



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Wednesday, 30 November 2005.

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## DÁIL ÉIREANN

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*Dé Céadaoin, 30 Samhain 2005.*  
*Wednesday, 30 November 2005.*  
 —

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

—  
*Paidir.*  
*Prayer.*  
 —

### Leaders' Questions.

**Mr. Kenny:** A year ago this week, the secret deal, done between the Government and the IRA in respect of the release of the killers of Detective Garda Jerry McCabe, was exposed causing widespread anger among the public. It was a serious error of judgment on the Government's part. We have since learned of the Government's proposal to allow non-elected individuals to the House to speak to it, which would be a dilution of the institutions of the State. More recently, we learned of the Government's decision to proceed with presidential pardons for terrorists sought in respect of offences in the State. The Taoiseach's claim on Monday that this was well-known after the Weston Park discussions in 2001 is simply untrue.

The proposition for presidential pardons, which are irreversible and irrevocable, was never mentioned after the Weston Park talks. It was accepted that this matter would have to be dealt with one way or the other. I believe there is another way. Will the Taoiseach explain why the Government has chosen the particular route of presidential pardons? I consider it an abuse of presidential pardons to deal with terrorists who have never been convicted.

Article 13.6 has never been interpreted before. Presidential pardons have only been used on three occasions, twice in the 1940s and once in the 1980s, and then in respect of what were deemed to be clearly unsound convictions. In this proposal, no conviction or admission of guilt has been seen. Will the Taoiseach publish the legal advice which was made available to the Government upon which he is basing this decision? Is the Taoiseach's decision to proceed down the route of presidential pardons the result of discussions he had with Gerry Adams at several private meetings during the summer? Was this matter discussed at those meetings? Is that the reason another side deal, that of the Government choosing presidential pardons, will be followed?

**The Taoiseach:** For a long time, Deputy Kenny has decided to be in favour of the Good Friday

Agreement but to oppose everything that comes out of it. It is a tactic he has pursued for 12 months. In 1998, we were very clear that certain prisoners would be released. The only exceptions to those prisoner releases were the murderers of Detective Garda Jerry McCabe and those who injured Detective Garda Ben O'Sullivan. We said we would deal with this issue as part of a total act of completion but not otherwise. There is quite a number of people who murdered gardaí. The families of those gardaí have had to go through the trauma associated with this and they accepted we would release those prisoners in 1998 and 1999.

The participation of Northern MPs on a cross-party basis in the Houses of the Oireachtas was documented in a report compiled by the House, including Fine Gael Members, in 2001. It was debated in the House and agreed to by the then leader of the Fine Gael Party. I resent the Deputy's continual accusation that these are part of some secret deal. Neither of those issues was part of a secret deal.

The issue of on-the-runs were part of the discussions which took place prior to the Weston Park talks, were agreed there and were part of the Joint Declaration in 2003. The legal basis was not worked out then. That is the only point on which Deputy Kenny is correct. It is a matter of course for each jurisdiction to bring forward proposals to deal with the issue within their own legislative or constitutional frameworks.

The House is aware the Government intends to deal with these cases by advising the President to use her powers under Article 13.6 of Bunreacht na hÉireann. An eligibility body will be established to determine whether individuals are qualifying persons, subject to the condition that the person is not affiliated to or supports an organisation that is not maintaining a complete and unequivocal ceasefire. The eligibility body will submit its findings to the Minister for Justice, Equality and Law Reform who in turn will submit the cases to the Government, with a view to recommending to the President that her powers under Article 13.6 of the Constitution be used. It is implicit that in the operation of such a scheme, in each case the eligibility board, the Minister for Justice, Equality and Law Reform and, ultimately, the Government must be satisfied that these arrangements should apply. I have a longer note on the matter, effectively the Attorney General's advice, which I would be glad to forward to the Deputy.

**Mr. McCormack:** The Taoiseach can go ahead with the secret deal.

**Mr. Kenny:** That does not amount to the publication of the legal advice on the matter received by the Government. The Taoiseach claims on this matter, and on that of non-elected individuals addressing the Dáil, that neither was part of a secret deal. That may be so but it gives a clear indi-

[Mr. Kenny.]

cation that there were secret deals. It seems to the public that when it comes to a choice between justice for victims and appeasement of Sinn Féin, Mr. Adams seems to win on each occasion with the Taoiseach. While I accept this matter has to be dealt with there is a much better way for the Executive to deal with it.

There are 45 prisoners on release from Portlaoise Prison, each of whom is on licence. I would have expected that the Government, rather than dragging the Presidency down a route of dubious constitutionality, would have made arrangements for the persons in question to attend before a court to proclaim their guilt before being released on licence which could be revoked if, under unfortunate circumstances, matters were to reverse. A presidential pardon is irreversible and irrevocable.

As Article 13.6 of the Constitution has never been interpreted, this approach appears to present dubious constitutional consequences. A much better approach would be to make arrangements for persons to attend in court and proclaim their guilt. To proceed on this route will, it seems, result in an attempt being made to turn *Áras* an *Uachtaráin* into something akin to the court of Queen Elizabeth.

**An Ceann Comhairle:** Before the Taoiseach replies, I point out that while it is in order for the Deputy to raise the concept of presidential pardons, the President, in accordance with long-standing precedent, should not be referred to in the debates of the House. Under the Constitution, the President does not have——

**Mr. Kenny:** I apologise if I used the word “President”, by which I meant the Presidency and the Office of the President.

**The Taoiseach:** I did not answer Deputy Kenny’s question as to whether this process was negotiated or agreed with Gerry Adams. There was no discussion about the process. The issue of on-the-runs was agreed back in 2001 and 2002. The exercise of the power of pardon does not undo the past. In a case such as that of the OTRs, it does not turn back the clock of time and treat what occurred as if it never took place. It does not undo the wrong. In reality, the power of pardon in the case of on-the-runs means they will not be prosecuted, imprisoned or fined for their wrongs. It is to be recalled that a similar consequence arose from the Good Friday Agreement in relation to convicted and imprisoned prisoners.

The power of pardon is separate and distinct from the power to commute or remit a punishment. It is only the latter which requires a conviction. Moreover, the power of pardon is not an administration of justice but an act by the President acting on the advice of the Government.

**Ms O. Mitchell:** It is bad advice.

**The Taoiseach:** The Government makes the decision and informs the President’s office. It is worth looking at the experience of other countries which operate legal systems similar to ours. The Attorney General has examined this matter very closely. In the United States the President exercises his power of pardon frequently.

The Government will effectively resolve this issue and comply with the commitments made at Weston Park after the British Government has addressed the issue through legislation. In accordance with its commitments at Weston Park, the Government will resolve this matter.

It has been made clear repeatedly, including, I believe, at the time of the Good Friday Agreement, that the relevant provision did not apply to those charged and convicted of the killing of Detective Garda Jerry McCabe or the wounding of his colleague. This will continue to be the position of the Government.

**Mr. Rabbitte:** The Taoiseach does not appear to acknowledge the rising public concern, North and South, about this issue and the succession of secret bilateral deals, details of which are still emerging. How can he make the comments he has made in the wake of the House of Commons debate? I will cite, for example, the words of SDLP leader Mark Durkan in the House of Commons regarding the negotiations preceding the Good Friday Agreement:

People asked whether there would be an amnesty or a wipe-out or whether the files would be closed. Assurances were given by Minister upon Minister, including the Prime Minister and the Taoiseach, that all the outstanding cases would continue to be pursued and that those who had issues to face would be brought to court. It was said that, if convicted, they might have to spend only two years in jail, but they would appear in court, they would be convicted and they would spend time in jail. That is what the victims were told at that time. It was on the basis of that expectation that many people struggled to vote in favour of the agreement and did so.

How can the Taoiseach dispute Deputy Kenny’s remark? The Minister for Education and Science, Deputy Hanafin, is shaking her head about the secret deals. She must have brushed up on the matter since her performance on television on Sunday night when she was at sea on it. I have sympathy with her and understand the reason for her performance.

In 1993 the Taoiseach introduced a tax amnesty under which it was mandatory for offenders to come forward and confess. Can he imagine introducing an amnesty — the arrangement for on-the-runs is an amnesty — which has no mandatory dimension and allows people to continue to conceal the crime they have committed? Only if they are caught at any indefinite stage in the future can they resort to using the amnesty. The

proposal is indefensible. While the Taoiseach indicated it was known at Weston Park that fugitives needed to be dealt with, never was there any mention, nor is there any in the United Kingdom legislation, of the ambit and scope of the measures introduced.

Further, it was never clear that the measure would have application to the security forces. As a result of this side deal with Sinn Féin, we now find that the arrangement covers members of the security forces who are guilty of dozens and dozens of murders in Northern Ireland, were not intended to be included in the arrangement and were never referred to either in the Good Friday Agreement or at Weston Park. The Taoiseach informed me last week that he made clarificatory requests to the British Government about the Hain Bill. He either made an input or did not make an input. He was either involved in the side deals with Sinn Féin or not involved in them. Which is it?

**The Taoiseach:** I repeat again that the question of on-the-runs is not a side deal. As part of the Weston Park agreement, it was negotiated that OTRs and many other issues would be addressed. The question was included in the acts of completion and all the relevant discussions in 2001 and 2002. The process of dealing with the issue, namely, the introduction of legislation in Britain and the use of Article 13.6 here, were the only issues not worked out at that stage. It was made very clear that the issue of OTRs would have to be dealt with as part of the logic of releasing 444 prisoners who were convicted at that stage and subsequently released over a short period. It was not on the basis of any side deal that this arrangement was made.

We have examined for some considerable time how best we could deal with this matter and we have exchanged information with the British Government on how we intend to do so. There is an agreement that when the House of Commons is finished with the legislation, which I understand passed Second Stage the other day, the Irish Government will deal with the matter. We will draw up the scheme over the next few months. It is expected the legislation will be passed at Westminster by the end of March and we must have our scheme finished by that stage.

Deputy Rabbitte asked if we had an input. He is correct. We made our input but we did not believe that the issue of British soldiers would be included in the Bill. This was not made known to us or discussed with us. We were only informed about this provision around the time of the publication of the Bill. It did not form part of the Weston Park agreement or the Joint Declaration. I did not agree with the British Government's decision to include the issue in the Bill. As the Deputy will appreciate, however, we do not write British legislation, we make an input to it.

The issue of OTRs, as difficult as it is, must be dealt with. I say to Members of the House, because it is always easy to forget, that the reason for all the arrangements we have put in place has been to try to end the violence, killing, mayhem and bombing in Northern Ireland, and to bring an end to IRA military activity and criminality. If we did not deal with some of these issues, there was not a hope in hell or a chance in a billion of ever getting to this point. I do not like to say this so bluntly but one must decide which way one wants it. Either one deals with these difficult issues or one has the past. I opted for the former approach and will never apologise for doing so.

**Mr. Rabbitte:** The Taoiseach's last point is a strong one with which I entirely agree. The question he must answer, however, is what kind of an amnesty does not require people to come forward and admit the offence of which they are seeking to be released. I suggest that the alternative is an agreement which requires that the people in question come forward, plead guilty, be convicted and be released. It seems the only reason the Taoiseach is going down the road of a presidential pardon is because he wants to avoid the circumstances that gave rise to charges of double standards the Government had with regard to the killers of Jerry McCabe. We are in this position because the Taoiseach could not introduce legislation in the House that excluded Jerry McCabe's killers. The Taoiseach is now pleading American law, citing the case of President Gerald Ford who pardoned President Nixon.

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

**Mr. Rabbitte:** The Taoiseach wants to set that kind of precedent in our jurisprudence and constitutional law. If the Taoiseach looks at the outrage in the House of Commons, which ran right across parties from the DUP to the SDLP, he cannot defend it. He has now conceded that in the deal entered into with Sinn Féin, where members of the security forces get off scot-free, which raises fundamental questions about the commitment to the cold cases review—

**Caoimhghín Ó Caoláin:** There is no such deal.

**Mr. Rabbitte:** These people are getting off scot-free and we are now inviting people here to hide for as long as they can, but if at any stage indefinitely down the road, in ten or 15 years' time, they are caught they will then have an insurance policy to which they can resort. All they have to do is apply for the benefit of this amnesty, which is ill considered. I do not dispute the substance of the point the Taoiseach is making about having to draw a line in the sand at some stage, but to use the presidential pardon in this fashion is not the way to go about it.

**The Taoiseach:** A number of points have been made, including those by Deputy Rabbitte, and I have no doubt that all valid points will be considered. I am not being unreasonable about this. Our examination of the matter included the legal position. To the best of my knowledge, although I may be subject to correction, I am almost certain that it was not just the issue of the late Jerry McCabe which decided that this was the best legal way to go. I do not think that was the consideration and although I am subject to correction, I am fairly certain of that. We have a number of months in which to deal with the matter, but this is considered to be the best way to proceed, having considered the legal system. If valid points are made I will certainly not rule them out in advance. The Deputy will appreciate, however, that this matter has been examined for some considerable time because it has been known since 2001 that this must be dealt with. It was in the declaration two and a half years ago, so much legal thought has gone into it.

Whatever else I accuse Sinn Féin of, and I have accused them of many things, I do not think they were in a side deal trying to arrange amnesties for British soldiers. That certainly was not part of any discussions. As I said earlier, the position was that the British Government decided to include other matters in the Bill. My involvement in the discussions were on issues concerning OTRs. The British decided they had to do those things and they are doing so, but I will not sign up to matters on which I had no discussions. We dealt purely with the OTR issues. If valid points are made, however, I will always examine them.

**Mr. J. Higgins:** A few days ago, two Traveller children, Michael McGinley aged three, and his brother Joe, aged 22 months, died tragically in a devastating fire in their caravan in Clondalkin. It was a tragedy that shocked and saddened people around the country. I do not wish to speculate on the cause of the fire, although there was a suggestion in *The Irish Times* yesterday that it may have resulted from families in one part of the site being forced to make amateur connections to the electricity power supply. The tragedy has focused attention on the fact that substantial numbers of the Travelling community still live in the most appalling conditions on roadsides and unserviced sites throughout the country. In this morning's *Star* newspaper, a reporter wrote about visiting just a few such sites. The report quotes a mother in County Laois as saying "We are living in a site not fit for dogs", adding that shower units are like ice boxes. "You couldn't send a child out to the units to take a shower in that weather", the woman was quoted as saying. The newspaper also reported on other similar examples.

Last January, I visited encampments of landless people in Brazil. The sum total of the facilities were black polythene covered shelters, dirt

tracks, cold water taps and communal outdoor toilets. Is it not shameful in the extreme that in one of the richest countries in Europe, families, and especially innocent children, are living in squalor, not far removed from that of the poorest people on earth? Last Sunday, the Taoiseach said he believed that State agencies could play a more proactive role in supporting Travellers to develop skills and access employment.

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

**Mr. J. Higgins:** That is after eight and a half years of Government led by the Taoiseach. Accommodation does hold the key to the future of Travelling people's health, education, employment and particularly the children's future. What hope do Travelling people have in regard to obtaining accommodation, when yesterday the Minister of State with responsibility for housing could not tell Deputy Gilmore how many people were on housing waiting lists around the country, let alone the situation of Travellers? Can the Taoiseach be specific in stating what Government action will be taken to speed up the provision of appropriate accommodation and to put those State agencies, to which he referred, in emergency mode to deal with the issues of developing skills and gaining employment?

**The Taoiseach:** I wish to express my sympathy and that of the Government with the McGinley family on the death of their two children last Sunday afternoon. The two boys, aged three and 18 months, died in that South Dublin County Council halting site at Oldcastle Park. It is a huge tragedy for the family as well as for their friends and neighbours. The circumstances surrounding the tragedy are being investigated by South Dublin County Council, the fire brigade and the Garda Síochána. Pending the outcome of these investigations it would be inappropriate to issue any detailed statements. I do not want to get into any speculation. It would not be fair to the family concerned to do so this week, but these issues will be documented in due course.

I am aware the county council has been working to upgrade what has been a very difficult site. I have read about the circumstances as to why it is considered to be a difficult site, but I do not want to go into that either.

South Dublin County Council has been one of the two most proactive county councils in the country in this regard. South Dublin and Clare county councils are the two pilot councils in trying to provide upgraded accommodation for the Travelling community. They have played a leading role in this regard. The South Dublin county manager has been an outstanding advocate of improving facilities under the aegis of the Government's high level group and the integrated provision for Travellers. This year, I have

attended conferences and meetings arranged by the Minister of State, Deputy Fahey, at which all councils were represented. The South Dublin county manager has documented the improvements that have been undertaken.

The Deputy is correct in quoting what I said when I opened the centre in Cork last Sunday morning. I have opened many such centres for the Travelling community, which provide crèche facilities along with health and education facilities. This year, some €108 million has been spent on upgrading and providing facilities. That sum excludes the provision of housing. The Deputy is aware of the powers that councils have with regard to housing. It is within their remit to co-ordinate a housing plan and I urge all councils to do so.

There are issues concerning this particular site which both the Deputy and I know about, but in fairness to the bereaved family I do not think it is for me, or the day, to go into that.

**Mr. J. Higgins:** The issue is not really about this site, but about the general conditions in which Travelling people live around the country. There are social problems in every community that make the resolution of specific areas more difficult than others. We are speaking about a general problem and a general approach.

Is it any wonder that the accommodation and land needs of the Traveller community have lagged behind, particularly in the greater Dublin area, when we see in this morning's *11 o'clock* newspapers the gallery of rogues, many of whom are members of Fianna Fáil, paraded in front of the Tribunal to Inquire into Certain Planning Matters and Payments yesterday, people who facilitated large speculators in land rezoning scandals in the 1980s and 1990s in order to exorbitantly increase land prices? They were far from providing for working class or Traveller communities. The priorities of those in positions of power in Dublin were other than taking care of vulnerable, Traveller or working class communities.

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

**Mr. J. Higgins:** Does the Taoiseach agree it is a shame that almost 1,000 families, 10% of the Traveller community, are still on roadsides or unserviced sites?

**Mr. N. Ahern:** The Deputy's numbers are wrong.

**Mr. F. McGrath:** The Minister of State can be guaranteed that the numbers are right. The Deputy got them last night.

**Mr. J. Higgins:** If the Government gets another five year term, what would the Taoiseach be pre-

pared to say at the end of it in terms of guarantees? Would every Traveller family be accommodated in appropriate accommodation and would children be secure there, in education and in future employment? Does the Taoiseach agree this society and its growth rates should be able to guarantee this at least?

**The Taoiseach:** On the general issue, as a requirement, every local authority in the country adopted a five year Traveller accommodation programme and was funded for the period up to last year.

**Mr. Brennan:** Correct.

**The Taoiseach:** A total of 1,400 units of accommodation for Travellers were provided or refurbished in the first four years of the programme, which is by multiples higher than anything that had happened in the previous 20 or 30 years. Provisional figures indicate that, at the end of last year or at sometime during the year, the number of families on unauthorised sites formerly referred to as roadside was less than 800 compared to close on 1,300 before the scheme started. The reduction of numbers in unauthorised sites occurred in a period where there was an increase of 671 of the overall number of Traveller families, which was almost 1,300. With almost 700 extra families going in, we brought back the figures to less than 800.

A total of €100 million in capital funding was provided to the local authorities in the first four years of the programmes for new and refurbished halting sites and group based houses. A further €40 million was available last year. The overall figure for services this year is over €100 million. This is in addition to expenditure on standard local authority houses provided to Travellers under the local authority housing programme which is a very good scheme.

In October of last year, the Cabinet committee on social inclusion established an interagency action group with the remit to ensure the relevant statutory agencies involved make progress in delivering services across the Traveller sites. The Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, has been extremely active in trying to drive co-operation and these efforts.

**An Ceann Comhairle:** The Taoiseach's time has concluded.

**The Taoiseach:** In addition to ensuring a cohesive and proactive approach to Traveller issues, the group has also provided a mechanism for driving delivery services to Travellers where the rate of progress is unsatisfactory. We will continue to do that throughout next year, as indicated in the Estimates a few weeks ago.

