at least 7,500 as ascertained at the last preceding census and not having a town council may make a proposal for the establishment of such a council. Under the relevant provisions of the Act, a proposal to establish a town council is a matter for the local community in the first instance. Thereafter, a decision on such a proposal is a reserved function of the relevant county council following a public consultation process. Following these local steps, the proposal must then be submitted to the Local Government Commission for preparation of a report and recommendations to the Minister. I am considering the steps necessary to commence the relevant provisions of the 2001 Act, including in respect of the establishment of the Local Government Commission, and I have met a number of vibrant community groups, including both Celbridge and Maynooth community councils. I have initiated consultation with local government interests regarding the creation of new town councils and their prospective functional responsibilities under the Act. I will keep the position under review with the aim of ensuring good accessible local government service delivery for all towns.

Regional Road Network.

650. Mr. Deenihan asked the Minister for the Environment, Heritage and Local Government if an application has been received from Kerry County Council for funding under the 2006 EU co-financed specific improvements grants scheme for improvement work on the R556 from Ballinclogher Cross to Ahabeg Cross; and if he will make a statement on the matter. [34201/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The improvement of non-national roads in County Kerry is a matter for Kerry County Council to be funded from its own resources supplemented by State grants. In August this year my Department sought applications from road authorities for funding under the 2006 EU co-financed specific improvements grants scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is a matter for road authorities. An outline application submitted by Kerry County Council included an application for improvements on the R556 from Ballinclogher Cross to Ballinclogher Cross. I intend to announce allocations for 2006 early in the new year.

Environmental Policy.

651. Mr. Sargent asked the Minister for the Environment, Heritage and Local Government if in the monitoring process for the national development plan there are specialist units in respect of the environment horizontal principle as there are for the social inclusion horizontal principle in the form of both the Office of Social Inclusion and the Combat Poverty Agency. [34202/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the national development plan-Community Support Framework, NDP-CSF, an environment coordinating committee was established to promote environmentally sustainable policies for the programmes and measures comprehended by the current NDP-CSF. The committee meets regularly and its terms of reference require it to, first, act as a forum for the promotion of environmentally sustainable policies and practices among Departments, implementing agencies, social partners and others involved in the NDP-CSF, with particular emphasis on the development of monitoring methodologies and mechanisms to facilitate the achievement of environmental objectives; second, review the environmental and environmentally related policies underpinning non-co-financed and co-financed investment under the NDP-CSF and the environmental impact of that investment; third, promote the environment horizontal principle in the implementation of the selected measures approved by the operational programme monitoring committees at their spring 2004 meetings; fourth, consider in respect of the various measures selected for priority monitoring and reporting, the reports on the environmental horizontal principle presented to the spring operational programme monitoring committee meetings, the comments thereon, if any, of those committees and any significant environment related issues arising therefrom; fifth, report and make recommendations as appropriate to the NDP-CSF monitoring committee on the performance and impact of the selected measures on the environment.

The membership of the committee includes representatives of all the managing authorities for the operational programmes, implementing Departments, social partners, environmental non-governmental organisations, NGOs, Comhar — the National Sustainable Development Partnership — and the Environmental Protection Agency. Representatives from the CSF evaluation unit and the European Commission, DG Environment and DG Regio, also attend in an advisory capacity. Other parties may attend as observers. Recent examples include representatives from the national parks and wildlife service, the National Roads Authority and the Department of Environment in Northern Ireland. The committee includes officials from my Department which also provides a secretariat for the committee. I am satisfied that the current structure,
[Mr. Roche.] membership and terms of reference of the committee leave it well placed to discharge its functions fully and effectively.

North-South Co-operation.

652. Caoimhghín Ó Caoláin asked the Minister for the Environment, Heritage and Local Government if he will report on the work of the North-South unit in his Department; and if he will make a statement on the matter. [34220/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The North-South unit of my Department is responsible for co-ordinating matters relating to North-South and British-Irish co-operation in the environmental area in the framework of the Good Friday Agreement. This involves promoting and maximising co-operation, preparing and providing input to policy positions, monitoring progress, reporting to the Government and arranging and servicing official and ministerial level meetings as appropriate. In carrying out its role the unit works closely with key managers involved in North-South and east-west co-operation and liaises with the Department of Foreign Affairs, the North-South Ministerial Council joint secretariat and Northern Ireland and United Kingdom counterparts.