## Ceisteanna — Questions.

### Computerisation Programme.

1. **Mr. Kenny** asked the Taoiseach if he will report on implementation of the e-Cabinet project; and if he will make a statement on the matter. [30006/05]

2. **Mr. Kenny** asked the Taoiseach the cost which has accrued to his Department in respect of the e-Cabinet project; and if he will make a statement on the matter. [30009/05]

3. **Caoimhghín Ó Caoláin** asked the Taoiseach if a cost-benefit analysis has been carried out in respect of the e-Cabinet project; and if he will make a statement on the matter. [31427/05]

4. **Mr. Rabbitte** asked the Taoiseach the costs incurred to date in 2005 by his Department arising from the e-Cabinet project; his plans for further expansion or development of this project; and if he will make a statement on the matter. [31498/05]

5. **Mr. J. Higgins** asked the Taoiseach the cost to his Department in respect of the e-Cabinet project. [32463/05]

6. **Mr. Sargent** asked the Taoiseach the cost to his Department of the e-Cabinet project; and if he will make a statement on the matter. [34052/05]

**The Taoiseach:** I propose to take Questions Nos. 1 to 6, inclusive, together.

I welcome the opportunity to report on the implementation of the e-Cabinet project within my Department. The e-Cabinet system developed by my Department was deployed for use by all Departments in June 2004 and has been working well since. The project has never been about gadgets for Ministers, rather about seeking to achieve a fundamental improvement in the efficiency of the process by which memoranda for Government are prepared, circulated and submitted. Since its initial deployment in 2004, a number of planned enhancements have been added to the system.

There are 5,400 civil servants registered to use the system. Each registered user has access rights appropriate to his or her responsibilities. As an example of the scale of the efficiencies that it has brought, in a 12 month period from November 2004 approximately 25,000 draft documents were securely circulated electronically using the system. Previously, each of these transactions would have involved a printed copy of the document being delivered by hand either within a Department or between Departments.

Additional planned features of the system should be fully completed by the end of the year. Those will enable electronic circulation of Government decisions and for the management of briefing for Ministers on the system.

Apart from process benefits, e-Cabinet provides users with timely information on matters coming before Government. For example, Ministers can see the evolving agenda as each item is submitted to the Cabinet secretariat rather than needing to wait for the circulation of a printed agenda on Fridays. Electronic memoranda are presented in a manner that enables key information to be highlighted. These are just some of the qualitative benefits that the system provides.

The total cost of the project will be approximately €5 million, which is comfortably below the initial estimated cost of €6.45 million at 2001 prices identified in the feasibility study that was undertaken in advance of the formal decision to commence the project. That study highlighted the significant benefits that would arise from modernising the Cabinet business process and implementation of such a system. All development was guided by the goal of achieving value for money.

Already, the system, which is the first of its kind to join up the Government decision-making process from beginning to end, has attracted considerable interest from other Governments and international organisations. It was short-listed, along with four other Irish projects, for the prestigious European Commission e-Government Good Practice 2005 Awards, which were presented in Manchester last week. Finally, I want to take this opportunity to commend the Revenue Commissioners on their success in winning one of the awards for their Revenue on-line system.

**Mr. Kenny:** I accept this is not about gadgets for Ministers, rather it is a genuine attempt to streamline and make Cabinet business much more efficient. Is the e-Cabinet project fully operational? It was devised by one company in 2003, reviewed by a second and assessed by a third. Is the Taoiseach happy that the security of the e-Cabinet project is as it should be and no one with technological and manipulative skills can hack into what is being discussed?

As it appears to be quite successful from the perspective of the Taoiseach's Department and the Cabinet, have the reports on the e-Government project been taken into account? In respect of the reach element, reports indicate this will be disappointing unless the Government were to take serious action. Have recommendations been sent out that the e-Government project be dealt with in the same way as this project? Approximately €26 million has been expended, of which €18 million has gone to outside consultants.

**The Taoiseach:** The system is doing what it is designed to do. From a cost perspective, it has been completed at a substantially lower cost than estimated. It will be fully operational by Christmas and is at the last stages of enhancement. It has been fully operational but, along the way, a number of new capabilities and initiatives that people believed were beneficial to the system arose. I am advised that they will be finished by Christmas. The system is applied to all Departments and virtually all Government memoranda. When I asked I was told “all” meant over 99% with just a few that may come in late falling outside that. The system provides instant secure transmission within Departments.

In respect of the companies involved, like any other project of this complexity, it was necessary from time to time to engage a small number of additional contributors of specialist services. One of these, for example, arose from the need for independent security advice. Also, infrastructure needed to be installed and configured and a few website styles for viewing documents in electronic environments were designed. All these services were commissioned by the project team. The original report done by PWC included €825,000 for the project management but as I pointed out previously, that was undertaken by my Department so that cost did not arise.

The contract for software development with InVision Research Corporation cost €952,000. This does not include the cost of any change to enhancements I have mentioned. The main contractor was InVision Research Corporation which developed the software. The system is fully up and running.

I am not sure if the Reach project was more complicated but many more Departments were involved in it, including the Department of Social and Family Affairs and other Departments. It was far more complex in the range of challenges. It concerned Government memoranda and access to them. Work is still ongoing on this project across the range of Departments involved. I have not yet seen the latest report but I understand it is quite an intricate project. I have not been involved because the work is being carried out by a committee. Some officials of my Department are involved in it. They are hoping to overcome some of the difficulties but it is quite a complex system as it links many facets. However, they believe they can get on top of it.

**Caoimhghín Ó Caoláin:** Does the Taoiseach recall when the e-Cabinet project was introduced at Cabinet that the Minister of State, Deputy Kitt, advised the system had been custom designed and built by the InVision Research Corporation which is based in the United States? Will he inform the House how much has been paid to that corporation in respect of its roll-out at Cabinet and whether there is an ongoing contract

with that research corporation? While Deputy Kenny alluded to it in the course of his question, is the Taoiseach aware that the InVision Research Corporation is contracted by the United States Government to carry out the drafting and dissemination of intelligence information through its technological advances? Would that not give rise for some concern in respect of the confidentiality of Cabinet business? Can the Taoiseach advise the House the extent of access to Cabinet material that the InVision Research Corporation had over the period of the introduction and establishment of the e-Cabinet project?

**The Taoiseach:** InVision Research Corporation was the main contractor for the project. Its role was to develop the software applications and so it was fully involved in developing the software. A separate company did the work relating to security infrastructure. They are no different to our own major companies in that they win contracts wherever they win them. I have no concerns about confidentiality and security. The company must sign a confidentiality clause and there was nothing untoward. The company was fully involved in the design of the system. What was the Deputy’s first question?

**Caoimhghín Ó Caoláin:** It was about the cost of payments to the InVision Research Corporation and whether it has an ongoing role?

**The Taoiseach:** No. Its role was to develop the software and it is not part of the ongoing project team, to the best of my knowledge. Its role was to develop it at the outset. The total cost paid to the corporation for software development was €952,000. This sum did not cover any of the smaller enhancements afterwards which they provided but this would not have cost that much. The contract came in well under its budget. I presume the company received something in the region of €1 million in total for its involvement.

**Mr. Rabbitte:** Thank you, Ceann Comhairle, I have learned sufficient.

**Mr. Eamon Ryan:** I am very aware of the talents of the Minister of State at the Department of the Taoiseach, Deputy Kitt, who is my constituency colleague. I am aware the former Minister of State in that position, Deputy Hanafin, would not be one of the slower members of the Taoiseach’s Cabinet; that prize lies elsewhere. It is clear as a member of the Joint Committee on Communications, Marine and Natural Resources, which is reviewing the area of the development of electronic services and e-use in the wider Government circles, that it has failed. The experiment of having a Minister of State in charge of e-Government, a Minister responsible for developing the infrastructure and other Ministers looking at the development of uses, has not



[Mr. Eamon Ryan.]

worked. It is clear from the work of the committee that we have failed to roll out the use of telecommunications in Government generally, particularly broadband and e-business, so as to encourage and stimulate the use of the infrastructure on which a significant amount of money is being expended.

Does the Taoiseach agree that if two of his brightest and best have not succeeded in developing this e-Ministry, perhaps because they are too busy with their other duties, and even if they have succeeded with the e-Cabinet project, it is an indication that the general policy on the development of e-Government needs to be changed and this requires one Cabinet Minister to be given responsibility for the infrastructure and development of e-services across all Departments, particularly in the Departments of Education and Science and Health and Children and the Revenue Commissioners, which all communicate directly with the public? I have broadened out my question but I think it is valid in terms of the development of e-Government services. I contend the current way of doing business does not seem to be working.

**The Taoiseach:** The Deputy has broadened his question. There is a number of bodies involved. The Information Society Commission works within my Department and promotes the information society in the public domain such as schools. It ensures that people are not left behind in this area. The Minister of State, Deputy Kitt, and the former Minister of State, Deputy Hanafin, launched numerous programmes to involve active age groups, libraries and other services and these have been successful.

On the broader question, the Minister for Education and Science has taken responsibility for technological roll-out to the primary schools. The IT 2000 programme has completed this task and continues with the roll-out of broadband to primary schools and the programme has been a success.

The overall responsibility for dealing with broadband and the technology companies which will help in the rolling out of broadband and in achieving a better take-up of it lies with the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey. He is coordinating the whole project. It is disappointing that when broadband was first rolled out on a free basis, many companies took up the offer for the period when it was offered free but did not continue with it when the free period was over.

On the public service side, CMOD is the section of the Department of Finance which has a budget for promoting the more effective use of technology in Departments for some years. Various Departments have an allocated budget for projects approved by CMOD. This has worked

very well. The Department of Social and Family Affairs has been an exemplary Department for many years in the use of modern technology, taking the number of its clients and its significant workload. Revenue has done a superb job. It was acknowledged last week in Manchester that Revenue is way ahead of most other countries in the technological services it provides. Unfortunately they have to take money from people so it is not the most popular service.

Other areas such as land registry and the register of births, marriages and deaths can be accessed in ten or 15 minutes by means of technology instead of waiting in a long queue. The Department of Communications, Marine and Natural Resources, has significantly improved its services. As I stated in my reply to Deputy Kenny, some bodies are grappling and struggling along the way. However, people are beginning to see the benefits of it.

The Deputy asked whether the services could be combined under one Minister. I do not think that is possible but it is important that people work together. We have emphasised that CMOD in the Department of Finance and the Department of Communications, Marine and Natural Resources, should work closely together in this regard. I accept that point because that is the best way to get value for money, enhance developments and roll out the positive achievements. There is a need for close co-operation and compatibility with the type of software and hardware used. I accept those points because we are spending quite considerable resources within the Civil Service to try to meet this progress. As I stated, the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, is working closely with the industry on broadband. It is a priority of this Government to try to roll out broadband as extensively and as quickly as we can throughout the country.

#### **Consultancy Contracts.**

7. **Mr. Kenny** asked the Taoiseach the consultants engaged by his Department since June 1997; the purpose of each assignment; the projected cost and actual cost of each assignment; and if he will make a statement on the matter. [30010/05]

8. **Caoimhghín Ó Caoláin** asked the Taoiseach the consultants engaged by his Department since 1997; the projected cost of each assignment and the actual cost; and if he will make a statement on the matter. [31428/05]

9. **Mr. Sargent** asked the Taoiseach the number of consultancy contracts commissioned by his Department, or the boards and agencies under the auspices of his Department since 1997; the purpose and costs of each consultancy; and if he will make a statement on the matter. [31434/05]

10. **Mr. Rabbitte** asked the Taoiseach the number of contracts valued in excess of €50,000 awarded by him to outside consultants in respect of each year since 2000; the recipient of the contract in each case; the details of the work covered by the contract; the original estimate of the cost of the contract; the final amount paid in respect of each such contract; and if he will make a statement on the matter. [31497/05]

11. **Mr. J. Higgins** asked the Taoiseach the projected and actual cost of consultancy contracts commissioned by his Department since 1997; and the purpose of each assignment. [36866/05]

**The Taoiseach:** I propose to take Questions Nos. 7 to 11, inclusive, together.

I propose to circulate with the Official Report a table which gives details of consultants engaged by my Department since 1997. A second table to be circulated gives details of consultants engaged

by bodies under the aegis of my Department during the same period. A third table gives details of the number of contracts above €50,000 in each year since 2000.

Every effort is made by my Department to minimise expenditure on consultancy services. However, where it is necessary to engage consultants in order to avail of their particular expertise or experience, the procurement of consultancy services is subject to public procurement guidelines and, where applicable, EU procurement rules and guidelines, with selection criteria geared to select the most economically advantageous tender. It is also our policy that in so far as it is possible, skills-transfer from consultants to departmental staff takes place as an integral part of all consultancy engagements.

The purpose of this is to increase the knowledge and expertise of departmental staff and to reduce and, if possible, eliminate future dependence on consultants in the areas concerned.

Table 1: Department of the Taoiseach.

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
1997-2001	Mr. Noel Dorr	Personal Representative of the Taoiseach on the Carlsson Group	38,961	38,961
1998 (Phase 1) 1999 (Phase 2)	St. John's University New York & ESRI	A study to consider and evaluate the economic, budgetary and administrative impact of the introduction of a basic income system	34,283 (Phase 1) 97,521 (Phase 2)	34,283 (Phase 1) 97,521 (Phase 2)
1998/1999	William M. Mercer & Associates	Consultancy services in respect of the development of a Performance Management system for the Irish Civil Service	26,621	26,621
1999	Farrell Grant Sparks	Business Planning Templates	4,897	4,897
1999	PA Consulting	Audit of Year 2000 Contingency Plans	8,888	8,888
1999	Prospectus Consultants	Feasibility Study into the establishment of a training facility for IFSC companies	6,349	6,349
1999	Institute of Public Administration	Development and delivery of Phase 1 of the Department of the Taoiseach's Career Development Programme	75, 232	66,723
1999-2000	Professors Rory O'Donnell and Paul Teague	To evaluate partnership at work in Ireland	50,789	50,789
1999	Deloitte and Touche	Business Analysis and Review of the Financial Management Function	46,691	46,691
2000-2002	PricewaterhouseCoopers	e-Cabinet Feasibility Study	152,094	152,094
2000	Drury Communications	Consultancy/PR services in respect of the development of the PMDS pack and supply of promotional material for launch event <sup>2</sup>	37,745	37,745
2000	Institute of Public Administration	Consultancy services in respect of development of Guidelines for Strategy Statements	4,916	4,916
2000	BFK Design Ltd.	Development and design of elements of the PMDS packs <sup>2</sup>	16,912	16,912

## [The Taoiseach.]

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
2001	Hay Management Consultants	Design and development of effective systems of feedback within the Performance Management and Development System (PMDS) <sup>2</sup>	45,774	45,774
2001	Dr. Jane Pillinger	Research Report on Equality Diversity and Quality Customer Service <sup>2</sup>	38,700	38,700
2001	Arthur Andersen	Management Information Framework	93,440	93,440
2001	Dr. Tom McCarthy, NUI Maynooth	Research for Consultation Document: Towards Better Regulation <sup>2</sup>	7,500	6,692
2001-2002	Sureskills	Windows 2000 implementation	147,908	147,908
2001-2002	Mr. Alex Matheson, OECD	Participation on Steering Group for the Evaluation of the Strategic Management Initiative <sup>2</sup>	14,014	14,014
2001	PA Consulting Group	Evaluation of the Strategic Management Initiative <sup>2</sup>	471,036	491,992
2001	Institute of Public Administration	Preparation of HR Strategy Guidelines document <sup>2</sup>	18,284	18,284
2001-2002	Oracle	Management Information Framework	229,623	229,623
2001	Deloitte & Touche	Value for Money Audit of Mobile Phone services	7,618	7,618
2001	IBEC	Review of Health & Safety	4,889	4,889
2001	Hosca Management Consultants	Consultancy services for carrying out an Employee Opinion Survey	12,168	14,613
2002	Octagon	IT Strategic Review	8,400	8,400
2002	Dr. Patrick Butler	Evaluation of Customer Action Plans <sup>2</sup>	32,000	32,000
2002	Prof. Philip Lane	Commentary on Better Regulation Submissions <sup>2</sup>	4,500	4,500
2002	Peter White	Consultancy regarding communications for the Civil Service modernisation programme	850	850
2002	KPMG Consulting (Bearing Point)	Implementation of a Human Resource Management System	88,000	87,695
2003	Watson Wyatt	Consultancy services for carrying out an Employee Opinion Survey	25,410	25,410
2003	Watson Wyatt	Consultancy services for carrying out an Employee Opinion Survey — further reports	14,520	14,520
2003	Grayling Gilmore PR Consultants*	EU Presidency Logo Launch & Public Relations Campaign	60,000	60,000
2003	Jacobs & Associates	Consultancy on regulatory reform policy <sup>2</sup>	12,947	12,947
2003	Professor Martin Cave, Warwick Business School	Consultancy on regulatory reform policy <sup>2</sup>	575	575
2003	Fujitsu Services	E-Cabinet Security Policy	15,730	15,730
2003	Lansdowne Market Research	Irish Civil Service — Customer Satisfaction Survey report <sup>2</sup>	36,000	36,000
2003	NGM Market Research	Communicating Change and Modernisation in the Civil Service report <sup>2</sup>	15,000	15,000
2003	Enterprise LSE	London School of Economics to provide training course for Irish Officials in relation to regulation <sup>2</sup>	50,820	38,879
2003	Carr Communications	Development and delivery of Phase II of the Department of the Taoiseach's Career Development Programme	68,100	62,646

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
2004	Eurokom	Security Review	7,650	7,650
2004	Red Dog Design	EU Presidency Awareness Campaign	65,740	65,740
2004	Carr Communications	Disability Bill	12,147	12,147
2004	Good Practice Ltd	Tailoring of on-line toolkit for Department Intranet	33,350	33,350
2004	McCann Fitzgerald Solicitors	Research and preparation of report — Redress for Civil Service Customers <sup>2</sup>	45,375	76,894
2004	Watson Wyatt	Employee Opinion Survey	27,947	27,947
2004	The Design Consultancy	Step by Step Guide to the PMDS System	4,719	4,719
2004	Paddy Walley	Ingenuity Project	6,000	6,000
2004	Grayling Gilmore	PR re EU Presidency	21,023	21,023
2004	Red Dog Design	EU Presidency Posters	2,060	2,060
2004	David Donaghy	Day of Welcomes production	28,900	28,900
2004	Academic Conferences Ltd	ECEG Conference Management	36,300	36,300
2004	Jacobs & Associates	Preparation of report for EU Conference on Better Regulation <sup>2</sup>	18,876	18,876
2004	Dr Patrick Paul Walsh, Trinity College Dublin	Preparation of report for EU Conference on Better Regulation <sup>2</sup>	5,250	5,250
2004	HCM International	Research on the integration of the Performance Management and Development System (PMDS) with HR policies and processes <sup>2</sup>	39,930	Nil (ongoing)
2004	Zerflow	E-Cabinet Security Assessment	5,929	5,929
2004-2005	Goodbody Economic Consultants	Economic assistance to Departments/Offices piloting regulatory Impact Analysis <sup>2</sup>	21,780	21,054 ongoing
2004	RTE	EU Presidency Consultancy Services	35,256	35,256
2004-2005	Mercer Human Resource Consulting	Review of the Performance Management and Development System (PMDS) Evaluation results for technical and professional staff <sup>2</sup>	15,125	15,125
2004 & 2005	Des Geraghty	Promotion of the Affordable Housing Initiative	3,675	3,675
2005	IQ Content	Usability & Accessibility Review of websites	37,890	19,239
2005	Tansey, Webster & Co	Affordable Housing Proposal	9,680	9,680
2005	Hay Group (Ireland) Ltd	Business Plan Facilitation	3,876	3,876
2005	Pan Research Ltd	Customer Service Evaluation Report	6,313	6,313
2005	Enterprise LSE	London School of Economics to provide a training course for Irish Officials on regulation <sup>2</sup>	59,600	41,443
2005	Fitzpatrick Associates	Research Project on the Special Initiatives under Sustaining Progress	37,207	37,207
2005	Institute of Public Administration	Research in relation to mapping of regulatory framework <sup>2</sup>	21,780	13,310 to date
2005	Grant Thornton	Retention of Accountants on behalf of the National Implementation Body	60,000	Nil (Ongoing)

\* Met from funds provided by Department of Foreign Affairs.

<sup>2</sup> Costs met from Change Management Fund, administered by the Department of Finance.

## [The Taoiseach.]

Table 2: Bodies under the Aegis of the Department of the Taoiseach.