Since the signing of the Good Friday Agreement in 1998, new relationships based on mutually beneficial partnerships and equality have been established between administrations, North and South and east and west. These have enabled us to address common challenges in a mutually beneficial way through enhanced co-operation and joint action on a range of environmental issues, including waste management, water quality management, natural heritage, information and awareness and environmental research, and in areas such as planning, regional development, fire services and emergency planning. Some of the more notable of these include co-ordinated implementation of the EU water framework directive, joint implementation of the environmental protection and management measure of the EU INTERREG III A North-South Programme 2000-2006, which is providing €24 million in support for 20 cross-Border projects and the expansion of waste recycling on an all-island basis by the North-South market development steering group. Phase one of a jointly funded study intended to determine the feasibility of establishing a paper mill on the island of Ireland has been completed and consultation on this is now being undertaken with the relevant agencies.

Other notable areas include activities aimed at tackling illegal movements of waste, the management of shared biodiversity resources, specifically the development of a common approach to both threatened species and invasive alien species, and co-ordination of the implementation of the cross-

Border aspects of the national spatial strategy and the regional development strategy for Northern Ireland.

Question No. 653 answered with Question No. 649.

Local Authority Funding.

654. Mr. McHugh asked the Minister for the Environment, Heritage and Local Government if funding will be made available for a project (details supplied) in County Galway; and if he will make a statement on the matter. [34240/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Galway County Council wrote to my Department in July 2005 outlining its plans to advance the development of regional offices in Tuam and Loughrea with an anticipated borrowing requirement of €5.5 million. My Department has sought further information from Galway County Council and as soon as this information is received consideration of the application will be advanced.

655. Ms B. Moynihan-Cronin asked the Minister for the Environment, Heritage and Local Government the amount of funding allocated to each local authority in 2004 and to date in 2005 for the disabled person’s grants scheme; the amount of unspent money returned by each local authority in 2004 and to date in 2005; the reason for this unspent money being returned; and if he will make a statement on the matter. [34241/05]

684. Ms C. Murphy asked the Minister for the Environment, Heritage and Local Government the level of funding that has been returned to his Department by local authorities with regard to the disabled persons and essential repairs grants; the local authorities which have returned such funding; and if he will make a statement on the matter. [34568/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 655 and 684 together.

A tabular statement gives details of the combined capital allocation for disabled persons and essential repairs grants notified to each local authority in 2004, the combined expenditure on the schemes in 2004 by each local authority and the combined capital allocations for both schemes notified to authorities in 2005. In 2004 the capital allocation for these schemes was €73.1 million and actual expenditure notified to the Department by local authorities was €55.4 million. The capital allocation notified to authorities for 2005 is €70 million and details of expenditure on the schemes this year will not be available until early 2006.
The combined capital allocation to local authorities for the disabled persons and essential repairs grant schemes represents not a capital grant, but the total amount that authorities are authorised to spend on the schemes in the year in which the allocation is made. Expenditure on the grant schemes is funded by the two thirds recoupment available from my Department together with the one third contribution from the revenue resources of the local authority.

Local authorities were notified in June last of their combined capital allocation for 2005 and were requested to notify the Department if it became evident that the allocation notified was likely to be inadequate or surplus to requirements. The Department wrote to local authorities in August stressing the need to ensure that, in the light of the high level of demand for these grants, the available allocation is expended in full and to ensure that the level of their approvals was such that would facilitate expenditure of the full allocation. Authorities were again requested to examine the level of payments and approvals on both schemes at that stage with a view to establishing the adequacy or otherwise of their 2005 allocations.

Requests for increases from authorities whose allocations are proving inadequate are being dealt with in the context of the surplus funding available from those authorities whose allocation is surplus to their requirements. My Department will continue to monitor expenditure patterns for the schemes over the remainder of the year with the aim of ensuring the maximum utilisation of available resources for the schemes.

<table>
<thead>
<tr>
<th>Local Authority</th>
<th>Allocation 2004</th>
<th>Expenditure 2004</th>
<th>Allocation 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Councils</td>
<td>€</td>
<td>€</td>
<td>€</td>
</tr>
<tr>
<td>Carlow</td>
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<td>Cork (S)</td>
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<td>Cork (W)</td>
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<td>1,500,000</td>
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<td>Wicklow</td>
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### Local Authority Allocation 2004 Expenditure 2004 Allocation 2005

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<thead>
<tr>
<th>Local Authority</th>
<th>Allocation 2004</th>
<th>Expenditure 2004</th>
<th>Allocation 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City Councils</strong></td>
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<td></td>
</tr>
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<td>Cork</td>
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<td>Dublin</td>
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<td>Limerick</td>
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<td>634,880</td>
<td>900,000</td>
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<td>Waterford</td>
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<td>650,000</td>
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<td><strong>Borough Councils</strong></td>
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<td>Sligo</td>
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<td>700,000</td>
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<td><strong>Town Councils</strong></td>
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<tr>
<td>Bray</td>
<td>30,000</td>
<td>26,074</td>
<td>30,000</td>
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<td><strong>Total</strong></td>
<td>73,105,132</td>
<td>55,399,536</td>
<td>70,000,000</td>
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</tbody>
</table>

**Departmental Properties.**

656. Mr. Lowry asked the Minister for the Environment, Heritage and Local Government when an application for the purchasing of a bog (details supplied) in County Tipperary will be assessed; and if he will make a statement on the matter. [34248/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Contracts submitted by the solicitor for the person named in respect of the sale of a bog to my Department are being examined in the Chief State Solicitor’s office in preparation for completion of the transaction.

**Natural Heritage Areas.**

657. Mr. Lowry asked the Minister for the Environment, Heritage and Local Government when a person (details supplied) in County Tipperary will receive a payment; and if he will make a statement on the matter. [34249/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In July 2004 my Department concluded an agreement with the farming pillar under Sustaining Progress which involved increased rates of compensation for the cessation of turf cutting in bogs that have been proposed as designated conservation areas. This agreement incorporates retrospective provisions benefiting landowners who participated in the original 1999 scheme for disposal of raised bogs and turbary rights to my Department. The person referred to is one of those who participated in the 1999 scheme and the detailed application of the retrospective provisions in this case is being examined. The result will be communicated to the landowner as soon as possible.

**EU Directives.**

658. Mr. Quinn asked the Minister for the Environment, Heritage and Local Government if EU Directive 2004/101/EC will be implemented before 13 November 2005; if the directive will not be implemented by 13 November 2005 the reason Ireland will not meet its obligations to implement this directive before the deadline; and if he will make a statement on the matter. [34252/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The European Communities (Greenhouse Gas Emissions Trading) (Amendment) Regulations, which transpose Directive 2004/101/EC, were signed on Friday 11 November 2005. These regulations amend SI 437 of 2004 and allow operators in the EU emissions trading scheme to use credits from the Kyoto Protocol flexible mechanisms for the purposes of compliance with their obligations under the scheme.

**Housing Management Companies.**

659. Mr. O’Dowd asked the Minister for the Environment, Heritage and Local Government his views on management companies for apartment complexes; the number and location of local authorities that are charging management company fees to tenants and residents; the action he intends to take; and if he will make a statement on the matter. [34259/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I refer the Deputy to the reply to Question No. 97 of 25 October 2005. As indicated, arrangements for managing and maintaining the communal elements of private apartment complexes are increasingly being addressed by management companies. These are constituted under the Companies Acts and are required to comply with the provisions of company law, which is the responsibility of the Minister for Enterprise, Trade and Employment. Normal practice is that when the sale of all units in an apartment complex is complete, management responsibility is transferred from the developer to
a management company controlled by the owners of the individual apartment units.

A Law Reform Commission working group is examining a range of legal issues relating to management of multi-unit structures. The Government will consider any recommendations the final report makes, including the necessity for new legislation in this area. My Department does not have details of where housing authorities may have acquired apartments in private complexes or of specific arrangements relating to rents or other payments in any such cases. These are a matter for the local authorities concerned. The intention of the Oireachtas, as set out in section 14 of the Housing (Miscellaneous Provisions) Act 2002, is that management costs arising indirectly to a housing authority in such circumstances should be reckonable for rent purposes. However, the degree of any impact on rents would also depend on the operation of the differential rents scheme in the local authority area concerned.

Library Projects.