*Information Society Commission*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
April 1998-2001	Edelman Public Relations	Engaged on a retainer basis to manage a communications and media strategy for the ISC	152,115	152,115
April 1998 to June 1999	The Learning Organisation	Cyril Drury an educational expert was engaged to assist the Learning Advisory Group in the preparation of a report on the non-formal environment for learning and information and communications technology	34,992	34,992
1998	Lansdowne Market Research	Appointed to carry out the Public and Business Survey	61,455	61,455
1999	MRBI	Research survey of the general public designed to establish levels of awareness of, and engagement with, the technologies associated with the evolving Information Society	35,951	35,951
1999	MRBI	Survey of Irish businesses to establish awareness of technology	23,814	23,814
July to November 1999	Edelman Worldwide	PR Consultancy for Netd@ys	66,026	66,026
November 1999	MRBI	Update of 1999 research survey to assess the impact of Netd@ys	12,214	12,214
2000	MRBI	Research into awareness and usage of information and communications technology amongst Irish businesses	21,332	21,332
2000	MRBI	Research into General Public Awareness and Usage of Information and Communications Technology 2000	32,355	32,355
2000	NW Labs	To examine the issues of convergency and the implications for telecommunications communications regulation for Ireland	26,977	26,977
2000	Centre for Research in Technology in Education	Research material for seminar	20,890	20,890
2000	Dunnion Partners	Development of Government websites review and report	4,609	4,609
2000	KPMG	Tax incentives & barriers to e working in Ireland	6,349	6,349
2000	Farrell Grant Sparks	Research into future needs for Ireland's development as an Information Society	30,669	30,669
2001	Chapman Flood Mazars	Auditing services supplied for Equalskills initiative	19,600	19,600
2002	Chinook Consulting	Evaluation of Equalskills Initiative	18,165	18,165
2002	ElectricNews.net	Production of e-Government Ireland Bulletin	24,040	24,040
2002	Text 100	Messaging Workshop of ISC members	6,655	6,655
2002	MRBI	Business survey on attitudes to the Information Society in Ireland	28,740	28,740
2002	MRBI	General Public survey on attitudes to the Information Society in Ireland	56,628	56,628
2002-2003	Models Research (now Itech Research)	Consultancy and report on inclusive Information Society Development	59,931	59,931

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
2002	Accenture	Consultancy and report on a National e-Payments strategy	155,334	155,334
2002-2005	Fleischman-Hillard Saunders	Engaged on a retainer basis to manage a communications and media strategy for the ISC	133,677	133,677
2003	Parallel IT	Electronic Document Management Exchange	13,613	13,613
2003	Sonas Innovation	Consultancy and report on Ireland's Broadband Future	49,610	49,610
2003	DCU	Research on Perspectives of Information Society Thinkers	6,655	6,655
2003	ESRI	Analysis of General Public and Business Surveys 1996-2002	7,260	7,260
2004	Version 1 Software	Report on the assessment of the e-Health progress and potential benefits	48,400	48,400

*National Forum on Europe*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
2002	Keating and Associates	Media Strategy and market Survey	6,278	6,278
2002-2005	Caroline Erskine	PR Consultancy	ongoing	188,628
2002-2005	Conor Joyce	PR Consultancy	85,568	85,568

*All-Party Committee on the Constitution*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
1999	IT Assist	Advice on e mail and internet systems	461	461
December 1997	Brian Murphy	PR — regarding launch of 2nd Progress Report	317	317
1997	Datapac	Installation of computer network	922	922
1997/98	Coakley/Laver	Study on the future of Seanad Eireann	1,270	1,270
1998	Dr Richard Synott	Research on Referendum	1,270	1,270
1998	Lansdowne Market Research	Research on Referendum Voting	6,914	6,914
1998	Gerard Hogan SC	Honorarium for legal drafting on constitutional amendments	3,073	3,073
1999	Laura Rattigan BL	Legal Research	1,663	1,663
1999	Frank Farrell In-house Services	Creation of a database to record public submissions on the Committee's Reports	190	190
2000	Moss Technologies	Year 2000 Compliance	307	307
2000	Sureskills.com	IT support	3,687	3,687
2001	Gerard Hogan S.C.	Research on Referenda	480	480
2000-2001	Shelbourne Public Affairs	PR	16,837	16,837
2000	Sureskills.com	IT Support	3,687	3,687
2000-2001	Diarmuid Rossa Phelan	Legal research	6,200	6,200
2001	Richard Humphreys	Research on rights	16,349	16,349
2002	Seán de Fréine	Feasibility study	500	500
2002-2003	Donal Ó Maolfabhaile	PR Consultancy	11,600	11,600

## [The Taoiseach.]

*Tribunal of Inquiry (Payments to Messrs. Charles Haughey and Michael Lowry)*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
1999 to date	Baker Consultants	Design, implement and host a Web site	12,978	12,978
1999	Moss Technology Limited	Year 2000 compliance report and follow up	6,352	6,352
1999	Confidential	Legal consultancy in relation to the Moriarty Tribunal	7,536	7,536
2000	Confidential	Commercial research	3,851	3,851
2001	Ionet Ltd	Demonstration	107	107
2001	Moss technology	Report on Tribunal IT network and system	3,055	3,055
2003	Peter Bacon & Associates	Specialist Data	46,948	46,948
2004	Peter Bacon & Associates	Analysis and Advice	50,820	50,820

*National Centre for Partnership and Performance*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
2001-2002	Bradley McGurk Partnership	Corporate Identity	25,242	25,242
2001	Woodgrange Consultancies	Irish Times 2000	7,999	7,999
2001	Bill Roche	Consultative Process and Strategic Planning	31,743	31,743
2001	Tom Neville	Guidelines on Organisational change	20,570	20,570
2001-2003	Bradley McGurke	Corporate Identity	1,116	1,116
2002	Options Consultancy	Information & Consultation Project	5,445	5,445
2002-2003	Options Consultancy	Learning Strategy	14,425	14,425
2003	Tom Neville	Employee Financial Involvement	30,949	30,949
2003	Paern Kandola	Competency Development	11,206	11,206
2003	ESRI	Surveys (Forum on the Workplace of the Future)	76,481	76,481
2003	Align Management Solutions	Health Strategy using a Partnership Approach	7,000	7,000
2003	Roy Greene	Scoping paper (Forum on the Workplace of the Future)	4,980	4,980
2003	Maria Maguire	Scoping paper (Forum on the Workplace of the Future)	26,988	26,988
2003	John Geary	Scoping paper (Forum on the Workplace of the Future)	5,600	5,600
2003	Align Management Solutions	Consultation paper (Forum on the Workplace of the Future)	1,400	1,400
2004	Brian Moss	Forum on the Workplace of the Future	9,600	9,600
2004	William Roche	Forum on the Workplace of the Future	13,1987	13,198
2004	Maria Maguire	Forum on the Workplace of the Future	13,673	13,673
2004	John Caden	Public Relations	83,445	83,445
2004	ESRI	Surveys (Forum on the Workplace of the Future)	28,785	28,785
2005	Maria Maguire	Forum on the Workplace of the Future	11,514	11,514

*National Economic and Social Forum*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
1998	Advance Organisation and Management Development	Consultancy work for the Forum relating to Project Teams	14,221	14,221
1999	Hay Consultants, D. Halloran and C. O'Connell	Social Housing	10,351	10,351
1999	Anne Clarke	Local Employment Services	8,386	8,386
2000	Agtel	Social Housing	38,092	38,092
2000	NI Housing Executive	Social Housing	7,389	7,389
2000	Hay Consultants	Labour Shortages	2,920	2,920
2001	Kieran McKeown	Lone Parents	6,223	6,223
2000	Anne Clark	Lone Parents	4,400	4,400
2000	NUI Maynooth	Lone Parents	7,927	7,927
2000	Goodbody	Draft opinion on National Anti-Poverty Strategy	3,143	3,143
2000	UCD (Equality Studies Centre)	Draft Opinion on Equality issues	18,056	18,056
2001	Tamarron	Work on NESF Report No. 23	5,079	5,079
2002	ESRI (Emer Smyth)	Early School Leavers	3,892	3,892
2002	Eithne Fitzgerald	Older workers	3,600	3,600
2002	Jerry Sexton	Older workers	15,392	15,392
2002	ESRI Survey	Older workers	15,730	15,730
2002	ESRI Questionnaire	Social Capital	12,342	12,342
2002	Ann Clarke	Older workers	3,282	3,282
2003	Mary Murphy	Child Income support paper	1,440	1,440
2004	Ita Mangan	Co-op	3,030	3,030
2005	Colm Harmon	Early Childhood Care and Education	6,323	6,323
2005	RAND Europe	Evidence Based Policy Making Seminar	£6,737stg.	£6,737stg.
2005	WRC Consultants	Creating a more inclusive labour market	15,094	15,094
2005	Patricia Quinn	Cultural Citizenship	15,150	15,150
2005	Eustace Patterson	Creating a more inclusive labour market	4,292	4,292

*National Economic and Social Council*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
1999	Dr John Sweeney & Dr Kieran McKeown Social and Economic Research Consultant	Preparing background documents for Strategy Report	14,365	14,365
1999	Dr John Geary Michael Smurfit Graduate School of Business UDC	Preparing background documents for Strategy Report	5,333	5,333
1999	Dr Richard Boyle Institute of Public Administration	Preparing background documents for Strategy Report	5,377	5,377
1999	ITG Computers	Testing equipment for Year 2000 compliance	3,285	3,285
2001	ESRI	Research re Strategic review of Tax and Welfare system under PPF	12,697	12,697
2001	Síle O'Connor	Research for reports 107 & 108	6,984	6,984
2001	J Visser	Paper for Report No 111	13,069	13,069
2001	Indecon Consultants	Regional Development in the North West	21,202	21,202



## [The Taoiseach.]

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
2003	Edgeworth Organisational Consultants	PR Consultancy	1,200	1,200
2004	UPE Consultancy Ltd	Housing Workshop	7,139	7,139
2004	Kathleen Scanlon	Housing Workshop	889	889
2004	Bill O'Herlihy Communications	Professional Services for NESC's 30th Anniversary Conference	3,779	3,779
2004	Katholieke Universiteit	Housing Workshop	3,147	3,147
2004	Professor G. Meen	Housing Workshop	1,538	1,538
2004	Bill O'Herlihy Communications	Professional Services for EESC Conference	3,025	3,025
2004	Intl. Org. for Migration	Consultancy fees for NESC Migration Policy Study	119,692	119,692
2005	O'Herlihy Communications	Professional Services for media coverage of housing report	4,273	4,273
2005	Ms Bernadette Andreosso	Consultancy fees for "Ireland & Globalisation" Strategy report	7,000	7,000

*Campus & Stadium Ireland Development Ltd*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
Up to December 2000	PricewaterhouseCoopers	Feasibility studies		602,906
Up to December 2000	McCann Fitzgerald	Legal Consultancy		13,346
Up to December 2000	Wilson Hartnell	Public Relations		70,531
Up to December 2000	RIAI	Architectural consultancy		19,046
Up to December 2000	Deloitte & Touche	Tax Consultancy		15,872

*National Millennium Committee*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
1999	BDO Simpson Xavier Consulting	Detailed assessment of a proposal for a Millennium Tower (the old Jameson chimney at Smithfield in Dublin)		6,299
1999 to 2001	Peter Owens DDB	Advertising/information campaign		413,047
1999 to 2001	CMS Marketing (Century Merchandising)	Public Relations Work		392,883
1999 to 2001	Pembroke Communication	Public Relations Work		107,350
2000	Irish Film & Television Network	Millennium Event Guide		31,491
1999 to 2001	Fusio Limited	Design, set up website		26,362
1999 to 2001	BFK Design Limited	Design of the Millennium Logo, put the logo on disc for use by authorised bodies, and to create large backdrops for use at various Millennium launches		41,372

*Referendum Commission (operated in 1998)*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
1998	Drury Communications	PR Consultants on the Northern Ireland Referendum		2,367,098*

\*(of which €141,731 was media consultancy management fee; the balance was sub-contractor/ supplier expenditure via media consultants)

*Communicating Europe*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
1997	International Music Event	Europe Day Concert		34,854
1997	Patsy McArdle	Production of Euro link column		9,523

*Local Development (Transferred from Taoiseach's Vote in 1997)*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
1997	Keating & Associates	Operational Programme for Urban & Rural Development		20,617
1997	Goodbody Economic Consultants	External Evaluation of Operational Programme		75,975
1997	EPS Computer Systems	Computer System for Local Development		35,831

*Western Development (Transferred from Taoiseach's Vote in 1997)*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
1997	Brendan McKenna	Updating Aran Islands		1,521
1997	Centre for Adult Education	Public Services in Rural Areas		12,697

*Devolution Commission (Transferred from Taoiseach's Vote in 1997)*

Year of Contract	Supplier	Purpose	Estimated Cost	Total Expenditure
			€	€
1997	Lansdowne Market Research	Survey on Attitudes to Local Government		62,523

Table 3: Number of Consultancy Contracts above €50,000.

Year	Department of the Taoiseach
2000	1
2001	4
2002	1
2003	2
2004	2
2005	1

**Mr. Kenny:** I thank the Taoiseach for including the tables.

One of the most expensive contracts issued by the Department of the Taoiseach in recent years was the €500,000 spent on the evaluation of the strategic management initiative in 2001. That is a significant expenditure in any event. What recommendations from that particular consultancy report have been put in place to justify that level

[Mr. Kenny.]

of expenditure? What sort of recommendations were made in that evaluation that have since been implemented? I will wait and see what the tables that the Taoiseach will circulate will show.

**The Taoiseach:** As the Deputy will be aware, the work of the strategic management initiative, which really commenced in 1992, was centred in my Department for the entire Government area. It was not just for my Department.

That report started the work on the financial management in Departments, on the human resources management in Departments and on many other guidelines that have been set out for various systems' improvements in Departments. There were not people in the Government system who were capable of dealing with that. I have listed a breakdown of the various initiatives that happened under that but, by and large, it was to try to improve the modernisation and change management agenda across a range of Departments. The Department's modernisation programme represented some of those costs and related to the implementation of modernisation initiatives, but the costs went mainly on the modern financial management and the human resources management systems. There were some other ones, including performance management and development systems. It has proved to be highly successful. We now have very modern financial management systems.

The reason for outside engagement in this was the move to accrual accounting, which we had not got in Departments previously. Up until then the entire system operated on a cash basis. The moves in recent years to develop an accrual accounts system make it far more modern. They make it similar to that which would probably apply in industry, but it was always done previously on a cash basis where one had the carry-over rather than the accrual system.

Equally, there have been substantial savings. Up until we introduced, a few years after 2001, the human resource management system, issues were recorded but one did not have the ability to get the breakdowns and the information on staffing and costs, expenditures on telephones, allowances and such issues which are now built into the HR system. That has proved to be very effective in my Department and I am sure right across the system. The work that was undertaken over the years on this has now proved that we have a very modern financial reporting system.

**Caoimhghín Ó Caoláin:** Does the Taoiseach's Department, and indeed all Departments, operate a standard scale of fees for consultancy work? Is there a tendering process operated for such work in the same way as for Government contracts? Is there a particular threshold over which his Department is obliged to put consultancy work out to tender? Can he tell us

whether there has been any comparison done between comparable in-house work in Departments and consultancy secured labour in order that we would have some idea of the cost benefit analysis, the standard of the work, whether the competency exists within the Department and whether it is necessary to opt for consultancy work?

**The Taoiseach:** The procurement of consultancy services in my Department is subject to the public procurement guidelines of the Department of Finance and they are set out in the Guidelines for Engagement of Consultants in the Civil Service of 1999. There have been some amendments to those, but not many. Procurement of outside expertise in the public relations field is also subject to public procurement guidelines as set out in the 2004 Department of Finance publication and the Public Procurement Guidelines Competitive Process, which replaced the previous Department of Finance guidelines entitled Public Procurement 1994 Edition — Green Book. That is the basis by which all contracts are governed. Any contract must fulfil those regulations, and the section, the Accounting Officer and the financial people in each Department must satisfy the arrangements as set out in those documents.

In addition, the procurement of these services is also subject to the applicable EU procurement rules and guidelines. Since early this year additional guidelines have been specifically put in place for communications consultancies and that is now incorporated into the Cabinet handbook. Most recently a number of new measures were announced which will contribute to improving the management and value for money aspects of consultancies, and the Deputy will be familiar with those.

On the Department of Finance guidelines for engagement of consultants, the way we operate these in my Department is we try to avoid needing consultants in the first place, if we have the expertise within the Department. As I mentioned on IT, we managed to do without them totally because we were lucky enough to have people with third level qualifications in this area who were able to form a project team. This is not always the case.

A consultant transfers skills or expertise to an organisation, which either does not possess these in-house or requires an independent evaluation assessment to be made. These are the two circumstances that we would get outside consultants: where we do not have the relevant specialists in the Department and where we think the work concerned requires an independent evaluation of the way we are doing it, or where it is questioned and we believe, for internal audit or other purposes, that maybe there is another way.

Work done by outsiders is often not considered to be consultancy. A definition in the 1999 regu-

lations states that the engagement of non-permanent staff to carry out the work of the office, where it is staff substitution, is not consultancy. If there are contracted services, the purchase of ongoing and essential routine services for a specified period, maintenance and so on, these are not consultancy. Neither is expenditure on software development from analysis to implementation because this involves developing the system, not consultancy. These are the definitions.

The Deputy makes a good point. When we employ consultancy for a particular purpose we try to fully engage the staff of the Civil Service in the work involved so that when a similar job arises, perhaps in another section, at least the civil servants will be familiar with procedures. This also has attractions for civil servants as regards training. We try to avoid replicating consultancy work in different sections and paying for it all again. The Deputy makes a valid point, and certainly in my Department what is being done cuts down on expenditure. The figures from my Department indicate that we do not use very many consultancies for this reason.

One initiative my Department takes which costs money but gives value is that it encourages staff to embark on further education through night classes. The fees are paid and they are given time off. This helps to build up expertise within the Departments. There is always the danger that they may transfer from the Department, but it is preferable, at least, that they remain in the Civil Service system.

**Mr. Boyle:** Given that the Book of Estimates submitted in recent weeks indicates less money in each category on consultancy expenditure for every Department, does the Government expect to make less use of consultancies in the coming year? Is this recognition that there has been an overuse of consultancies in the past? Given that parliamentary questions have been answered to the effect that since 1998, across all Departments, there have been more than——

**An Ceann Comhairle:** This question refers specifically to the Department of the Taoiseach.

**Mr. Boyle:** I am getting to the Department of the Taoiseach.

**An Ceann Comhairle:** I should prefer if the Deputy would come directly to it.

**Mr. Boyle:** There have been 3,000 consultancies in general by the Government. The Taoiseach has indicated earlier that we will be supplied with tables to indicate how that applies specifically to his Department. We have not been given the answers as regards overall cost. Without the House having the tables directly before us, will the Taoiseach at least tell us beforehand the numbers of consultancies that have applied to his Department and the overall cost?

**The Taoiseach:** The number is 70 consultancies across my Department, effectively for a nine-year period. That is about an average of eight per annum. A good number of those relate to the change management agenda under CMOD, as indicated in my answer to Deputy Kenny. Some of those are paid for by them as well as the performance and development issues. Some of them relate to the period for the year before and during the EU Presidency. In departmental terms there is not a great deal. In the social policy area, surrounding social partnership issues in the main, there are eight. On independent evaluations — the point I was making to Deputy Ó Caoláin — there are two. The Civil Service modernisation programme, which is the big one, accounts for 28. There is only one for IT, namely, the one I spoke about in my answer to Deputy Kenny. In training career development there are three. In ICT there are three, seven for the Presidency, seven under the heading e-Cabinet and four that do not fall into any of these categories. Money spent over the period amounted to €2,818,388. Most of these projects would have involved enhancements, improvements and developments.

It is the task of every Department to determine whether they are overusing the system. I hope my Department does not. However, at least there is some focus to the effect that if it happens, it occurs sparingly and under the two categories I have mentioned: either to enhance an existing system or develop a new one; or where an outside appraisal is required. The more internal staff who can do the work the better. My Department is not large, with just over 220 people working in it. However, we try hard not to become involved in consultancies unless something meaningful is required. A fair degree of thought is put into that.

**Mr. Rabbitte:** The next batch of questions is important, on social partnership. The House would not do them justice in the time available, so I had better think of something to ask the Taoiseach about this list.

Does he believe this is the nature of modern government? Even though this does not relate to a line Minister and it is his Department, there are pages and pages of consultancies. Is it unreasonable to expect that some of the work indicated should be discharged by civil servants employed by the State or is this the way of the future? There are literally pages and pages. Some of them are quite mysterious and I have no idea what they are about. Under the Moriarty tribunal heading one finds €50,000 paid to Peter Bacon & Associates for analysis and advice. I do not know what that is about. There are two separate items under the same heading that indicate the supplier is “confidential”. I do not know what that is about. There are things such as €50,000 to the London School of Economics, for the provision of a training course on regulation. I do not know what that

[Mr. Rabbitte.]

is. Perhaps the Taoiseach did not pay his fees at the time or something.

I want to ask, in particular, about the parliamentary reply given to the House by the Minister of State with the responsibility for transport, Deputy Callely, where he said in respect of the recent advertisements in which he featured so prominently: "The advertisements in question were commissioned by the Dublin Transportation Office as part of a public information campaign—

**An Ceann Comhairle:** That matter does not arise out of this question which refers specifically to the Department of the Taoiseach.

**Mr. Rabbitte:** —for Operation Freeflow." I asked the question in terms of the Taoiseach's responsibility for the code of practice for office holders.