660. Mr. S. Ryan asked the Minister for the Environment, Heritage and Local Government the agreed funding mechanism entered into between his Department and the local authority concerned in respect of library projects which have been approved (details supplied). [34286/05]

661. Mr. S. Ryan asked the Minister for the Environment, Heritage and Local Government the agreed funding arrangements entered into between his Department and the local authority in respect of library projects (details supplied). [34287/05]

662. Mr. S. Ryan asked the Minister for the Environment, Heritage and Local Government if he will report on the funding proposals agreed with the relevant local authorities in respect of library projects (details supplied). [34288/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 660 to 662, inclusive, together.

All of the projects referred to in the questions have been approved for grant aid under my Department's library capital programme. Grant aid of up to 75% of capital costs is available towards approved library building projects and expenditure in excess of the grant aid is a matter for the relevant local authority. The estimated grant aid for each of the projects is set out in the following table. Actual grant aid is only finalised when tenders for projects are being approved.

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Grant Aid €</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Community Library, Donegal Town</td>
<td>1,050,000</td>
</tr>
<tr>
<td>2. Branch Library, Dunleer, County Louth</td>
<td>727,912</td>
</tr>
<tr>
<td>3. Branch Library, Blessington, County Wicklow</td>
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</tr>
<tr>
<td>4. Tullow Branch Library, County Carlow</td>
<td>1,031,823*</td>
</tr>
<tr>
<td>5. Cavan Library HQ</td>
<td>4,929,377*</td>
</tr>
<tr>
<td>6. Tory Top Road, Cork City</td>
<td>2,109,666*</td>
</tr>
<tr>
<td>7. Bishopstown, Cork City</td>
<td>3,416,623*</td>
</tr>
<tr>
<td>8. Athlone, County Westmeath</td>
<td>3,000,000*</td>
</tr>
<tr>
<td>9. Thurles, County Tipperary</td>
<td>3,161,351*</td>
</tr>
<tr>
<td>10. Ashbourne, County Meath</td>
<td>2,469,476</td>
</tr>
<tr>
<td>11. Cork County HQ</td>
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</tr>
<tr>
<td>12. Kilkenny Library HQ</td>
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</tr>
<tr>
<td>13. Limerick County Library HQ</td>
<td>4,635,000</td>
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<tr>
<td>14. Sligo Library HQ</td>
<td>6,380,000</td>
</tr>
<tr>
<td>15. Gorey Branch Library</td>
<td>2,325,000</td>
</tr>
<tr>
<td>16. Tullamore Branch Library</td>
<td>5,000,000</td>
</tr>
<tr>
<td>17. Stillorgan Branch Library</td>
<td>3,000,000</td>
</tr>
</tbody>
</table>

*Actual grant aid. Others are estimates at this stage.

Local Authority Housing.

663. Mr. S. Ryan asked the Minister for the Environment, Heritage and Local Government his proposals to introduce a tenant purchase scheme in order that the valuations can reflect the original cost of the house; the length of the tenancy; an appropriate valuation of repairs and improvements both ongoing and structural carried out by tenants, in defining the net cost of the house for tenant purchase purposes. [34289/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Under the terms of the current tenant purchase scheme, the price of a dwelling is its market value in its existing state of repair.
and condition less discounts related to the length of tenancy. A sum of €3,809 is also deducted from the market value. Any increase in the market value of the dwelling due to improvements made by the tenant is disregarded in calculating the amount to be paid. There are no proposals at this stage to change the basis of purchase price from market valuation to original construction costs.

Planning Issues.

664. Ms O. Mitchell asked the Minister for the Environment, Heritage and Local Government the way in which he intends to respond to demands from residents associations in the Dublin area, particularly in the Dún Laoghaire-Rathdown County Council area, for legislation on height and density limits on building development; and if he will make a statement on the matter. [34297/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Dún Laoghaire-Rathdown county development plan, 2004-10, was adopted in March 2004 and came into effect on 20 April 2004 following an intensive two year preparation period which included extensive public consultation. The objectives incorporated in the plan include building sustainable communities and maintaining existing population levels within built-up areas. Housing demand and demographic factors are an integral part of the council’s housing strategy which forms part of the county development plan.

Regarding the scale of buildings, the county development plan sets out policies on building height and scale. In evaluating the scale and height of proposed developments the plan states it is the policy of the council to balance strategic planning needs with the visual impact of relevant proposals and their effect on existing amenities, particularly residential amenities. The objective is to ensure the proposed development is either capable of being absorbed into its physical context or, alternatively, is clearly demonstrated to be of such a high quality of architectural merit and design that it makes a positive visual contribution to the existing environment.

The incorporation of objectives in development plans in respect of matters such as height and density of building development is a reserved function of the local authority elected members in the adoption of their development plans, taking account of relevant national policies. There is no proposal to bring forward further legislation regarding these matters.

Library Projects.

665. Mr. Stagg asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that a new branch library has been built in Leixlip, County Kildare; that the library is fully stocked but cannot be opened to the public because he has not sanctioned the necessary increase in staff to do so; when he will sanction the staff requested by Kildare County Council; and if he will make a statement on the matter. [34338/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 312 of 27 October 2005 which outlines the current position regarding completion of the new library in Leixlip. As regards staffing, in August 2005 Kildare County Council sought approval from my Department for additional staff for the new library and arts facility in Leixlip. On 23 August the council was asked for additional information concerning its proposal and a response is awaited.

Women’s Refuges.

666. Mr. Morgan asked the Minister for the Environment, Heritage and Local Government if he will report on the continued delays to build a women’s refuge in Dublin 15. [34424/05]

667. Mr. Morgan asked the Minister for the Environment, Heritage and Local Government the reason residential housing density guidelines are used to determine capital funding for women’s refuges. [34425/05]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 666 and 667 together.

I assume that the question refers to assistance from my Department under the voluntary housing capital loan and subsidy scheme for a proposed project by Sonas Housing Association in Blanchardstown. An application for funding under this scheme has been received from Fingal County Council; clarification on a number of aspects has been sought from the council and is awaited. When this is to hand, the application will be further considered by my Department and the council will be notified of the outcome as soon as possible.

My Department’s involvement with the voluntary housing schemes relates primarily to the provision of funds for individual projects. The detailed administration of the scheme and the certification that particular projects comply with the terms of the scheme are the responsibility of the local authority, in this instance, Fingal County Council.

Local authority development plans set out an overall strategy for the proper planning and sustainable development of the area of the plan which should be informed by the housing strategy required under Part V of the Planning and Development Act 2000. Matters relating to residential densities are appropriately addressed in this context.
Urban Renewal Schemes.

668. Mr. Morgan asked the Minister for the Environment, Heritage and Local Government if he will report on the number of city and county councils which have sought funding for the undergrounding of existing 110kV and 220kV ESB overhead cables under the urban and village renewal measure of the regional operational programmes, 2000-06; and the breakdown of same funding provided for each of these councils. [34427/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): To date, a total of 680 projects have been approved for grant assistance under the urban and village renewal measure of the regional operational programmes, 2000-06. Some of these projects included the undergrounding of electric cables, but it would be necessary to examine each project file individually and at some length to identify the number of such cases and, in particular, to estimate the amount of any grant assistance attributable to an undergrounding component of projects. The information sought is not readily available and its compilation would involve a disproportionate amount of time and work.

Question No. 669 answered with Question No. 630.

Animal Welfare.

670. Dr. Upton asked the Minister for the Environment, Heritage and Local Government if he will publish the reports, including the minority reports, of the working group to review the management of dog breeding establishments; when he plans to launch the promised public consultation process; and if he will make a statement on the matter. [34429/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The report of the working group which was established to review the management of dog breeding establishments was submitted to me on 7 September 2005. A copy of the report has been sent to each working group member and to each individual or organisation which made a submission to the group. The report is available on my Department’s website and I am also making arrangements to have copies placed in the Oireachtas Library.

On 20 October 2005, I announced a public consultation process on foot of the working group’s report indicating that, in view of the many divergent views on the issue, I wanted to canvass public opinion more widely before taking final decisions on the matter. An advertisement inviting submissions was placed in the national newspapers on Monday, 24 October 2005. The closing date for receipt of submissions is Friday, 16 December 2005.

Water and Sewerage Schemes.

671. Mr. Crawford asked the Minister for the Environment, Heritage and Local Government if his Department has received an application for support towards the upgrading and provision of a proper sewerage system in Castleblayney town; when funding will be made available; and if he will make a statement on the matter. [34430/05]

672. Mr. Crawford asked the Minister for the Environment, Heritage and Local Government if his Department has received an application for support towards the upgrading and provision of a proper sewerage system in Clones town; when funding will be made available; and if he will make a statement on the matter. [34431/05]

673. Mr. Crawford asked the Minister for the Environment, Heritage and Local Government if his Department has received an application for support towards the upgrading and provision of a proper sewerage system in Ballybay town; when funding will be made available; and if he will make a statement on the matter. [34432/05]

674. Mr. Crawford asked the Minister for the Environment, Heritage and Local Government the stage of the upgrading and provision of a proper sewerage system for Clones town; when funding will be made available to provide the necessary structure; and if he will make a statement on the matter. [34433/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 671 to 674, inclusive, together.