**An Ceann Comhairle:** The matter does not arise out of this question.

**Mr. Rabbitte:** In a subsequent letter to my colleague, Deputy Shortall, from the Dublin Transportation Office, it is made clear—

**An Ceann Comhairle:** I should prefer if the Deputy does not pursue that line. It is totally out of order. The Deputy is aware that there are many ways open to him to raise this matter, but not out of this question, which refers specifically to the Department of the Taoiseach.

**Mr. Rabbitte:** It is clear to the DTO that the Minister of State intruded himself uninvited—

**An Ceann Comhairle:** I ask the Deputy to resume his seat and allow the Taoiseach to answer his legitimate question.

**Mr. Rabbitte:** I know that it is unbelievable that the Minister of State might do such a thing. Does the Taoiseach have a view on this?

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

**The Taoiseach:** As stated, there have been 70 consultancies over the period in my Department and I have given the breakdown. It represents an average of about €300,000 per annum. I have outlined most of the work involved. I do not have the details of some of the smaller projects and have just given the information on the larger ones. However, when the full schedules are available, I shall be pleased to answer questions or get further information as regards individual projects.

Deputy Rabbitte's general point on whether it is now a trend that more consultancies are being done across Departments is valid. My Department is relatively sparing in this regard. We use

consultancies where the expertise is not available within the Department; where something additional is involved, as was the case with the EU Presidency, the change management agenda where someone is brought in to advise, or where an independent assessment is needed, as has happened in only a few cases.

On the Deputy's question as to whether there are more consultancies, with regard to the level, scale and examination of decisions made, whether by the House, Oireachtas committees or the outside world, increasingly, public servants, including those in my Department will look at getting the assessments and the analysis of would-be experts. The Deputy and I might often argue whether they are experts. I detect that people are becoming more protective and are watching what they do to a greater extent than was the case some years ago. Whether that is good is open to debate, but it is happening. It is not that the money is wasted, but the nature of decisions and the fact that we have an increasing number of regulators with whom Departments find themselves in debate mean that Departments must be armed with more sophisticated replies than they believe they can produce. The complexity of our work and its sheer size along with the complexity of its examination has led to a different position than has previously been the case.

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

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

**Mr. Connolly:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the protracted and inordinate delay in enacting legislation to enable pensioners from whom nursing home charges were illegally deducted to be reimbursed, leaving them bereft of their pension funds for upwards of an additional two years; the despair felt by thousands of pensioners of ever living to receive a penny of the amounts due to them; and to propose that the Government makes the gesture of advancing a substantial interim *ex gratia* payment prior to Christmas, in the spirit of the season, to those pensioners still living whose pension funds were illegally requisitioned by an indifferent State.

**Mr. Morgan:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the necessity for the Minister for Education and Science to make a statement on the action she intends to take to address the plight of 23 schoolchildren from Blackwater in County Wexford who have been denied access to school bus transport on the alleged grounds that they are outside the catchment area while

other children in the same vicinity have been granted access to the school bus service.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the failure of the Tánaiste and Minister for Health and Children to establish an ambulance base for the Mulranny, Achill and Ballycroy areas of County Mayo, considering that the health of people residing in those areas is at serious risk because of the unacceptable two-hour time lapse between when an ambulance is called and when it arrives due to the failure to locate such a base within the recommended 20-mile radius for the safety of the public in the area.

**Mr. Healy:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Minister for Justice, Equality and Law Reform to appoint additional dedicated community gardaí to every Garda district to deal with the scourge of anti-social behaviour affecting towns and villages which was highlighted this week on Prime Time; and to ask the Minister to make a statement on the matter.

**Mr. Cuffe:** I have high hopes that the pattern of acceptance will follow the rule of buses whereby several will arrive at once after a long wait. I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the suggestion by the British Government that the nuclear option be re-examined for future energy supply.

**Aengus Ó Snodaigh:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: to allow the Minister for Education and Science to address the Dáil on the matter of Marie Therese O'Loughlin who is on protest outside the House for more than 60 days; to explain why she is satisfied with the response from the Department of Health and Children that it could find no record of a statutory body having a regulatory or inspection role at the Morning Star mother and baby institution, when mothers as young as 14 were referred there and infants were kept there for a protracted period when their mothers were hospitalised; in these circumstances, to explain her continued refusal to include the Morning Star as an institution for redress.

**Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: to allow the Minister for Health and Children to address the Dáil on the matter of Marie Therese O'Loughlin who is in protest outside this House for more than 60 days; to explain to the House why her Department could find no record of a statutory body having a regulatory or inspection role with regard to the Morning Star mother and baby institution,

when mothers as young as 14 were referred there and infants were kept there for protracted periods when their mothers were hospitalised; in these circumstances, to explain how this appalling negligence is not now being investigated.

**An Ceann Comhairle:** Having considered the matters raised, they are not in order under Standing Order 21.

#### Order of Business.

**The Taoiseach:** It is proposed to take No. 15, motion re establishment of a commission of investigation into matters relating to and arising from the making of a confession by Dean Lyons (deceased); No. 28, Transfer of Execution of Sentences Bill 2003 [*Seanad*] — Report Stage (resumed); and No. 1, Railway Safety Bill 2001 — amendments from the *Seanad*.

It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. 15—

**Mr. Sherlock:** I wanted to raise an issue under Standing Order 31. It was withdrawn yesterday but tabled today.

**An Ceann Comhairle:** The Deputy's name is not on my list, but I will allow the Taoiseach to finish and will then hear the Deputy's matter.

**Mr. Sherlock:** Go raibh maith agat.

**The Taoiseach:** It is proposed, notwithstanding anything in Standing Orders, that the proceedings on No. 15 shall, if not previously concluded, be brought to a conclusion after two hours and five minutes and the following arrangements shall apply: the speech of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case; the speech of each other member, who shall be called upon in the following sequence, shall not exceed ten minutes in each case: Government, Fine Gael, Government, Labour, Government, Technical Group, sequence to recommence; members may share time; and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes. Private Members' business shall be No. 40, Climate Change Targets Bill 2005 — Second Stage (resumed), to conclude at 8.30 p.m.

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

**Mr. Sherlock:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Minister for Agriculture and Food to account for the position she adopted in the recent negotiations on the EU sugar regime given the decision of the Euro-

[Mr. Sherlock.]

pean Council of Agriculture Ministers to overhaul the regime and the devastating effect this will have on the industry, especially in north Cork.

**An Ceann Comhairle:** I regret that the matter is not in order under Standing Order 31.

### Order of Business (Resumed).

**An Ceann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with No. 15, motion re establishment of a commission of investigation, agreed? Agreed.

**Mr. Kenny:** Nos. 34 and 39 on the list of proposed legislation, the Bord Gáis Éireann Bill and the natural gas regulation Bill, are listed for 2006. Is there any update on when they will come before the House? When will the Government publish the report on the Shell proposal for the Corrib gas project? This is a Government backed report. Has it been received yet?

**The Taoiseach:** That report has been received. I will check with the Minister, but I believe he received it last week. I will ask my own office to inform the Deputy when it is to be published. The Bord Gáis Éireann Bill and the natural gas regulation Bill are due next year.

**Mr. Rabbitte:** It would be appropriate if we in the House recorded our sympathies to the bereaved family following the fishing tragedy off Wexford. The skipper of the vessel is still missing. We also record our appreciation of the efforts of the rescue services and offer our condolences to the people and region affected by such terrible tragedy.

When does the Taoiseach envisage that the proposed Abbotstown Bill will be bought before the House?

**The Taoiseach:** I join with Deputy Rabbitte in recording our concern and sympathies. The search for Mr. Pat Colfer resumed this morning. Unfortunately, efforts to resuscitate Mr. Myler failed and he was pronounced dead at Wexford General Hospital at midnight. Although Mr. Ian Tierney is being treated for hypothermia, hopefully he will recover today. We send our concerns and sympathies to those who have been affected by this tragedy.

The Abbotstown sports campus development authority Bill will be published shortly.

**An Ceann Comhairle:** I will call on Deputy Kehoe to express sympathy. I will then call on Deputies Gormley and Ó Caoláin, after which we will return to the Order of Business.

**Mr. Kehoe:** I also wish to extend my sympathies to the families involved in the tragedy at sea last night off County Wexford. We have seen this

too often in County Wexford and no families want to be involved in such events.

**Mr. Howlin:** I wish to add my voice to those sending messages of sympathy to my constituents in Wexford. Unfortunately, the seafaring people in the coastal areas of Kilmore, Fethard and Slade have all too often been visited by tragedy. I am familiar with the trauma that must now be endured. I wish every success to the rescue services in their efforts to recover Mr. Pat Colfer and I thank them. I wish the coastal crews well in their difficult task of combing the coast of Wexford.

**Mr. Gormley:** I wish to extend the sympathy of the Green Party to the grieving families in Wexford this morning and to thank the rescue services for their hard work.

I wish, if I may, to move to promised legislation. This morning, motorists were once again——

**An Ceann Comhairle:** The House has yet to hear from Deputy Ó Caoláin.

**Mr. Gormley:** I asked the Chair about that.

**An Ceann Comhairle:** I will call on the Deputy next.

**Caoimhghín Ó Caoláin:** I wish to join with colleagues in expressing sympathy to the families who have suffered bereavement as a result of the tragedy off the County Wexford coast. I extend that sympathy to all who, throughout the course of this year, have suffered bereavement as a result of coastal tragedies or loss of life at sea in all its various manifestations. All Members greatly appreciate the work of the emergency services, the lifeboat institute and all of the backup services during such tragic events.

**Cecilia Keaveney:** As a Member from a coastal community, I also wish to extend my sympathy to the people involved in the County Wexford tragedy, particularly as this is the tenth year since the *Carrickatine* tragedy in my locality. Unfortunately, we see too many incidents like this. Hopefully, we can continually move towards a point where we have fewer tragedies at sea. I extend my sympathy to the families involved and to those who are still worried about their loved ones.

**Mr. Gormley:** There were queues of motorists at the West Link bridge this morning due to a sweetheart deal between the Government and NTR. Basically, this was a licence to print money.

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

**Mr. Gormley:** I do. It concerns promised legislation. Can the Taoiseach confirm that the Government is now preparing the heads of a Bill for barrier-free tolling? When will this legislation be introduced?

**An Ceann Comhairle:** Was this legislation promised?

**The Taoiseach:** No.

**An Ceann Comhairle:** No legislation was promised. I call Deputy Hayes.

**Mr. Gormley:** This morning on RTE radio, we were told——

**An Ceann Comhairle:** Deputy, that is the answer. I suggest the Deputy submits a question directly to the line Minister. I call Deputy Hayes.

**Mr. Gormley:** Is the information wrong? Is no legislation under preparation?

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

**Mr. Durkan:** It was promised outside the House.

**An Ceann Comhairle:** The Deputy should submit a question to the line Minister.

**Mr. Gormley:** Is nothing being prepared?

**The Taoiseach:** There is nothing on my list.

**Mr. Gormley:** Very well.

**Mr. Hayes:** In view of the fact that 3,500 farming families and 1,500 people involved in the beet industry are about to lose their jobs——

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

**Mr. Hayes:** Yes. Legislation was introduced to this House some 80 years ago to set up the sugar factories.

**An Ceann Comhairle:** On current legislation.

**Mr. Hayes:** Will legislation be introduced, given that the Government and the Minister for Agriculture and Food have caved in and destroyed a whole industry——

**An Ceann Comhairle:** I am sorry Deputy, but we must move on. I call Deputy Costello.

**Mr. Hayes:** With 5,000 people involved in this industry——

**An Ceann Comhairle:** The Deputy knows there are many other ways to raise this. The Order of Business is not one of them.

**Mr. Hayes:** This is the first time since the establishment of this State——

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

**Mr. Hayes:** ——that a Government has presided over——

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

**Mr. Durkan:** The Taoiseach should answer this.

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

**Mr. Hayes:** The Government has——

**An Ceann Comhairle:** The Deputy is being disorderly.

**Mr. Hayes:** ——presided over dissolving an entire sector.

**Mr. Durkan:** The Taoiseach should answer the question.

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

**Mr. Hayes:** I want to know——

**An Ceann Comhairle:** It is out of order, and the Taoiseach cannot be out of order any more than the Deputy.

**Mr. Hayes:** ——whether time can be set aside. This issue should be discussed.

**An Ceann Comhairle:** I call Deputy Costello. The Deputy knows how to raise this matter in the House and I ask him to resume his seat.

**Mr. Hayes:** I take it the Chair will accommodate me later.

**An Ceann Comhairle:** The Deputy knows the other methods for raising the matter

**Mr. Hayes:** I do.

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

**Mr. Costello:** I am sure the Taoiseach saw the recent “Prime Time” television programme describing anti-social behaviour. He would have recognised certain resonances with regard to the constituency which we share.

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

**Mr. Costello:** I do.

**An Ceann Comhairle:** He should come to the question.



**Mr. Costello:** Eighteen months ago, the Minister for Justice, Equality and Law Reform produced what was to be a major crime-busting Bill, namely, the Criminal Justice Bill. He has provided Members with a raft of further proposals which is much larger than the original Bill, but has not published any amendments. He has spoken of anti-social behaviour and other matters. When will Members receive the amendments, which are much longer than the original Bill?

**Mr. Broughan:** The amendments were announced because the Minister knew the television programme was to be broadcast. Hence, he announced these changes. The Government has had nine years to implement them.

**An Ceann Comhairle:** We will hear from the Taoiseach.

**The Taoiseach:** I understand this Bill is awaiting Committee Stage in the House.

**Mr. Howlin:** However, the amendments have not been published.

**Mr. Costello:** I seek clarification on this matter. While this Bill has passed Second Stage, we are unable to proceed to Committee Stage until the Minister produces the amendments. He has not done so.

**Mr. Stagg:** He does not have time.

**Mr. Costello:** He has produced proposals. He stated that he has various headings about which he will take action. However, he has not produced the amendments.

**An Ceann Comhairle:** The amendments are a matter for the committee. Perhaps the Deputy should submit a question directly to the line Minister.

**Mr. Costello:** He has spoken about them for the last 18 months. When will we get some indication in this respect?

**An Ceann Comhairle:** I call Deputy Ó Caoláin.

**The Taoiseach:** I will raise it with the Minister.

**Mr. Stagg:** The Minister may produce the amendments in between giving interviews.

**Caoimhghín Ó Caoláin:** Does the Taoiseach envisage the introduction of either domestic or EU legislation, or both, to comprehensively address the issues arising from the disgraceful conduct of the management of Irish Ferries?

**An Ceann Comhairle:** Is legislation promised?

**Caoimhghín Ó Caoláin:** If not, will the Taoiseach press for a new European ferries directive?

**The Taoiseach:** There is no legislation promised. However, the Minister for Communications, Marine and Natural Resources has already stated that he will retable the EU directive issue at next week's meeting.

**Mr. Durkan:** Both RTE and the independent broadcasters are anxious to ascertain the current status of the proposed broadcasting Bill. Can the Taoiseach inform the House whether it will be introduced before or after the next general election? It would be of tremendous benefit to all concerned if this was known.

**Mr. Stagg:** I believe this is on the same issue, although I will accept the Chair's guidance on the matter. Recently, when I was somewhat out of order during Taoiseach's Question Time, the Taoiseach kindly answered a question I asked of him on the proposed broadcasting Bill. I asked him whether he would attempt to persuade the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, to bring forward the section of the Bill dealing with the provision of RTE's signals to Britain. He replied that he would. Has he had any luck with the Minister in this respect?

**Mr. Durkan:** If the Taoiseach can find him.

**The Taoiseach:** I am aware of Deputy Stagg's long-term campaign on this matter, for which I have some sympathy. I have outlined that in the House. I have asked the Minister to bring forward the full Bill as soon as possible — that is probably the best way of proceeding. The Bill is due in 2006.

**Mr. Durkan:** Will it be before or after the general election?

**Mr. Perry:** Will the Taoiseach explain why the Sea Fisheries and Maritime Jurisdiction Bill 2005 is to be guillotined tomorrow, despite the fact that it has over 70 sections. There has been no consultation thereon, yet Report Stage is to be taken by 13 December. There is no imperative whatsoever to pass the Bill before Christmas. What is the reason for the urgency?

**An Ceann Comhairle:** That is a question for the committee itself. It does not arise on the Order of Business.

**Mr. Perry:** The Bill is to be guillotined tomorrow. I ask the Taoiseach to lift it to allow consultation. It is a crucial Bill that will have a massive impact on the whole fishing industry. Why is it

being rammed through the House in such a short timeframe?

**The Taoiseach:** The Bill will be debated tomorrow. I have heard what the Deputy has said.

**Mr. Perry:** The Bill will not be supported by Fine Gael and we will block it in every way possible. This is not good enough.

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

**Mr. Broughan:** The Minister of State, Deputy Gallagher, has been shafted.

**An Ceann Comhairle:** The Bill will be debated in the House tomorrow.

**Mr. Perry:** There is great unrest, even among Fianna Fáil backbenchers.

**An Ceann Comhairle:** I appreciate that but the Deputy is out of order at this stage, as he knows.

**Mr. Broughan:** The Minister of State, Deputy Gallagher—

**Mr. Perry:** I will certainly be out of order tomorrow.

**An Ceann Comhairle:** He will have an opportunity to debate the matter tomorrow on Second Stage.

**Mr. Broughan:** —came back from Europe and ended up with nothing.

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

**Mr. Stagg:** Could the Whips discuss the matter raised by the two Deputies?

**An Ceann Comhairle:** The Chair has no control over what they discuss.

**Mr. Stagg:** Maybe the Taoiseach will say the Whips will discuss it.

**Dr. Cowley:** In view of the underspend of over €3 billion in the BMW area and that Knock Airport is looking for €50 million to try to obtain category II status—

**An Ceann Comhairle:** To what legislation is the Deputy referring?

**Dr. Cowley:** I am anxious that the Taoiseach address this by introducing a capital envelope in the budget.

**An Ceann Comhairle:** That does not arise on the Order of Business. There are other ways in which the Deputy can raise it. I call Deputy Burton.

**Dr. Cowley:** I hope the Planning and Development (Strategic National Infrastructure) Bill will address these deficiencies because we cannot exist in the west without proper investment.

**An Ceann Comhairle:** When will the Planning and Development (Strategic National Infrastructure) Bill be introduced?

**The Taoiseach:** Next year.

**Ms Burton:** I want to ask the Taoiseach about newspaper reports that the heads of a Bill regarding the lifting of tolls at the toll bridge have been agreed between the Minister for Transport, Deputy Cullen, and National Toll Roads. Is this matter to be included in the transportation Bill or will it come under a separate Bill?

**An Ceann Comhairle:** That question was already asked and answered this morning.

**Ms Burton:** No, my question is on promised legislation—

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

**Ms Burton:** —except that it is being prepared by a private firm that owns a toll road.

**An Ceann Comhairle:** What legislation?

**Ms Burton:** Will the Taoiseach comment?

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

**Ms Burton:** Yesterday, the Minister for Transport, Deputy Cullen, launched two half trains for Dublin West.

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

**Ms Burton:** A normal train has eight carriages.

**An Ceann Comhairle:** We are moving on to the next item of business.

**Ms Burton:** We got two four-carriage trains—

**An Ceann Comhairle:** Deputy Broughan will be first tomorrow morning. We must move on.

**Ms Burton:** —and they are going on only half the journey, to Connolly Station.

**An Ceann Comhairle:** His colleague is being disorderly. We will proceed to No. 15.

**Ms Burton:** On the other hand, he is not doing—

**An Ceann Comhairle:** Deputy Burton is being disorderly.

**Ms Burton:** Will the Taoiseach comment on the toll bridge?

**An Ceann Comhairle:** I ask her to resume her seat and allow her colleague to contribute.

**Ms Burton:** Will the Taoiseach comment on the gridlock in Dublin 15?

**An Ceann Comhairle:** I call Deputy Broughan to ask a question appropriate to the Order of Business.

**Mr. Broughan:** A young Irish Ferries worker, a family man with five years' experience, does not want to sell his job. He asked me to ask the Taoiseach two questions this morning on the Merchant Shipping (Safety Convention) Act 1952, which the Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Gallagher—

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

**Mr. Broughan:** It is appropriate in that I refer to a review of the Merchant Shipping (Safety Convention) Act 1952.

**An Ceann Comhairle:** Is it promised?

**Mr. Broughan:** The Irish Ferries worker asked me when the Taoiseach will protect marine workers, just as land-based workers are protected?

**An Ceann Comhairle:** That does not arise on the Order of Business. The Deputy knows that matter was debated all day in the House yesterday.

**Mr. Broughan:** What will the Taoiseach do about flagging?

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

**Mr. Broughan:** I am addressing the Prime Minister of the country, whom we have not had a chance to ask about this issue.