The Ballybay, Castleblayney and Clones sewerage schemes have been approved for funding in my Department’s water services investment programme, 2004 — 06, at an estimated cost of €2 million, €3 million and €1.5 million, respectively. The schemes are being advanced as a single grouped project for procurement purposes. I understand Monaghan County Council is preparing a brief for the appointment of consultants to prepare a preliminary report for the grouped project.

675. Mr. Crawford asked the Minister for the Environment, Heritage and Local Government if his Department has received an application for funding in my Department’s water services investment programme, 2004-06; at an estimated cost of €13.2 million. I approved Monaghan County Council’s preliminary report for the
scheme in June 2005 and my Department is awaiting submission of contract documents by the council for approval.

Road Safety.

676. Mr. Crawford asked the Minister for the Environment, Heritage and Local Government if he intends to increase funding in 2006 towards accident black spots in view of increased accidents leading to death; if so, if funding will be included towards the restructuring of Killygraggy Cross on the road from Ballybay to Clones; and if he will make a statement on the matter. [34435/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The low cost safety improvement works scheme of grants for non-national roads was introduced by my Department in 2000 as an extension of the scheme operated on national roads under the auspices of the National Roads Authority, NRA. The NRA assesses applications for grant assistance under the non-national roads scheme on behalf of my Department. The criteria for grant approval are based on accident data, inspection of sites, location showing demonstrable hazard and discussions between the local authority and the NRA.

On 26 July 2005 my Department invited applications for consideration for funding under the scheme in 2006. Monaghan County Council has submitted ten applications totalling €210,000 for consideration for funding in 2006, including one for improvements to Killygraggy Cross Road, Swan’s Cross to Newbliss Road. I intend to announce details of individual allocations to local authorities under the scheme early in the new year.

Rural Housing Guidelines.

677. Mr. Crawford asked the Minister for the Environment, Heritage and Local Government if planning officials at county council level have the right to implement sustainable rural housing guidelines and, in particular, the settlement strategy element of these guidelines prior to the county development plan having been duly amended to incorporate the said guidelines and prior to the county councillors having ratified the necessary changes; and if he will make a statement on the matter. [34436/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The sustainable rural housing guidelines for planning authorities were issued on 13 April 2005 under section 28 of the Planning and Development Act 2000 and came into effect from that date. Section 28 of the Act requires planning authorities to have regard to the guidelines in the performance of all of their planning functions.

The circular issued by my Department on 11 May 2005 requested planning authorities to review their development plans to ensure that these are consistent with the guidelines. While such reviews are taking place, planning authorities were instructed and are legally required in the meantime to have regard to the guidelines in the exercise of their planning functions.

Road Safety.

678. Mr. Wall asked the Minister for the Environment, Heritage and Local Government if an investigation will be initiated by his Department in regard to correspondence (details supplied); if any meetings have been held with the local authority in regard to the matter; if the National Roads Authority or the Health and Safety Authority consulted with him on the matter; his plans or proposals for meetings or consultations in regard to the matter; and if he will make a statement on the matter. [34451/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The accident referred to occurred on the N59 which is a national secondary road. Responsibility for national roads is a matter for the relevant road authority and the National Roads Authority which operates under the aegis of my colleague the Minister for Transport. My Department has no function in relation to national roads.

Services for Persons with Disabilities.

679. Mr. Stanton asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 165 of 9 November 2005, the way in which the funding, with special reference to the extra funding, which his Department received for people with disabilities as published in the expenditure Estimates in November 2004 and subsequently on budget day 2004 has been used or will be used; the way in which this funding has been disbursed; the mechanisms in place to ensure that the funding is spent correctly; if he has satisfied himself that auditing procedures are in place and are adequate in each case; and if he will make a statement on the matter. [34458/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the national disability strategy, my Department was allocated €5 million for current expenditure and €10 million for capital expenditure during 2005 to assist in the delivery of services under the Disability Act 2005 by the Department, local authorities and the other public bodies under the aegis of the Department. A further €40 million in capital expenditure is being made available in the 2006 to 2009 period.
The current expenditure is focused on the provision of staff disability awareness training, preparation of access audits, drawing up implementation plans, improved access to information systems, access to public services, library equipment and assistive technology.