**An Ceann Comhairle:** The Deputy knows he is out of order and that there are other ways of raising the issue. The Deputy cannot abuse the House in this manner. I call Deputy Boyle.

**Mr. Broughan:** Let us hear the Taoiseach's views in this House, not outside it.

**Mr. Durkan:** The Taoiseach wants to answer.

**Mr. Boyle:** The second report on this country's compliance with the UN Convention on the

Rights of the Child has been placed before the House. Will there be a debate on its content?

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

**Mr. Boyle:** Will the report submitted to the European Environment Agency on Ireland's lamentable performance in terms of environmental protection be considered in the House?

**The Taoiseach:** The Whips can discuss it.

#### **Commissions of Investigation: Motion.**

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I move:

“That Dáil Éireann,

— bearing in mind the specific matters considered by the Government to be of significant public concern arising from the making of a confession by Dean Lyons (deceased) about the deaths of Mary Callinan and Sylvia Shiels in March 1997 in Grangegorman, Dublin 7;

— noting that it is the opinion of the Government that a commission of investigation represents the best method of addressing the issues involved;

— further noting that a draft order proposed to be made by the Government under the Commissions of Investigation Act 2004 (No. 23 of 2004) has been duly laid before Dáil Éireann in respect of the foregoing matters referred to, together with a statement of reasons for establishing a commission under that Act;

approves the draft Commission of Investigation (Dean Lyons Case) Order 2005.’

It is essential to refer to the tragic human circumstances that give rise to the motion before the House. Most, if not all, Deputies will be aware that two innocent women, namely, Ms Sylvia Shiels, aged 59 at the time in question, and Ms Mary Callinan, aged 61 at the time in question, were brutally murdered in their home on the nights of 6 and 7 March 1997 at Orchard View in the Grangegorman area of Dublin. By any standards, it was a particularly heinous crime which shocked the nation and set in train a Garda man-hunt with a view to bringing the perpetrator to justice.

The aftermath of those tragic events gave rise to further tragic events. An innocent man, Dean Lyons, who is now deceased, confessed to the crime. Following consultation between the Garda and the Office of the Director of Public Prosecutions, he was charged with one of the murders. The Garda Síochána now accepts that he had no

participation in the murders and that his confessions were false. On 29 April 1998, the Director of Public Prosecutions, having received a further report from the Garda Síochána, directed that the charges against him be withdrawn.

There is no doubt that those events have had a profound effect on the everyday lives of the families of the women victims and on the family of the late Dean Lyons. We are all at one, I am sure, in expressing our deepest sympathy to those two families on foot of the suffering caused to them. The procedural formality of what I am about to say in no way takes away from those overriding sentiments.

Under the Commissions of Investigation Act 2004, a commission of investigation may be established by the Government, based on a proposal by a Minister, with the approval of the Minister for Finance, to investigate any matter considered by the Government to be of “significant public concern”. An issue giving rise to significant public concern is one that is of more than mere interest to the public or more than just the subject of vigorous political debate. It must, instead, be an issue which has profound implications for public life. Self-evidently, my Government colleagues and I are satisfied that certain aspects of the Dean Lyons case come within that category in that they have profound implications for the operation of our criminal justice system.

There are questions arising regarding Dean Lyons’s false admissions and regarding the investigating team’s conclusion that there was a *prima facie* case against him. In making these points, I am simply identifying them as matters that need to be addressed, not as matters on which I, as Minister for Justice, Equality and Law Reform, have already reached a definitive conclusion. I am convinced, however, that unless we do our utmost to get to the bottom of this controversy, it will simply continue to fester as an indictment of our criminal justice system. For these reasons the Government is of the view that the establishment of a commission of investigation is required. The motion before the House is a necessary prerequisite to the establishment of that commission. It seeks to have a draft of the order providing for the establishment of a commission of investigation into the Dean Lyons case approved by this House.

**Mr. Costello:** Will a script of the Minister’s speech be circulated?

**Mr. McDowell:** It is on the way, it is being photocopied as we speak.

**Mr. Rabbitte:** The Minister must have been giving an interview.

**Mr. McDowell:** No, I was not, I was making amendments to the speech.

**Mr. J. O’Keeffe:** It must be unusual for the Minister to be so slow in issuing scripts. He normally issues them about an hour before he delivers his speech.

**Mr. Costello:** The scripts are generally circulated well in advance.

**Mr. McDowell:** I thank the Deputies for their compliments.

**Mr. J. O’Keeffe:** That was not said as a compliment.

**Mr. McDowell:** The draft order is accompanied by a statement of reasons for establishing the commission, as required by the Commissions of Investigation Act, and a similar motion will be brought before Seanad Éireann. Under the provisions of the Act, the order establishing the commission must specify the matter that is to be investigated. The draft order which is before the House describes it in the following terms: “matters relating to and surrounding the making of a confession by Dean Lyons (deceased) about the deaths of Mary Callinan and Sylvia Shiels in March 1997 in Grangegorman, Dublin 7”. The original phrase was “matters ... arising from the making of a confession” but the phrase “surrounding the making of a confession” is considered to be preferable because it deals with matters before the confession was made, not merely after it was made.

**Mr. Costello:** The Minister must have been reading my proposed amendment.

**Mr. McDowell:** I am glad to hear that because it means we are on the same wavelength. It struck me today that there was an infelicity in the way in which the motion was drafted, and that is the reason for the delay in circulating the script.

The draft order authorises me as the Minister for Justice, Equality and Law Reform to set the commission’s terms of reference. If such provision were not made, that task would, in accordance with section 4(2) of the Act, fall on the Government. The Government has decided that I should be designated in this regard and in doing so has approved a draft of the terms of reference which I propose to set on the following lines:

To ask the Commission to examine and report on:

the circumstances surrounding the making of a confession by Dean Lyons, deceased, about the deaths of Ms Mary Callinan and Ms Sylvia Shiels in March 1997 in Grangegorman, Dublin 7;

the adequacy of the Garda assessment of the reliability of Mr. Lyons’s confession, both before and after he was charged with murder, and

[Mr. McDowell.]

the adequacy of information provided by the Garda Síochána on the morning of 27 July 1997 to the Director of Public Prosecutions and in particular whether any additional information should have been provided at that time.

These terms of reference concentrate on the three issues which need to be resolved. In approving those terms of reference the Government was conscious of the obligation imposed by section 5 of the Act on those framing the terms of reference, namely, that the terms of reference set out as clearly and accurately as possible the events, activities, circumstances, systems, practices or procedures to be investigated, together with the relevant dates, locations and individuals involved.

In addition, I am obliged as soon as possible after the terms of reference are set formally to prepare an accompanying statement containing an estimate of the costs of the commission and the length of time it will take. This will be published as soon as possible after the terms of reference are set, in *Iris Oifigiúil* and such other publications as I, as Minister, consider appropriate. I do not wish to be too definitive at this stage about the length of time the commission will take although I will have to do so when the terms of reference are set formally. I want the opportunity to discuss the matter with the commission first.

In that regard I am mindful that the obligation on the commission under section 32(4) of the Act is to “endeavour” to submit its report within the specified time period. Sections 34, 35 and 36 of the Act provide for an opportunity to persons identified in or identifiable from a draft report to submit comments thereon to the commission on the grounds that there has been a failure to observe fair procedures. A commission is required to give due consideration to requests for alterations and it may either amend the report, apply to the High Court for directions or submit the report to the relevant Minister without alteration.

In the alternative, a person identified in or identifiable from a draft report may bring the matter before the High Court seeking an order from the court directing that the draft be amended before submission to the relevant Minister. The court may either order the commission to submit the report without alteration or with such alterations as it may direct, or give a direction to the commission to provide an opportunity to the person to give evidence or make submissions to the commission before the report is finalised.

Either way, no one will be allowed to delay publication indefinitely as there will be time limits for making submissions to the commission or applications to the court. Giving affected persons an opportunity to comment on and to have their views considered will meet the requirements of natural justice and the commitment to fair pro-

cedures will reduce the likelihood of court challenges to the commission’s work and support the objective of an efficient and effective investigation. I envisage that the legal fees, salaries and other administrative costs for the commission will come to approximately €510,000 for its first four months of operation. This does not include any third party costs that may be awarded by the commission itself.

The draft order also authorises me to appoint the member or members of the commission. I place high importance on the independence and required expertise of a member of the commission. The powers and duties vested in a commission include the duty to caution witnesses, compel witnesses to answer questions, establish rules and procedures relating to evidence and submissions, adjudicate on matters of privilege and conduct the investigation. All have the potential to intrude into well established legal rights. For this reason I intend to appoint an eminent senior counsel with considerable experience of the criminal law as the sole member of the commission. I am pleased that Mr. George Bermingham SC, who is a former Member of this House, has indicated that he is willing to accept the appointment. I have discussed the proposed terms of reference with him and he is happy to accept the position on that basis.

The draft order also specifies the Minister for Justice, Equality and Law Reform as the Minister responsible for overseeing the administrative matters relating to the establishment of the commission, receiving its reports and performing any other functions accorded to the Minister by the Act. One such function is the obligation to prepare general guidelines. Once the commission has been formally established I am required, in consultation with the Minister for Finance and the commission itself, to prepare general guidelines concerning the payment by my Department of legal costs necessarily incurred by witnesses in connection with the investigation.

The commission in turn is obliged to ensure that any direction it makes concerning the payment of legal costs by the Minister for Justice, Equality and Law Reform comes within these guidelines. The guidelines will also make provision for payment to witnesses of non-legal costs. Each witness will be furnished with a copy of the guidelines in advance of his or her giving evidence. This ensures that witnesses who wish to do so can arrange legal representation with full knowledge of the regime under which they may seek to have those costs recouped.

The commission is charged with the onerous task of establishing facts in a situation which is laden with complexity. The situation is compounded by the fact that Dean Lyons is now sadly deceased and no longer available as a witness. As I indicated earlier, he was charged with one of the murders in July 1997, three months after the women met their deaths. In August 1997, another

person, who had been arrested and detained during the investigation of another double murder, made a confession in relation to the Grangegorman murders.

As a result of the admissions made by the second person, admissions which have since been withdrawn, the Garda Commissioner appointed an assistant commissioner to review all available evidence relating to these murders. That second Garda investigation concluded that Mr. Lyons did not commit the murders in question. Following completion of this review, a report was submitted by the assistant commissioner to the Director of Public Prosecutions. In April 1998, after consideration of the report, the Director of Public Prosecutions decided that criminal proceedings against Mr. Lyons be discontinued. In July 1999, Dean Lyons presented a signed and witnessed statement denying any involvement in the Grangegorman murders. On 12 September 2000, Dean Lyons died in a friend's flat in the United Kingdom.

When the DPP decides not to prosecute in a particular case, the reasons for the decision are given to the State solicitor and the investigating gardaí. The director has stated that it is his policy not to disclose this information otherwise. The function of the prosecution of alleged offences is the responsibility of the Director of Public Prosecutions who is independent in the exercise of his functions. It would not, therefore, be appropriate to bring any aspect of his determinative process within the ambit of the commission's terms of reference.

However, the adequacy of the information provided by gardaí to the DPP prior to his decision that Dean Lyons should be charged with murder is contained within the terms of reference. It is important that I state that the criminal investigation into these two murders remains open and, in particular, a forensic cold case review is being conducted on exhibits and samples taken from the scene.

On 24 February 2005, the Garda Síochána published a notice in a number of newspapers in which it stated that it is satisfied that Dean Lyons had no participation in the Grangegorman murders. The notice also stated that the Garda appreciated the embarrassment suffered by his family as a result of criminal charges preferred against him and subsequently withdrawn. The notice expressed regret and contained an apology to the family of Mr. Lyons for any embarrassment caused.

On 6 April 2005, the Commissioner furnished an up-to-date report, which had been prepared at my request, to the Secretary General of the Department of Justice, Equality and Law Reform. In response to public concern about these matters and in light of the Commissioner's report of 6 April I appointed Mr. Shane Murphy SC on 27 June 2005 to complete an independent

review of Garda papers and action taken regarding these matters.

For the purpose of that investigation he reviewed documents presented to him by the original murder investigation team, including statements, copy statements, job books reports, exhibits and appendices. He also reviewed documentation relating to subsequent reviews of the original criminal investigation file which were made by an assistant commissioner and his team. He also visited the Bridewell Garda station in Dublin for the purpose of examining the interview rooms and the medical room and the overall layout of those areas of the station where the interviews of Dean Lyons took place.

I am not in a position to publish the report because it was not written with a view to publication. It contains some matters which may cause distress and others which would be regarded as confidential and not suitable for publication. However, Mr. Murphy acknowledges that he received full co-operation from my Department and the Garda Síochána. While Mr. Murphy's report makes a significant contribution to progressing the matter, he did not have the power to examine persons under oath and to determine matters of fact. He recommended that the best method to resolve these issues was to establish a full commission of investigation.

There is one aspect of Mr. Murphy's recommendation which I have not included in the commission's terms of reference. Mr. Murphy recommended that the adequacy of Garda protocols and procedures regarding the assessment of the fitness of witnesses to be interviewed should be examined and should form part of the commission's terms of reference. However, I intend to pursue an alternative course in respect of that aspect. With Government approval I have decided to establish an expert group to examine these more general matters. I intend to publish the report of that group.

The reason for the difference in approach on this aspect is as follows. It has come to be recognised that having clear and well defined terms of reference which are tightly drawn is often the key to a successful investigation. Second, I am anxious to ensure that this commission of investigation will complete its work as quickly as possible. Hence, I want it to concentrate on those aspects which are peculiar to the Dean Lyons case itself and in respect of which the inquisitorial powers of the commission will, I hope, be of particular value. A commission of investigation is vested with considerable inquisitorial powers and the power to summon witnesses and examine them under oath or by means of interrogatories to direct witnesses to produce documents etc. These considerable powers will be best utilised in investigating the specific circumstances of the Dean Lyons case, and my intention is that this will facilitate a more focused approach to the commission.

[Mr. McDowell.]

The more general aspects are equally as capable of being addressed by the expert group, which will not be forced to have recourse to investigative powers when conducting its work. The success of the group will depend not so much on an ability to compel evidence but on a membership capable of bringing a multi-disciplinary approach to the issue. For example, I intend to approach a person with professional expertise in the area of human behaviour to join the group, who would be a psychiatrist or a psychologist, accompanied perhaps by a person with expertise in the area of criminal investigations, as well as a person with expertise in the area of criminal law. It is not my intention to appoint a serving member of An Garda Síochána or a serving official in my Department, although my Department may well provide secretarial expertise.

The work of objectively analysing the practices and policies of police bodies is ongoing daily without the need to establish formal inquiries that operate in a quasi-judicial fashion. Consequently these more general aspects will be assigned to an expert group to allow the commission to concentrate on the core issues of the Dean Lyons case.

Time does not allow me to finish my speech in its entirety, although there are some points of general application relating to the scope of the Act which I hope Members will take time to read. I urge Deputies to support the Government's proposal for the establishment of a commission of investigation in this case by supporting the motion before the House.

**Mr. J. O'Keeffe:** I support the proposal to establish a commission of investigation. I do not wish to comment in detail on the amendment proposed by my Labour Party colleague, Deputy Costello, except that it appears to improve the terms of the motion. This will be dealt with in more detail by Deputy Costello and the leader of the Labour Party.

It is quite clear that the actions perpetrated against Dean Lyons by our justice system were not just extremely worrying and regrettable, but thoroughly unacceptable in a State which claims to administer the rule of law and the principles of natural justice. It raises very serious questions and I am glad these are being addressed at long last. The questions raised relate to conduct of the Garda in dealing with Dean Lyons at the time, its investigation of the matter and in particular the taking of a statement which ended up as inculpatory evidence. Questions on the general standards by which we treat vulnerable people in custody are also raised. In a way I have a sense of *déjà vu*. I recall in the early days of my career in the Dáil the Ó Briain report on issues that were somewhat similar, with the report being published by the then Circuit Court president, Barra Ó Briain.

Before we delve into the issue of investigation we should place on record that we as legislators dealing with the rule of law regret what happened to this unfortunate young man. He was one of many young Irish people who had fallen through the cracks of disadvantage and disaffection. There is a general obligation on us as legislators and public representatives to address the broader issues, and to ensure that fewer people fall through those cracks, aiming for a future where there are no such cracks. We should aim for a future where all young people can be given equal opportunities before the law and be equal in society. Equality before the law is a very important principle that we must espouse.

The first point occurring to me in speaking today is why this process has taken so long. We must examine our consciences, as well as our practices and procedures, in dealing with this issue. The terrible deaths of Mary Callanan and Sylvia Shiels occurred in March 1997, which is over eight years ago. The arrest of Dean Lyons occurred not long after this, and it became apparent relatively early that he could not have been responsible for the crime to which he had confessed. We have a case to answer as to why it took so long to have the case dealt with and properly investigated. It took the Garda Síochána until last February to issue an apology on the matter.

The people who emerged well from this matter were the relations of the deceased. I was impressed with the statement of Stella Nolan, the sister of one of the deceased, after the apology. She stated she was glad that the Garda had apologised to the family but that many questions were still to be answered regarding why Lyons was charged, put in prison and then released. She stated in a dignified manner that she was not looking for revenge, but justice. This was a fair way of putting her case, as she had been traumatised by the events.

The reaction at the time of the parents of Dean Lyons was very dignified. They stated that although they knew all along that their son did not commit the murders, they believed he was vulnerable and strung out when he made the admission of guilt. They fairly stated that Lyons had a hand in it when he admitted guilt to the Garda. However, the parents pointed out they were not angry or bitter, and in a dignified way they stated that the Garda had a job to do, and when it emerged that a mistake was made, it was admitted. This was a fair reaction on the part of the family of Dean Lyons at the time. This does not take away from the point that it has taken eight years to have a commission of investigation set up on the issue.

What occurred at Grangegorman was undoubtedly an horrific and sickening tragedy that shocked the nation to its core in 1997. The manner in which these unfortunate women were murdered was particularly brutal. The Garda were under much pressure to catch and detain the per-

son responsible for such depravity. However, there can be no excuse for the events which transpired in an ostensible effort to take the killer off the streets. There is no explanation so far as to why it came about that an innocent homeless person who happened to be sleeping in the general vicinity was blamed. He clearly was a vulnerable person and must have been susceptible to manipulation by people in a position of power. There is no explanation as to why this led to a confession of guilt to murder which clearly did not stand up to scrutiny.

No matter the pressures on the Garda Síochána, there are certain pressures that should be resisted. It is not a question of responding to pressure or securing convictions, but of maintaining the rule of law at all times. This must be a basic facet of the approach of gardaí at all times. Unfortunately, one of the outcomes was that the arrest of Dean Lyons on 25 July and his detention in custody meant that the pressure to find the true killer eased. This is an issue I would like further clarified. It is important in the context that a forensic psychiatrist assisting the Garda in the investigation of the Grangegorman murders warned that the killer could strike again. This is of particular concern because Dean Lyons, having apparently been manipulated or coerced into making a confession, was arrested, resulting in the easing off of the murder probe. However, shortly afterwards, on 16 August, while Dean Lyons was still in Mountjoy Prison, a young Roscommon couple were stabbed to death in a similarly brutal fashion to the unfortunate ladies murdered in Grangegorman.

Perhaps there is evidence that this was the second strike of the killer about which the forensic pathologist had warned the Garda. It raises a question as to whether those murders might have been preventable if there had not been an alleged confession in the first case and an easing off of the murder investigation at that stage. The man who killed the Doyles was quickly arrested by gardaí. It was this same person who made four separate voluntary admissions to the Grangegorman murders, although I accept that those admissions have since been withdrawn. Serious issues arise as to whether the Roscommon couple might have been saved from their gruesome fate if the murder investigation had continued.

A further issue which must be addressed is that Dean Lyons remained in prison for seven months before the murder charges against him were withdrawn. Questions arise as to why it took so long to release a clearly innocent man from prison and the fact that no formal charges have been brought against anybody arising from the Grangegorman murders.

The case of Dean Lyons, allied to the revelations from the Morris tribunal, clearly establish that there must be a process whereby such issues can be brought to light, fully exposed and dealt with within a reasonable period. Serious ques-

tions must be asked and answered. I am glad that at long last that process is under way in this case.

A number of issues arise with regard to the approach adopted by the Minister towards the commission of investigation. I had hoped the Minister might be in a position to give a more detailed estimate of the costs he expects will arise in connection with the establishment of the commission of investigation. He referred to a figure of €500,000, but this only covers the salaries, fees and administrative costs of the commission for the first four months of operation and does not include any third party costs that might be awarded by the commission. I had hoped the Minister would have a more complete ballpark estimate with regard to time and cost, which are obviously issues in which the public is interested. While I appreciate it is not possible to give exact figures at this stage, it would be helpful to be certain of the time and cost involved.

There is genuine public concern in regard to tribunals generally, which can seem like runaway, out of control engines. This issue was discussed previously, in particular in the context of the Commissions of Investigation Act. There is a shared view in the House that this type of approach cannot continue. The establishment of this commission is the first example of an investigation under the new Act. We want to make absolutely sure that a proper precedent is set with regard to time and cost considerations.

This leads me to the question of the terms of reference. I take the Minister's point as to why one of the recommendations of Mr. Shane Murphy SC is not being taken on board by him. I am concerned that any recommendation from an independent report should be given proper consideration. The Minister has proposed an approach which will ensure that the issue raised by Mr. Murphy SC will be considered, for which I am glad. On balance, I agree with the approach proposed by the Minister in dealing with that aspect of the matter, namely, there will be a general report from the expert group examining the broader issues, which will be published.

I support the establishment of the commission. I am concerned that it took so long to achieve this but, at this stage, we should get it under way and give the necessary authority to the commissioner to begin his work.

**Mr. Rabbitte:** We have waited a long time for this investigation and I welcome it, now that it has been announced. The amendment proposed by my colleague, Deputy Costello, would have made for greater clarity. He recommended that the order should refer to an investigation into matters surrounding "the arrest and detention of" Dean Lyons. The Minister told us that he has changed the wording of the order which is now before us to state that the commission shall investigate "matters relating to and surrounding the making of a confession by Dean Lyons". The



[Mr. Rabbitte.]

Minister is more knowledgeable in this area than I am and it may well be that his wording is adequate to deal with the point which Deputy Costello sought to clarify, although there may be merit in Deputy Costello's framing of the term "the arrest and detention of". It is an important point.

Why did this case take eight years to get to the House? Would it have got here under a different Minister? Why is there a last-minute change to the order? There may be a perfectly constructive and positive explanation, but one gets the impression there is still grandstanding in the Department of Justice, Equality and Law Reform about this case and that the Minister directed this material change. I do not know if that is the case. Nevertheless, it is a cause for concern.

I have raised the matter on several occasions in the House. Dean Lyons was a constituent of mine, and his family still are. It is a troubling case and as a citizen one must be concerned that it has taken eight years to get to this point. The order is important and, taking the Minister at face value and his satisfaction with the term "surrounding", I am happy to welcome it on that basis.

This investigation is important for one crucial reason. The story of Dean Lyons is not just the sad case of a strung-out, semi-literate heroin addict, who admitted to committing terrible crimes when he did not know what he was doing or saying. It is not just about an unequal confrontation between the forces of the State and one of its less adequate citizens.

In the absence of evidence to the contrary, the story suggests that within the ranks of the Garda Síochána a deliberate decision was made to frame a suspect who turned out to be innocent. The Grangegorman murders were savage and brutal and Dean Lyons was wrongfully charged with them. The Garda Commissioner, after a "comprehensive probative enquiry", declared he was satisfied that Mr. Lyons had no part in those murders. He published a notice in the newspapers apologising for any embarrassment caused. The apology was, of course, to the Lyons family since Dean Lyons died in Manchester over four years ago from a heroin overdose.

The two murders, however, remain unsolved and we still have no explanation of how it happened that Dean Lyons confessed to two murders he did not commit. We know that Sylvia Shiels and Mary Callinan were murdered as they lay in their beds in a sheltered housing scheme on the grounds of Grangegorman hospital in March 1997. Dean Lyons was arrested in the months after the murders and, although he confessed to them, it transpired later that he could not have committed them. The charges against him were eventually withdrawn and he was released from custody in 1998.

He was living the life of a homeless heroin addict in July 1997 when he was arrested for

questioning about the murders. Detective gardaí questioned him in a video and tape-recording suite. We are told the transcript of the taped interview showed him as confused and incoherent. In the interview, he admitted to every charge put to him. His parents visited him and said he appeared completely disoriented and was swaying and slurring his words when they met him.

After his parents left, he was questioned again. As a result he made another, written, statement. When this statement was made, however, there was no video or audio taping. The statement contains a chronologically correct narrative of the murders. There are also accurate descriptions of the interior of the house and the actions of the murderer inside, how he broke a window to get into the house, where he stacked the broken glass, the layout of the staircase and bedrooms of the house, what the victims looked like, what they were wearing and how they died.

Dean Lyons, the man the Garda Síochána now accepts had no part in these murders, was able to describe in his statement with chilling accuracy and in clear grammatical English how he emptied the kitchen drawers and took all the long knives and a carving fork to mutilate his victims. This information was not published in the media at the time of the murders.

On the basis of this "confession", he was charged with the murders. If the trial had proceeded, it would have been impossible for him to withdraw a confession that contained such accurate and unpublished detail. Only the real killer could have known it and, of course, the investigating gardaí.

Then events took an extraordinary turn. A second man, Mark Nash, arrested in connection with a separate double murder in Roscommon, confessed to the Grangegorman murders, again with accurate and unpublished detail.

Dean Lyons's trial did not proceed. He remained in custody for over eight months, his case adjourned from date to date, while the authorities worked out what to do. Eventually he was released without explanation and he left the country. To prosecute Mark Nash with the Grangegorman murders would have opened up a can of worms so, effectively, the case was dropped entirely.

There was an internal Garda inquiry but its findings have been kept secret. The Garda spokesman said much was learnt following this inquiry in respect of investigation and interviewing techniques. To publish the report, however, "would only be of assistance to the criminal fraternity". The Lyons family has never received an explanation of what happened. It is to be hoped that this commission of investigation will at last deliver the answers they seek.

I must repeat, however, that I am bewildered by the Minister's continued refusal to set up a similar such inquiry into the Brian Rossiter case. It has become increasingly clear that there are

serious aspects of the Brian Rossiter affair which require investigation but which will be outside the limited remit of the inquiry announced by the Minister. The Minister has failed to explain or justify his decision to launch an inquiry with such a limited format, under a statute so little used that it will be repealed without replacement when the new Garda Síochána Act comes into operation.

There are growing and legitimate suspicions that the inquiry will be spangled by its terms of reference and that such an outcome may well suit the Garda Síochána, the Department and the Minister. The Minister has decided to invoke an amended version of section 12 of the Dublin Police Act 1924, which allows him to nominate a person to hold an inquiry and to examine on oath “into the truth of any charge or complaint of neglect or violation of duty preferred against any member of the Garda Síochána”.

There is one basic problem with this procedure. It is an adversarial process, a mini-trial, and it requires that a specified “charge or complaint” be levelled against a Garda before there can be an inquiry into such a charge or complaint. In other words, as the gardaí involved will no doubt forcefully point out at the inquiry, it will be limited to examining allegations of specified misbehaviour by specified gardaí that have already been put on the record.

I raised this issue on Leaders’ Questions with the Taoiseach and subsequently in written correspondence. Specifically, I wrote to the Taoiseach on the Rossiter family’s behalf seeking clarification on reasons for using the 1924 legislation in preference to an Act passed just last year. The Taoiseach replied that, on the Government’s legal advice, a charge or complaint need not be specified in circumstances where there is widespread public concern. If that is what the legislation was intended to mean, that is what it would have said.

It is worth recalling that the Minister originally wanted to set up a similar section 12 inquiry in the Dean Lyons case also, until he was persuaded that it was not adequate or appropriate. The Minister eventually had to agree that the inquiry in that case should be under the broader terms of the Commissions of Investigation Act, legislation introduced by him. I do not understand why the Minister will not use the same legislation in the Rossiter case.

The issue, however, is now before the inquiry, headed by Hugh Hartnett SC, and it is a matter for him to resolve what still seems to be a basic procedural and jurisdictional difficulty. Perhaps the Minister is waiting for the report from Mr. Hartnett before making a final decision. For the life of me, I cannot see why the Minister will not use legislation which he recently put through the House that is arguably tailor-made for the Rossiter case as compared with the little-known and now repealed Dublin Police Act 1924. The Lyons family will welcome and be pleased with

the Minister’s initiative today. However, it is a pity that our system means that it has taken us eight years to get this far.

While the Minister, in his unique style, took much persuading about certain aspects of the Garda Síochána Act, he did take some criticisms and recommendations on board from this side of the House. However, I am bound to say he missed a great opportunity in two major respects. At this stage, the argument for the establishment of a Garda authority is irrefutable. It is a pity the Minister did not import the police ombudsman system as it applies in Northern Ireland. It is not in the interests of our democracy or the Garda Síochána that confidence can be eroded in such a fashion as it has been over the last several years. Many diligent gardaí are coming around to this point of view. However, the Department of Justice, Equality and Law Reform believes it must take up a defensive position on this issue, irrespective. Eight years later, the investigation we are now embarking upon is dragged out of the Department. The Department of Justice, Equality and Law Reform knows far better than I, the number of incidents throughout the country that give cause for concern.

The direction and framework of the Garda must be taken from the aegis of the Department of Justice, Equality and Law Reform and placed in a properly constituted Garda authority. An ombudsman system, along the lines of that obtaining in Northern Ireland, is needed. I know the Minister made some changes to his original proposals in the Garda Síochána Act which were an improvement. However, that even gardaí admit they have no confidence in the old complaints board system, through no fault of the people who served on it, is sufficient evidence, if needed, of how badly these reforms are needed.

**Mr. Gregory:** I wish to share time with Deputies Cuffe and Ó Snodaigh.

**Acting Chairman (Dr. Cowley):** Is that agreed? Agreed.

**Mr. Gregory:** It is now more than eight years since Dean Lyons was charged with the Grange-gorman murders and more than five years since the security correspondent of *The Irish Times*, Jim Cusack, first published a series of articles carefully documenting the case of Dean Lyons. Since then, this case has been persistently raised in the House with the Minister for Justice, Equality and Law Reform, Deputy McDowell, and his predecessor, Deputy O’Donoghue. On many occasions, it was argued the case demanded an inquiry, yet both Ministers persistently refused to listen. Responses were far removed from the Minister’s statement this morning that: “Self evidently ... certain aspects of the Dean Lyons case ... have profound implications for the operation of our criminal justice system.” If that is case,

[Mr. Gregory.]

what was the criminal justice system doing for the last five years?

For five years, it was as if Ministers wished the case would go away, be swept under a carpet and forgotten about. After all, Dean Lyons was an impoverished, homeless, heroin addict. Who cared about his good name? Who cared about his parents who were traumatised by the charges made against their son? In the past, I argued in the House that it was an appalling indictment of the system that had Dean Lyons come from an affluent background, there is little doubt there would have been an independent inquiry into his case a long time ago.

**Mr. F. McGrath:** Hear, hear.

**Mr. Gregory:** Instead, every call for an inquiry made in the House during the last five years was rejected.

In February 2002, the then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, when asked if he would have all documentation relating to the Dean Lyons's case released to establish if there was sufficient evidence to warrant a public inquiry into the case, replied: "I do not consider that [there is evidence to] ... warrant any further investigation[.]" This was two years after *The Irish Times* documented in specific detail what must have been a serious concern that a further investigation was warranted. Why was this covered up for those years? There must be an inquiry into who formulated ministerial replies on this case and why they were so formulated.

As late as November 2004, the Minister for Justice, Equality and Law Reform, Deputy McDowell, grudgingly replied to a parliamentary question of mine asking for him to consider re-examining the case under the Commissions of Investigation Act 2004. In it he stated: "I am not [at present] satisfied that a commission of investigation into the murders is [still] ongoing". What an insult to the families of Dean Lyons and Sylvia Shiels who continued to plead for an inquiry. It prompted Stella Nolan, sister of Sylvia Shiels, to state the Garda investigation was ongoing in only one direction: nowhere. Will the Minister explain why he prevaricated for so long?

What prompted the Minister several months later to change his line? In a reply he stated:

In view of the understandable grounds for concern re the late Mr. Dean Lyons . . . I have decided in principle to refer the Garda papers in the case to outside counsel with a view to examining how Mr. Lyons came to make the confession[.]

Many people had been asking the same question for five years. The Minister has not adequately explained what made him decide to take action, belatedly but still welcome, on this case. Was it because of the possibility of a challenge under

Article 2 of the European Convention on Human Rights on the failure of the State in its obligations to undertake adequate investigation into the Grangegorman murders? Will the Minister inform the House if this is the case?

Characteristically, the Minister has a curious way of making up lost ground. Over recent months, for every positive step in the direction of establishing this commission, the Minister leaked the details to the press, no doubt to ingratiate himself with his pals in the media rather than answer tabled parliamentary questions. Either way, this commission of investigation is still only a halfway house to the full truth. The solicitor representing Stella Nolan points to the many worrying aspects of the Grangegorman case. It is most important that any inquiry into the case be held in public so that the greatest degree of scrutiny of all issues is guaranteed. However, this will not now happen.

**Mr. F. McGrath:** Hear, hear.

**Mr. Cuffe:** Justice delayed is justice denied. Although the years dull the pain, nothing can assuage the suffering that all families involved in this dreadful case still feel after the years have rolled on. I welcome the establishment of a commission of investigation into the Dean Lyons affair. I welcome the announcement that it will be headed by George Bermingham SC. However, I am disappointed the Minister has not taken the advice of Shane Murphy SC, recommending that the adequacy of Garda protocols and procedures regarding the assessment of the fitness of witnesses to be interviewed should be examined by the commission of investigation. This vital issue is buried in the bureaucracy of yet another expert group within the confines of the Department of Justice, Equality and Law Reform.

The commission of investigation must provide answers to three important questions. How did Dean Lyons come to be charged with the double murder at Grangegorman? Why were the charges later dropped? Why has no one else been charged with the double murder? This is, in so many ways, another example of a corrupt Garda investigation. Other examples of botched investigations which ruin lives and cause irreparable damage come to my attention on a regular basis and I propose to raise several examples.

Although the Garda Síochána includes some of the brightest and best of our citizens, it also includes more than a few bad apples. Systematic, root and branch reform of Garda training is required. While the Garda Bill includes some good provisions, I am not convinced it goes to the heart of the matter. More needs to be done. The daily drip feed from the Morris tribunal makes it difficult to have full confidence in the force. Although I appreciate the circumstances under which gardaí work, we must maintain the highest standards in Garda investigations.

I raise the murder of teenager, Kevin Reilly, in 1992. Kevin was 14 years of age when he was stabbed to death on the Cloonmore estate in Tallaght. His assailant was arrested and confessed to the killing but his statements were never admitted as evidence in court. Eyewitnesses to the attack were never called to give evidence and a person was eventually acquitted of the murder and walked free from court. Serious questions remain about the Garda investigation into Kevin's murder. His father, Joe Reilly, has been campaigning for justice for his son for the past 13 years. An investigation into this affair is required.

We also need an investigation into the death of Mary Reid in County Donegal. The initial investigation into her death in 2003 is under review by the National Bureau of Criminal Investigation. When Mary's body was discovered the Garda did not preserve the scene, collect forensic evidence or contact the State Pathologist. In this case, the gardaí involved acted on an assumption that Mary had taken her own life, an assumption which prevented a professional investigation into her death. Her brother, Joseph, continues to campaign for justice for his sister. I am pleased the Garda has at least provided sufficient manpower to investigate the case.

Deputy Rabbitte referred to the need for a completely independent ombudsman. We may continue to bang on a drum on this issue but it needs to be done, owing to the clear principle that the independence of investigators is crucial. We need an independent ombudsman. I hope the findings of the commission of investigation will bring some form of closure to the families at the centre of this tragic case, namely, those of Sylvia Shiels, Mary Callinan and Dean Lyons.

**Aengus Ó Snodaigh:** Chomh maith leis an méid a bhí le rá ag an Teachta Cuffe, deirim é seo. Caithfidh smaoineamh sa chás seo go bhfuilimid ag caint ar rud truamhéalach. Tá tríúr daoine a bhí gafa leis an chás tragóideach seo marbh, beirt acu marfa ag duine éigin agus duine eile a fuair bás ó shin, Sylvia Shiels, Mary Callinan agus Dean Lyons. Ní gá go mbeadh sé chomh tragóideach is atá agus a bhí sé, dá ndéanfadh na gardaí an obair cheart ag an am. Ní bheimis ag déileáil leis an cheist seo anois, cúpla bliain ina dhiaidh sin.

It will be crucial to get right the terms of reference of the commission of inquiry if the wrongs inflicted on and suffered by the late Dean Lyons and his family are to be redressed to any degree. It is also important to examine the circumstances which gave rise to a case in which a vulnerable young man appears to have been set up by a garda or gardaí who, acting with impunity, manufactured a false confession and then sought to cover it up.

My colleague, Deputy Crowe, will examine the terms of reference of the commission of investigation and expert group and outline changes

required to ensure they deliver the correct outcome. The Garda has always appeared to be able to operate with *carte blanche* in conducting its activities. Historically, one need only examine the role of the Broy harriers or, in more recent times, the activities of the Garda special branch over the past 30 years, including, for example, the role of the heavy gang, the Sallins case and the assassination of Eddie Fullerton. Inevitably, the culture prevailing in the special branch spread into other areas of Garda activity resulting in tragic cases such as those of Dean Lyons, Brian Rossiter, Terence Wheelock and John Moloney. The ultimate outcome was a force engulfed by a culture of unaccountability and impunity and a State willing to continuously turn a blind eye to its activities. If positive change is to occur, the prevailing culture in which members of the Garda Síochána are willing to cover up for their colleagues, as was the case in the Reclaim the Streets assaults or what is emerging from the Morris tribunal, must be replaced.

In light of the cases I raise and to prevent further travesties and injustice, Sinn Féin calls on the Government to instruct the Minister for Justice, Equality and Law Reform to adopt, even at this late stage, the full Patten model for Garda reform, including a Garda ombudsman with at least equivalent powers to those of Nuala O'Loan, the PSNI Ombudsman, to fulfil a complaints investigation function in line with the Government's obligation under strand 3 of the Good Friday Agreement that it must ensure at least an equivalent level of protection with regard to human rights safeguards.

Sinn Féin intends to table an amendment to the Criminal Justice Bill, which will introduce a statutory requirement for all Garda interrogations relating to serious crimes to be video taped, following from the recommendation of the Martin committee in 1990, and that the corridors of Garda stations also be video taped. It is in these corridors that regular beatings occur with the result that vulnerable people such as Dean Lyons sign confessions for crimes they have not committed. Rather than doing proper police work and the investigative, laborious slog this entails, many gardaí prefer the easy option of beating confessions out of people. This culture must be eradicated and the Garda Síochána, from top management down, must cease allowing practices of this nature to continue in stations in this city.

Revealing, understanding and accounting for the actions of everyone involved in the case to be investigated by the commission of inquiry is not only important to redress the wrongs suffered by Dean Lyons, his family and the families of Mary Callinan and Sylvia Shiels, it has broader implications for the much needed transition to a just society. If we fail to deal with all the pertinent issues surrounding the Dean Lyons case, among others, it will continue to loom over us and pose a threat to the future stability of and confidence

[Aengus Ó Snodaigh.]

in the Garda Síochána and the justice system. Such confidence is required and we must all strive to achieve it. It will not emerge unless the Garda Síochána and the judicial system are willing to own up to the mistakes of the past.

**Ms Sexton:** I wish to share time with Deputy O'Connor. I am pleased to have a brief few minutes to speak on the decision by the Minister for Justice, Equality and Law Reform, in consultation with the Minister for Finance and following the recommendation by Mr. Shane Murphy SC, to establish a commission of investigation surrounding the making of a confession by Dean Lyons in the deaths of Ms Mary Callinan and Ms Sylvia Shiels in Grangegorman in 1997.

It is to the credit of such Members of the House as Deputies Gregory, Rabbitte and O'Connor, who have raised this matter consistently and relentlessly in recent years, that this commission has been established. They can be justifiably satisfied with their role in ensuring the families have their legitimate queries conclusively addressed. It is only right and proper that such an investigation take place given both the tragic nature of the deaths of the two vulnerable women in question and the disturbing questions the confession of Dean Lyons raises in the public consciousness.

Dean Lyons's family has every right to feel anger and resentment that a loved one had a charge of murder proffered and withdrawn by the State under the unrelenting glare of media coverage of one of the most shocking and appalling murders in the history of the State. They deserve to have its legitimate questions answered. Those questions include how Dean Lyons, a marginalised, confused and incoherent heroin addict who was sleeping rough, came to be charged in the first instance with the brutal murders of 59 year old Sylvia Shiels and 61 year old Mary Callinan. How did it take a full seven months to release him from prison and drop all charges against him, and only after the admission by another party to the murder? How did part of Dean Lyons' confession appear to have been audio and videotaped while the most crucial part of the interview, where it is alleged he confessed to having murdered these women, was not taped, allegedly at his request? How did the charges subsequently come to be dropped? How is it that Dean Lyons seems to have been in possession of particulars of the murder, such as the layout of the house and the weapons used, that were so detailed they could only have been known by those investigating the case and the murderer himself, which we now know was not Dean Lyons?