The capital expenditure is aimed at improving the physical access to buildings and services such as provision of ramps, doorways, lifts, counters, loop systems and signage. Access improvements to roads, car parks, footpaths, public toilets, beaches, amenity areas, graveyards and other public services are among other projects being carried out.

In addition, under the disabled person’s grants scheme which is administered by the local authorities, assistance is provided to adapt, extend, or provide additional facilities in a house to render it more suitable for the needs of a disabled person; the facilities may include the provision of a ramp or other such facility to allow ease of access for the disabled member of the household.

I am satisfied that the normal accounting and auditing protocols already in place are adequate to ensure all such allocations are expended for the purposes intended.

**Housing Estates Audit.**

680. Ms C. Murphy asked the Minister for the Environment, Heritage and Local Government if an audit of the extent to which housing estates in which construction work has been completed but have not been taken in charge by the relevant local authority will be instigated, paying particular attention to the overall number of houses affected; and if he will make a statement on the matter. [34471/05]

683. Ms C. Murphy asked the Minister for the Environment, Heritage and Local Government if information will be sought from local authorities on the number of housing estates that are due to be taken in charge by local authorities; and if he will make a statement on the matter. [34567/05]

**Planning Issues.**

681. Ms O’Sullivan asked the Minister for the Environment, Heritage and Local Government the measures in place to ensure that planning authorities take account of future expansion needs of schools when determining planning applications; and if he will make a statement on the matter. [34563/05]

**Social and Affordable Housing.**

682. Ms C. Murphy asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the number of housing estates that are due to be taken in charge by local authorities with regard to social housing in their ownership that is located within housing estates (details supplied) whose maintenance is taken care of by a management company; if local authorities are paying or ought to be paying the annual management fee in such estates; if so, the way in which he proposes to end this practice; and if he will make a statement on the matter. [34566/05]

Minister for State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The intention of the Oireachtas, as set out in section 14 of the Housing (Miscellaneous Provisions) Act 2002, is that housing authorities should be permitted to take account, in the determination of rents or other payments from tenants, of cost incurred by the housing authority in relation to insurance or to any management services provided for the dwelling. However, the degree of any impact on rents would also depend on the operation of the differential rents scheme in the local authority area concerned.

The Minister has already made it clear, in reply to Question No. 97 of 25 October 2005, that local authority powers should not be used to transfer responsibility for public infrastructure in housing estates to the residents.
Social and Affordable Housing.

685. Ms C. Murphy asked the Minister for the Environment, Heritage and Local Government the financial institutions which provide mortgage services for affordable housing applicants and for subsidised site applicants; if these institutions operate a claw back on profits made subsequent to the resale of this category of house or site; and if he will make a statement on the matter.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): To date, agreement has been reached with two private lending institutions, the Bank of Ireland Mortgage Bank and the Educational Building Society, on arrangements pertaining to the provision by them of mortgage finance for applicants who have been allocated an affordable housing unit for purchase. Based on this approach, discussions are ongoing with several other leading private lenders to widen the availability of such finance.

The Housing (Miscellaneous Provisions) Act 2004, which was enacted on 21 December 2004 facilitates these new financing arrangements by allowing local authorities to place a claw-back as a charge on the property. The claw-back provides that if a house purchased under the affordable housing schemes at a discount from market value is resold before the expiration of 20 years from the date of the purchase, the person selling the property shall pay to the local authority a percentage of the proceeds of the sale. This percentage is equal to the percentage discount allowed by the local authority on the original sale of the house where the house is resold within the first ten years. The amount payable is reduced by 10% in respect of each complete year after the tenth year during which the person who purchased the property has been in occupation as his or her normal place of residence.

The provision for a claw-back is necessary to ensure there is no short-term profiteering on the resale of a house provided by a local authority at a discount from market value. I am satisfied that the provision works well in protecting the State’s interest in these affordable houses.

While my Department is aware that there are financial institutions which provide mortgages for applicants qualifying for a subsidised site under the low cost site scheme, there is no formal agreement with individual financial institutions and local authorities. A claw-back arrangement, similar to that operating under the affordable housing schemes, applies to the scheme.