There are, no doubt, many other questions which could be added to those I have already raised. I have every confidence, however, that the highly respected Mr. George Bermingham, senior

counsel, will return a comprehensive report which will answer all the queries that have been raised by many people over the past eight years.

The extended Callinan and Shiels families have a right to be angry too because no one has ever been charged or prosecuted for the murder of their loved ones. I hope they will take some consolation from the fact that the Garda Síochána has begun a cold case examination of DNA evidence using forensic techniques that have been developed since the murders. It is to be hoped that the use of these techniques will lead to a successful prosecution of the murderer or murderers of those two defenceless women in Grangegorman on that tragic night in March 1997. These three families have been seriously and permanently traumatised by this dreadful tragedy. All three victims of this distressing situation are now deceased, leaving their families to pick up the pieces as best they can.

The commission will have full statutory powers to investigate and take sworn evidence in this case, but it will also have power to examine the adequacy of Garda protocols and procedures regarding, among other things, the assessment of the fitness of witnesses to be interviewed. That is to be welcomed. If this investigation is to have any moral authority, it must examine how Dean Lyons came to make a confession to a crime he did not commit and could not have committed, as well as examining how we can ensure that there is never a recurrence of such an indefensible set of circumstances.

It is welcome news that, in tandem with the investigation, the Minister has decided that an expert group will look at the adequacy of Garda training, protocols, regulations and procedures as they existed in 1997 and as they exist now on interviewing procedures, the way in which vulnerable suspects are questioned, and the recording and corroboration of admissions by suspects.

Lessons must be learned from this terrible tragedy in an effort to ensure that nothing similar occurs in future. I look forward to viewing the terms of reference which the Minister has stated he will announce shortly together with the name of the person to carry out that examination.

**Mr. O'Connor:** I will preface my remarks by referring to the sad case of Mr. Kevin Reilly which I have consistently raised with the Minister. It was a very sad murder during which Kevin Reilly was knifed to death. A court case subsequently acquitted the person involved. Mr. Reilly's father, Joe, has been in contact with many politicians, including me as one of his local Deputies. I stress to the Minister that I am upset by references to the case.

While congratulating the Minister on taking this particular initiative, I am upset by the Dean Lyons case. I have great sympathy for the families of Mary Callinan and Sylvia Shiels and I offer my sympathy to them again. As my colleague,

Deputy Sexton, has said, I have involved myself in the Dean Lyons case over a number of years. It is a difficult case. I know the Lyons family well and they are constituents of mine. I got to know Dean a little having met him a few times. This debate must be tinged with sadness because references were made to the difficulties he had. Many of us tried to help him but to no avail, so this is a sad occasion.

I welcome what the Minister is setting out to achieve by establishing a commission of investigation. While I realise political points will have to be made, this is an extremely difficult and sad case. As a local Deputy, I have taken a particular interest in the matter and I am sympathetic to the victims, of which there were many in this instance. I am upset and troubled by the fact that, as other colleagues have indicated, no more charges have been brought. Somebody knows the truth and I hope the Minister's statement, that the case is still active as far as the Garda Síochána is concerned, proves to be so. It would bring closure and heal many wounds if the Garda Síochána was able to find sufficient evidence to take a case in this matter. It would be warmly welcomed.

I find it difficult to talk about Dean Lyons because I do not want to say anything insensitive towards his family. I knew Dean, however, and was aware of the difficulties he had. We were all deeply shocked when he was charged with these unfortunate murders. Many people were upset by the way in which the matter developed, not just in my community where people were upset on behalf of the Lyons family but also in the wider Dublin region and I suspect throughout the country. This is one of those cases that touched the public psyche. A long time has passed since March 1997 but there has not been any closure on this case.

Many people will watch this debate and hope that some good will come of it. I have no difficulty with colleagues making political points, although I will not do so. It is important to welcome the Minister's announcement of the investigation and we should acknowledge what is being done in this regard. I wish Mr. George Bermingham, who is known on all sides of the House, well in this particular investigation. We know the skills he will bring to it. I hope the work of the commission of investigation will be far reaching and that it will examine all issues of concern. I also hope it will take particular account of the sensitivities of all the families involved in this tragedy. Those families will clearly be looking seriously at what emerges. There is a strong view that at the end of the day a real conclusion should come about and that some closure will be brought to this case.

I hope the Minister will use his considerable skills to ensure that the Garda investigation continues in that regard. I do not wish to patronise him but I believe the Minister, Deputy McDowell, is the man to achieve this. There will

be much support for his efforts from my constituency. This case also caused much concern in the Grangegorman area. I was a member of the health board at the time and I saw evidence of that concern. I also visited the scene of the murders. People in my constituency and in Dublin generally were upset and concerned for Dean Lyons and his family. There will be support for what we are trying to achieve.

I look forward to the Minister providing further information as this process goes forward. He has my support and I hope that some good will come from this.

**Mr. Durkan:** I am glad to have an opportunity to contribute to this debate. The fact that an inquiry is being ordered now is to be welcomed. However, for a number of reasons it is sad that such an inquiry has had to be ordered. It is sad that the necessity for such an inquiry did not emerge until now.

The case has demonstrated weaknesses in the system. People's lives and reputations have been affected by this case together with the very foundation of our justice system. When a person either admits to or is charged with a crime he or she did not commit, it shows a serious weakness in the system that needs to be dealt with.

I compliment the Minister on ordering a commission of investigation, but it is being done at a late stage. This demonstrates that it takes a long time to convince the powers that be that something is wrong. The Minister is much closer to the action than any other Members of the House and I am sure he has had an opportunity to examine the case in all its detail. One thing is certain, namely, if someone admits to a crime and has details relating to the crime scene, only one or two actions could have happened. Either the person was given or fed the information or was led with the information, all of which is unacceptable in any criminal investigation.

I have expressed a number of reservations to the Minister privately in respect of some practices, but referring to and relying on a confession or circumstantial evidence solely to achieve a conviction is the most dangerous pursuit in any judicial department. This has been proven time out of number, not only in this jurisdiction but in several others as well. Excessive reliance on a confession means that the system is now dependent on the extent to which the person confessed voluntarily. The system then becomes reliant on the extent to which there was coercion, suggestion and said or led information, all of which contributes to an undermining of the justice system. The sad part about this miscarriage of justice is that three people have tragically passed on, one accused of committing the offence and the two victims. We do not know any more today about what happened and who the culprit or culprits were than we did the day after the offence.

[Mr. Durkan.]

Were I in the Minister's shoes I would ask serious questions about the procedures and why the system was allowed to drift along in a haphazard fashion. He may have done so already. The alleged perpetrator has also sadly passed away. It would be convenient for all and sundry to say it is over and is done and dusted. There have been similar circumstances. The Minister should be congratulated on this aspect of the matter. I gladly note that my former colleague will chair this investigation and I do not doubt that Mr. George Bermingham SC will do a good job. I hope it will not be as costly as other inquiries, that it will examine the situation, get to the root of the problem and deal with it as quickly as possible.

The inquiry must reveal a number of points, namely, the weaknesses in the system, how they occurred, the circumstances in which they occurred, the sequence of events and how it transpired that an individual admitted guilt. Anyone in the Chamber could admit to something similar if he or she were given the opportunity and the right circumstances prevailed. Suggested evidence must be cross-checked. I do not know what cross-checking took place in this case. Obviously, there was none. In the event of a confession, it is doubly important to call on all possible means of cross-checking evidence which should be able to stand up more so in the event of a confession than in any other circumstances. Too much would be left to conjecture. I hope the inquiry will bring about a conclusion but it will not provide closure as people will be hurt either way. A conclusion would be different.

Another concern I have noted in recent years is that there seems to be a long time lapse between a murder and when the crime scene is preserved and examined. It is very haphazard. In the United States of America the first ten hours after a crime is committed are supposed to be the crucial ten hours in terms of detection. The trail has gone cold afterwards. There are many reasons for this belief. I recall a number of cases in this country over recent years where full examinations of bodies did not take place until several days after the crime. This is unpardonable and under no circumstances should it be acceptable.

I strongly suggest extra staff be supplied to the State Pathologist's office to ensure that no one is put under pressure. A person should not need to travel from one extreme of the country to another day after day to be at crime scenes. It is not physically impossible. Those of us who spend much time driving through the countryside know full well what it entails. Even given the current rate of homicides, which is not a political point, all must be dealt with. Each circumstance must be examined in isolation. Adding extra staff is an urgent need. This is not a reflection on the current staff who are doing a very good job.

The need to preserve crime scenes until such time as investigations have been concluded is obvious. The initial examination should begin as quickly as possible after a crime has been discovered. It is of no use to say it will be examined tomorrow or that it will be finished in two days', a week's or three weeks' time. Now is the time. Points occur to us that do not seem to occur to those with responsibility in this area. In some cases these points are obvious.

I do not understand how superior officers could accept a case of this nature given that the confession took place. I would have presumed that questions had been asked how the confession took place and the precise circumstances surrounding it. The Minister has asked these questions but I wish to be reassured in his reply that they were asked by immediate superior officers. The chain of command is supposed to act of its own accord to the benefit of the community and with the confidence of the community and Minister for Justice, Equality and Law Reform. Sadly it appears that such did not occur in this situation.

The old adage that 99% of gardaí are effective in how they do their jobs is true. However, as in every profession — politics, financial services, banking, teaching, etc. — there are one or two people who do not always observe the rules. It is very unfair for those who try to do their jobs well to be blamed and tarred with the same brush as those who cut corners and take shortcuts to the detriment and credibility of the entire force. This should be pointed out to the people concerned. They might be offended by the suggestion but the fact remains that certain procedures must be observed. If not, it would not be good for the people involved, for justice or the country. It is tough and rough but that is how it is. No exceptions should be made to this general rule.

I began by saying the system did not work. It is now working belatedly at a time when questions have been raised in other areas regarding the administration of justice and policing, which is sad. If this had been an isolated case, it would have been just one matter but other issues are still being discussed or pursued relating to items of police work. This should not have occurred. Gardaí require the confidence and support of the public. Otherwise, they cannot do their jobs. To achieve this, they need to carry out their duties in such a fashion that allows members of the public to go about their business knowing they will be protected by the police force at all times.

**Mr. Costello:** I welcome the opportunity to speak on this motion. I also welcome the establishment of the commission of investigation into the Dean Lyons case, which is long overdue. It is important that, even at this late hour, we have it established. I had proposed to seek an amendment to the draft order, which I believed was possible within the terms of reference. I proposed it would be amended in the following fashion,

namely, to insert the words “The arrest and detention of” after “arising from”.

Debate adjourned.

*Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.*

## Ceisteanna — Questions (Resumed).

### Priority Questions.

#### Údarás na Gaeltachta.

47. D’fhiafraigh **Mr. McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta, i bhfianaise a raibh le rá ag feidhmeannaigh Údarás na Gaeltachta an tseachtain seo caite nuair a d’fhreastail siad an gCoiste um Chuntais Phoiblí, cad iad na bearta atá á nglacadh chun a chinntiú nach mbeidh deontais á gceadú do thionscnamh taobh amuigh den Ghaeltacht agus go mbeidh soiléireacht iomlán i bhfeidhm nuair a bhíonn maoin an Údaráis ar díol. [36961/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Ar an gcéad dul síos, ní mór dom a mheabhú don Teachta go bhfuil cumhacht reachtúil ag bord Údarás na Gaeltachta maidir le deontais a cheadú agus maoin a dhíol, laistigh den chreatlach reachtúil faoina bhfeidhmíonn sé agus i gcomhréir le treoirlínte agus rialacháin náisiúnta agus Eorpacha. Is í an fheidhm atá ag mo Roinnse chomh fada agus a bhaineann sé le cásanna den chineál seo ná a chinntiú go bhfuil na prionsabail agus na treoracha cuí maidir le rialú corparáideach curtha i bhfeidhm agus á leanúint go sásúil.

Ag tagairt don cheist shonrach a d’ardaigh an Teachta maidir leis na céimeanna atá á nglacadh chun a chinntiú nach mbeidh deontais á gceadú do thionscnaimh taobh amuigh den Ghaeltacht, tá sé curtha in iúl dom ag an Údarás go bhfuil céimeanna cuí tógtha chun a mhacasamhail d’atarlú a sheachaint. I measc na gcéimeanna sin, áirítear meamram inmheánach a eisíodh i 2002 a threisigh tábhacht na ceiste i gcoitinne agus a leag síos treoracha chun déileáil le cásanna amhrasacha; sonraí na mbailte fearainn agus na mbóithre áitiúla a bheith ar fáil ar léarscáileanna go himmheánach, chomh maith le cóipeanna d’fhóilíonna a bheith ar fáil ar líne agus tríd an rannóg dlí; agus uasghrádú ar lámhleabhar na foirne maidir le riaradh deontas.

Maidir le soiléireacht iomlán a bheith i bhfeidhm nuair a bhíonn maoin an Údaráis ar díol, tá béim nach beag curtha ag mo Roinn ar an méid sin. Tá tagairt déanta ag an Ard-Reachtaire Cuntas agus Ciste, ina fhorlíonadh lena thuarascáil i dtaca le cuntas iniúchta an Údaráis don bhliain 2004, do litir den 21 Iúil 2004 ó mo Roinn chuig an Údarás. Tá mé sásta a chur in iúl

go raibh comhphlé tairbheach idir mo Roinn agus an tÚdarás ar ghnéithe éagsúla de rialú corparáideach thar thréimhse agus go bhfuil uasdátú déanta ar threoirlínte an Údaráis dá réir.

Ar ndóigh, mar atá treisithe i gcomhfhreagras ón Údarás féin, tá sé mar aidhm ag an eagraíocht, idir bhord agus fheidhmeannas, cloí le scothchleachtais chomhaimseartha i gcónaí, de réir mar a bhíonn na cleachtais sin ag forbairt go náisiúnta agus go hidirnáisiúnta. Chuige sin, leanfaidh an tÚdarás den nós athbhreithniú rialta a dhéanamh ar a chleachtais i gcomhar le agus faoi threoir ó mo Roinnse, de réir mar is cuí.

**Mr. McGinley:** Tá mé buíoch den Aire as an fhreagra sin. An n-aontódh an tAire liom gur eagraíocht an-tábhachtach é Údarás na Gaeltachta chomh fada agus a bhaineann sé le muintir na Gaeltachta agus na Gaeilge? Tá sé thar a bheith tábhachtach, cosúil le heagrais Stáit ar bith a bhíonn ag plé le hairgead poiblí, cé acu an bhfuil sé ag tabhairt amach deontas nó ag díol maoin, nach mbeadh amhras ar dhuine ar bith ná orainne sa Teach seo fán dóigh a dtéann sé fána ghnóithe. De réir cosúlachta, bhí deacrachtaí ag an Údarás san am a chuaigh thart. De réir a ndúirt an tAire ansin, níor cloíodh leis na rialalacha corparáideacha chomh daingean agus ba chóir. An bhfuil an tAire sásta anois cad é a chothaigh na deacrachtaí sin? An bhfuil sé sásta nach n-éireoidh deacrachtaí ar bith mar sin feasta, ar mhaithe leis an Údarás féin agus an Ghaeltacht?

**Éamon Ó Cuív:** Sílim féin go bhfuil feabhas leanúnach á chur ag an Údarás ar an gcaoi a ndéanann sé a chuid gnóithe. Tá go leor ama infheistithe ag an Údarás féin agus ag feidhmeannaigh de chuid mo Roinne ag plé leis an Údarás, ní amháin, go deimhin, leis an Údarás ach leis na heagraíochtaí ar fad atá faoi chúram na Roinne, le déanamh cinnte go bhfuil na caighdeáin is fearr á sroichint ó thaobh rialaithe corparáidigh de. Ní bheinn chomh dána agus a rá nach n-éireoidh fadhb go deo aríst. Mar a dúirt an fear, tá súil agam nach n-éireoidh, ach cá bhfios, mar is daoine daonna iad ag deireadh an lae atá i mbun eagraíochta ar bith? Sílim féin, áfach, chomh fada agus is féidir go praiticiúil, go bhfuil córais thar a bheith éifeachtacha curtha in áit ag an Údarás.

Thar aon rud éile, tá dhá rud tábhachtach. I gcás an ruda a raibh caint air, is dearmad *bona fide* a bhí ann. B’fhéidir go mba cheart go mbeadh córas ní b’fhearr ann ag an am, ach is é dearmad a bhí ann. An dara rud ná, níl duine ar bith ar an saol nach ndéanann dearmad, ach má dhéantar dearmad, cad a dhéantar le déanamh cinnte nach ndéanfar an dearmad céanna aríst? Sílim go bhfuil an tÚdarás tar éis foghlaim ón ndearmad sin. Is é an tuiscint atá agam ar an scéal ná gur beag an baol atá ann ar chor ar bith go bhféadfadh a leithéid de rud éirí aríst.



**Mr. McGinley:** Chomh fada agus a bhaineann sé le díol maoin, is ceist é seo a éireoidh aríst agus aríst eile mar go bhfuil an tÚdarás ag díol na maoin atá aige i ngach ceantar Gaeltachta le cúpla bliain, agus dírim isteach ar chás amháin a bhfuil an tAire agus muid uilig eolach air, nuair a chaill sé breis agus €300,000 ar scéim amháin a raibh díol maoin i gceist. Bíonn sé chomh gnóitheach sin ag díol a chuid mhaoine go gcaithfear gach iarracht a dhéanamh go bhfaigheadh sé an luach is airde air. Bíonn muintir na Gaeltachta ag brath ar an airgead sin. Beidh fostaíocht agus cóiríocht eile á gcur ar fáil.

**Éamon Ó Cuív:** Aontaím go hiomlán leis an Teachta. Mar is eol dó, tá an tÚdarás ag déanamh athchúrsála ar mhaoin, is é sin, nuair a dhíolann an tÚdarás maoin, fanann an t-airgead leis, agus déanann sé é a athinfheistiú sa nGaeltacht. Tá an polasaí sin tar éis an-tairbhe a dhéanamh ó thaobh bhreis infheistíochta de sa nGaeltacht. Chomh maith leis sin, an té a cheannaíonn maoin nó monarcha de chuid an Údaráis, is mó seans i bhfad go bhfanfaidh sé, mar tá sé tar éis infheistíocht i bhfad níos mó a dhéanamh.

Tá feabhas curtha ag an Údarás ar a gcaoi a ndéanann sé an jab áirithe sin. Tá an ceart ag an Teachta go bhfuil dualgas ar an Údarás, taobh istigh de na haidhmeanna atá aige, an luach is fearr a fháil ar mhaoin ar bith a dhíoltar. Ar ndóigh, caithfidh sé sin a bheith i gcomhréir leis an sprioc atá ag an Údarás fostaíocht tháirgiúil a chruthú sa nGaeltacht. Ag teacht leis sin, níl aon amhras faoi sin ach go gcaithfidh sé modhanna oibre a chleachtadh le déanamh cinnte go bhfaigheadh sé an luach is fearr ó thaobh na Gaeltachta as sealúchas ar bith a dhíolann sé.

Tharla fadhb, agus tá a fhios againn uilig faoi sin. Bhí mo Roinn ag plé leis faoin gceist. Mar is eol don Teachta, bhí orthu tarraingt siar as an gcéad díol agus tiontú ar ais. Tá a fhios agam, áfach, go bhfuil na nósanna feabhsaithe ó shin, agus arís ar ais, tá mé thar a bheith muiníneach nach dtarlódh a leithéid d'eachtra arís.

### **Dormant Accounts Fund.**

48. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money at present lodged to the dormant accounts fund; when it is proposed to advertise for applications for grant aid under the fund; when the next allocation of grants will be made; and if he will make a statement on the matter. [37009/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** Adjusted for liabilities of €48 million, the current value of the dormant accounts fund is €157 million. Such liabilities arise in respect of funding approved for projects by the Dormant Accounts Fund Disbursements Board which has yet to be drawn down. It is anticipated that a

large element of this amount will be disbursed during 2006.

With regard to further allocations, the Deputy will be aware that the Dormant Accounts (Amendment) Act 2005 provides for significant changes in the disbursement of funds from dormant accounts and for a reconstituted board. The Act was commenced on 1 September 2005. Under this new legislation, the Minister is required to consult appropriate Ministers for the purpose of developing a proposal for submission to Government for approval. This proposal will include the programmes and types of projects for which applications for disbursements will be invited, as well as the criteria to be applied in assessing applications made in response to the invitation.

Yesterday the Government approved proposals for projects and programmes to address the social and economic disadvantage category under the next round of funding. The Minister will make a further announcement shortly when the details and operational procedures are finalised. The consultation process on proposals under the other two categories, education disadvantage and disability, is not yet finalised and the Minister hopes to be in a position to make proposals to Government under these two headings fairly soon.

**Mr. O'Shea:** Does the Minister of State agree that this so-called consultation process is a stalling device to ensure that allocations from the dormant accounts fund will be announced at the time most advantageous to the Government parties before the forthcoming general election? Does he further agree that this so-called consultation process is nothing more than the Minister and his Cabinet colleagues ensuring that this slush fund, which is what the Government has made of the fund, is used to maximise votes in the forthcoming general election?

Did I understand the Minister of State correctly that it is hoped that moneys which have not yet been drawn down from allocations made by the Dormant Accounts Fund Disbursements Board will be drawn down by the end of next year? Does that mean my suspicions are correct, that no further allocations will be made in 2006 and, effectively, the considerable resources of the fund, which the Government has converted into a slush fund, will be available to buy votes before the next general election?

**Mr. N. Ahern:** No, what I stated earlier was that, of the allocations made to date by the board, €48 million has not yet been drawn down. A sum of €8 million is the only amount that has been drawn down. As Deputy O'Shea will be aware, ADM Limited administers all this for the disbursements board. Of the €63 million that was allocated, to date €8 million has been drawn down. It is a case of working out the legal agreements etc. However, one would expect that the

figure drawn down would be increased significantly, and most of that will be disbursed next year. All the money is provided and allocated. While there is €205 million in the fund at present, deducting the liabilities of €48 million leaves €157 million.

There is no stalling. Matters have proceeded rapidly since the new legislation came into place. The consultation process — I was on one of the committees — involves representatives from approximately six Departments. There have been at least four or five meetings of that cross-departmental group. The only elected representatives at those meetings were the Minister and me. The rest of the participants were officials.

The committee on social and economic disadvantage has completed its work and sent its report to Cabinet. It is hoped that the other two committees — I am not on either of them — on disability and educational disadvantage, will complete their reports and send them to Cabinet fairly soon. Then matters will progress quickly in the new year.

**Mr. O'Shea:** I heard what the Minister of State said, but everything must be approved by Cabinet. That was the corrupt element brought into this, that where once there was an independent board, now the Government will decide. The Minister of State can put all the window dressing he likes around this, but at the end of the day it is the Cabinet, not the civil servants, advisers or whoever, that will make all the decisions.

The Minister of State has not confirmed to me when it is proposed that the next advertisement will be placed seeking applications and when, subsequently, it is proposed that allocations will be made. Nothing he stated disabuses me of the idea that we are looking at a slush fund. The Minister can grin and laugh all he likes, but let us come back here in a year and see what exactly has happened.

**Éamon Ó Cuív:** We will.

**Mr. O'Shea:** Can the Minister assure me that it will not be used as a slush fund?

**Éamon Ó Cuív:** Yes, absolutely.

**Mr. O'Shea:** Will the Minister give me the information I seek, that is, when it is proposed to advertise a new competition and when it is proposed to make allocations?

**Mr. McGinley:** Deputy O'Shea would want to be joking.

**Mr. N. Ahern:** As I stated, the social and economic disadvantage committee is one of the three committees — there are three interdepartmental committees.

**Mr. O'Shea:** Will the Minister of State advertise for that soon?

**Mr. N. Ahern:** That report has gone to Cabinet. We are working on the details of the operational procedures of how we will roll that out. We only got approval from the Cabinet yesterday and it will be rolled out quickly. Deputy O'Shea will see all that in January or February next.

It will not necessarily be one large catch-all advertisement in the newspaper. We will bring forward a number of proposals. We will give much attention to RAPID programme areas and there will be a number of other programmes and projects very much centred on disadvantaged youth, older persons and other priority groups such as immigrant families and ex-offenders. It will not involve one massive advertisement in the newspaper. As there are different categories, we will focus on the different agreements. In January or February, Deputy O'Shea will see evidence of where groups will be invited to apply.

### Community Development.

49. **Ms C. Murphy** asked the Minister for Community, Rural and Gaeltacht Affairs the results of the review process carried out by his Department in conjunction with the Department of the Environment, Heritage and Local Government and the Department of Justice, Equality and Law Reform relating to expenditure and its impacts on communities through the various programmes aimed at community development; the new programmes which are intended as a consequence of the review; the findings of the review; and if he will make a statement on the matter. [37068/05]

**Éamon Ó Cuív:** The review of local and community development structures initiated by me and the Ministers for Justice, Equality and Law Reform and the Environment, Heritage and Local Government commenced in 2003.

Deputies will be aware that the guiding principles-terms of reference for the approach were improving on the ground services, supports and impacts on local communities, from within existing levels of resources; streamlining and rationalising structures so as to avoid overlaps, duplication and undue administrative overheads; bringing transparency, co-ordination and improved control to the funding and operation of local-community development measures; and strengthening the democratic accountability of agencies and service providers in this area.

As I indicated in my reply to Questions Nos. 151, 153, 156, 163, 172, 173 and 185 of 4 February 2004, arising from the review, Government agreed to a number of proposals to improve delivery of services on the ground; improve arrangements under which community and local development initiatives are delivered; reaffirm

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Government's commitment to local and community development programmes; and improve cohesion and focus across various measures and enable communities to more readily access and make maximum use of the funding available.

In line with this decision, community and local development groups across urban, rural and Gaeltacht areas were requested to bring forward measures for improved alignment of structures in their respective areas by mid-2004. This process was co-ordinated by the local county and city development boards, CDBs.

As a result of the process, Cohesion Funding in the amount of €3,248,600 was allocated during 2004 to support specific measures aimed at improving the co-ordination of service delivery at local level. These were mainly focused on improving current arrangements on resources, staffing and geographic coverage.

In 2005-06 I am making funding of €7 million available for measures focused on the alignment of local, community and rural development organisations to achieve full county-city coverage by 2006. In rural areas, this will involve Leader and partnership, including community partnership, groups coming together to secure a unified structure that will provide full area cover. The intention is to secure full coverage of the local development social inclusion programme throughout the State. It will also be possible to deliver schemes such as the rural social schemes through these unified structures because they have full area cover. Proposals from local and community development groups are being assessed by an external consultant engaged by my Department.

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

As indicated previously to the House, in line with the Government decision, new community development projects have been established on the basis of maximising recourse to existing structures. Of the 15 pre-development projects originally included in the community development programme, 12 are being delivered through existing community development projects or partnership companies. In addition, the funding available for intermediaries, such as regional support agencies, has been significantly reduced. This serves to maximise the resources available for community benefit. The number of such agencies with which my Department has a contract under the programme has been reduced from 13 to six. The six successful tenders commenced their contracts from 1 July 2004.

The process of restructuring ADM Limited has been progressed. The company name has been changed to Pobal and the necessary changes to the memorandum and articles of the company have been made to allow for Government to

appoint the chair and members of the board. The Government has recently appointed seven new members.

**Ms C. Murphy:** I know the project was aimed at social inclusion. I wanted to tease out the definition of social inclusion with the Minister by way of a question. There are areas where nothing but houses are constructed and they are devoid of community facilities. This is a significant disadvantage as regards community development. Does the Minister anticipate the programme will capture that if it is to have full area cover? Will there be money available from these funds to deal with that and in what manner will they be dealt with? Bodies such as Combat Poverty and NARSA, the national institute for regional and spatial analysis, which is attached to Maynooth college, have mapped this as a type of poverty, in a recent publication and it is a useful finding. As the Department of the Environment, Heritage and Local Government was involved, was there any discussion on policies as regards the obligations on developers or, where the Part V provisions are not working, where community facilities cannot be achieved without additional funding directly from the State?

There is no doubt that significant difficulties will arise if community facilities are not put in place that allow young people to function as they should and allow voluntarism to develop rather than engaging in endless fundraising. If there is a village, for example, with the population of a town, with no facilities and no heritage of community, there is endless fundraising. This rules out the possibility of a very——

**An Leas-Cheann Comhairle:** The Deputy will confine herself to the question.

**Ms C. Murphy:** Does the Minister regard that as a component of what is required in terms of community development?

**Éamon Ó Cuív:** The review process we were involved in was more about structures, it was not about community facilities, which is what the Deputy is referring to. That is why the answer focuses on what we have done to change the structures delivery. I will clarify precisely where we are at. A county such as County Kildare will have Leader companies, partnerships and so on. Every part of the country will be covered by an area-based company that will deliver a wide range of schemes, for example the rural social scheme, the LDSIP, the local development social inclusion programme, sometimes called the partnership programme, and in rural counties the Leader programme and others. Instead of two companies doing it, there will be one.

As regards the other issue raised by the Deputy, namely, the whole question of super-

vision of community centres and other necessary buildings, that is not my Department's direct responsibility. However, as the Minister with responsibility for community, I have an absolute belief that each community must have the requisite buildings. Under a new arrangement where levies are being taken out of all developments, it is absolutely imperative, as the Deputy rightly points out, that local authorities provide that land is available and ensure that the fund is used to construct the community's buildings.

I have repeatedly said that the idea of building housing estates without providing the necessary community facilities at the same time is the reason our Department must intervene time and again to deal with problems of anti-social behaviour, community breakdown etc. I fully accept the point made by the Deputy, although it was not the question that was asked.

**Ms C. Murphy:** Will the Minister make his views known on the review of the development levy scheme in that context?

**Éamon Ó Cuív:** My colleague, the Minister of State, Deputy Noel Ahern, also has responsibility for housing and I have no difficulty in making my views known to the Department of the Environment, Heritage and Local Government. There is a good working relationship between the two Departments. The Government is trying to bring an integrated approach to the whole scene which looks at communities in total. The reason our Department was set up was to take a bird's eye view of community requirements and not to look at everything in sections, with each section accountable for certain areas. We must take the broader view. I accept the full thrust of what the Deputy is saying. She can be assured that we are engaged with this work. We have used funds to provide facilities in areas of the drug task force's remit and so on. We are very focused on the need for integrated community development across various Departments and to ensure there is a joined-up approach towards this problem.

**An Leas-Cheann Comhairle:** Question No. 50 is in the name of Deputy English. As it is a priority question and Deputy English is not in the House, it cannot be taken.

**Mr. McGinley:** I wish to take that question.

**An Leas-Cheann Comhairle:** I understand, but the rule is that the name must be notified to the office before questions. It should have been done this morning. It cannot be done at this stage.

**Mr. McGinley:** I nominated Deputy English to table the question and I thought that was sufficient.

**Mr. O'Shea:** Can the House agree to the question being taken in the Deputy's name?

**An Leas-Cheann Comhairle:** It can only be done if Deputy English appears before the end of Priority Questions. Question No. 51 will be taken now and if the Deputy is in the House by the time that is finished we will take it.

### Irish Language.

51. D'fhiafraigh **Mr. O'Shea** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil tuarascáil d'aon sórt faighte aige ón staidéar teangeolaíoch a bhí dírithe ar úsáid na Gaeilge sa Ghaeltacht agus ar cuireadh tús leis i mí Aibreáin 2004 chun athbhreithniú a dhéanamh ar na limistéir oifigiúla Ghaeltachta. [37010/05]

**Éamon Ó Cuív:** Mar is eol don Teachta, tá an staidéar teangeolaíoch a luann sé — a bronnadh ar Acadamh na hOllscolaíochta Gaeilge, Ollscoil na hÉireann, Gaillimh i gcomhar leis an Institiúid Náisiúnta um Anailís Réigiúnach agus Spásúil, Ollscoil na hÉireann, Má Nuad — faoi lánseol i láthair na huaire.

Tá an staidéar, a thosaigh i mí Aibreáin 2004, dírithe ar úsáid na Gaeilge sa Ghaeltacht mar bhunús chun forbairt theangeolaíoch na Gaeltachta mar cheantar labhartha Gaeilge a threisiú agus athbhreithniú a dhéanamh ar na limistéir oifigiúla Gaeltachta.

Faoi mar a bhí aontaithe leis na comhairleoirí, tá trí thuarascáil eatramhach faighte ag mo Roinn go nuige seo mar chuid den obair atá ar bun trí chéile. Cuireann na tuarascálacha seo mo Roinnse ar an eolas maidir le dul chun cinn an togra go ginearálta. Níl i gceist ag an bpointe ama seo na tuarascálacha sin a fhoilsiú. Mar a mhíneigh mé cheana, beidh na roghanna éagsúla tíreolaíochta agus déimeagrafaíochta, a mheastar a bheith oiriúnach mar bhunús chun na limistéir oifigiúla Ghaeltachta a shainiú, á scrúdú mar chuid den staidéar. Tá mé ag súil leis go mbeidh an staidéar críochnaithe faoi mhí Mheán Fómhair 2006 ar a dhéanaí. Ní dhéanfar aon chinneadh maidir le hathruithe ar na limistéir Ghaeltachta go dtí go mbeidh torthaí agus moltaí an staidéir meáite go cúramach ag mo Roinn agus pé moltaí ábhartha is gá a bheith curtha faoi bhráid an Rialtais in am tráth.

**Mr. O'Shea:** Nach n-aontaíonn an tAire liom gur chuir an staidéir seo ar bun chun éaló ón gcúram aistriú a dhéanamh ar na limistéir oifigiúla Gaeltachta le linn saol an Rialtais seo? Nach bhfuil fhios aige go bhfuil sé bhunscoileanna Gaeltachta ina dháilcheantar féin nach bhfuil ag múineadh go hiomlán tré Gaeilge? Nach raibh an dóthain ama aige go dtí seo agus dóthain eolais le fáil aige sa Roinn chun tabhairt faoi na fadhbanna atá ag baint leis an nGaolainn sa Ghaeltacht? Nach cleas é seo chun éaló ó

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tabhairt faoi fadhbanna a bhaineann leis na limistéir Gaeltachta ina ndáilcheantar féin?

**Éamon Ó Cuív:** Caithfidh an Teachta a bheith cúramach nach é an Ghaeltacht beag aige féin a cailleadh as—

**Mr. O'Shea:** Níl aon scoil sa Ghaeltacht sin nach bhfuil ag múineadh go hiomlán tré Gaelinn.

**Éamon Ó Cuív:** Tá scoileanna i mBaile Átha Cliath ag múineadh go hiomlán tré Gaeilge agus ní i nGaeltachtaí iad, ach sin scéal eile.

An rud a moladh Coimisiún na Gaeltachta ar dtús ná go ndéanfaí staidéir den chineáil seo. Is ait an rud é. Má ghlacann duine le moltaí an Choimisiúin tá thiar air nó uirthi. Muna ghlacann duine leo, tá thiar air nó uirthi. Mhol an Coimisiún féin go gcuirfidh staidéir mar seo ar bun. Bhí iontas orm féin go dtógfadh sé an fhaid seo. Bhí fhios agam go maith go mbeadh a leithéid an Teachta ag rá an rud atá sé ag rá. Rinne mé iarracht le féachaint an bhféadfaí an méid ama a thógfaidh sé seo a laghdú, agus dúradh nach bhféadfaí. Mar sin, tá an jab á dhéanamh go críochnúil. Tá sé aisteach go leor, nuair a tháinig mé isteach sa Roinn, go raibh moladh ann don iar-Aire, an Teachta Micheál Ó hUiginn, stáidéar mar seo a dhéanamh. Ní raibh aon chinneadh déanta aige siúd ar chor ar bith, fiú tosnú ar an stáidéar. Ní déarfadh mé níos mó.

**Mr. O'Shea:** Tharla sé sin ocht mbliana ó shin, no níos mó. Nach n-aontaíonn an tAire liom sa mhéid seo? Nuair a cuireadh an Stát seo ar bun, bhí 250,000 duine sa Ghaeltacht a raibh an Ghaoluinn mar ghnáth-teanga laethúil acu. Mar atá an scéal inniu, níl ach 20,000 duine sa Ghaeltacht a bhfuil an Ghaoluinn mar ghnáth-teanga laethúil acu. Nach bhfuil gach dealramh ar an scéal go bhfuil cúrsaí ag dul go mór in olc? Mar is gnáth, is beag an rud atá á dhéanamh ag an Aire faoi sin. Le taobh an stáidéir seo, tá Fóram na Gaeilge, ach níl aon rud ar fáil ón bhfóram go fóill, de réir mar is eol dom. Níl aon rud foilsithe, agus ní fheicim aon rud. Ní tharlaíonn rud ar bith seachas stáidéar i ndiaidh stáidéir gan tada a dhéanamh. Bheadh na fadhbanna soiléir dá mbeadh an tAire ar aigne tabhairt fúthu agus stádas agus neart na Gaeilge sa Ghaeltacht a láidriú. Ba cheart dó tabhairt faoi cheist phráinneach limistéir oifigiúla na Gaeltachta.

**Éamon Ó Cuív:** Ar an gcéad dul síos, níl bun ná barr leis na staitisticí atá á n-úsáid ag an Teachta, ar go leor cúiseanna. Mar shampla, i 1990 ní raibh ach 1% de phobal na tíre aonteach. Is é an rud atá fíorspéisiúil faoi sin ná gur figiúr an-íseal é. Ag an am sin, an té a bhí dátheangach sa ghlúin seo, bhí a ghasúir aonteach sa Bhéarla sa ghlúin dar gcionn. Mar

sin, d'éirigh thar cinn. Má dhéantar stáidéar ar ghluaiseacht na Gaeilge, feictear gur éirigh thar cinn le gluaiseacht na Gaeilge.

Maidir le líon na gcainteoirí sa nGaeltacht, rinne m'athair féin suirbhé an-chuimsitheach ar an nGaeltacht i 1955, agus ba é an figiúr a fuair seisean ná 30,000 duine a raibh Gaeilge acu. Is é an figiúr a bhfuil an Teachta ag tagairt dó ná 250,000. Ní raibh aon Ghaeltacht ann nuair a bunaíodh an Stát, agus ní fhéadfaí bheith ag caint ar cé mhéad cainteoirí Gaeilge a bhí ann sa Ghaeltacht. Bhí an Teachta ag caint ar líon na gcainteoirí sa tír. Tagraíonn sé sin do na daoine, ar nós na ceiste a chuir an Teachta maidir le cé mhéad daoine a raibh Gaeilge acu. Más sin an slat tomhais a úsáidtear, táimid tar éis dul ón bhfigiúr a luaigh an Teachta, 250,000, go os cionn 1 milliún duine a deir anois go bhfuil Gaeilge acu. Ní raibh a leithéid de cheist agus cé mhéad a labhraíonn an Ghaeilge go laethúil á cur.

Mar sin, ní féidir comparáid a dhéanamh leis na staitisticí sin. Níl bun ná barr leis. Má chuirtear ceist taobh istigh de limistéir oifigiúla na Gaeltachta cé mhéad daoine a bhfuil Gaeilge acu, tá an figiúr i bhfad níos airde ná an ceann a luaigh an Teachta. Mar sin, níl bun ná barr leis an gceist. Tá sé deacair freagra a thabhairt ar cheist nach bhfuil bun ná barr leis ó thaobh na staitisticí de. Má theastaíonn ón Teachta, cuirfidh mé na staitisticí cruinne chuige. Bheimis in ann an cheist a phlé ansin. Tá méadú ollmhór tagtha ar líon na gcainteoirí Gaeilge in Éirinn, bunaithe céim ar chéim ar an gceist a cuireadh, is é sin, an bhfuil Gaeilge agat nó nach bhfuil. Sin an cheist a chuirtear fadó. Go deimhin féin, sin an cheist a chuirtear go dtí le dhá dhaonáireamh anuas.

**Mr. O'Shea:** An n-aontaíonn an tAire go bhfuil sé bhunscoil Ghaeltachta ina dháilcheantar féin nach mbíonn ag múineadh ina iomláine as Gaoluinn? Nach n-aontódh sé liom go gcaithfear rud éigin a dhéanamh faoi sin go luath agus go láidir? Cad atá á dhéanamh aige faoi sin? Níl mé chun dul isteach níos mó ar rudaí teicniúla ag an am seo faoi na figiúir, ach más rud é go ndeireann an tAire nach raibh 250,000 cainteoir Gaeilge sna ceantair ina raibh na Gaeltachtaí ina dhiaidh sin, tá sé ag dul timpeall ar an gceist go fírinneach cé mhéad cainteoirí dúchasacha a bhí sna háiteanna sin a bhíodh ag úsáid na Gaoluinne mar ghnáthmheán cumarsáide in aghaidh an lae. An nglacann an tAire leis go bhfuil na scoileanna sin ina dháilchéantar féin, agus an bhfuil sé inníoch faoi sin? Más rud é go bhfuil sé inníoch, céard go díreach atá sé chun a dhéanamh chun an scéal sin a leigheas? Muna mbíonn na páistí ag foghlaim Gaeilge ina iomláine sna bunscoileanna, cá bhfuil muid ag dul?

**Éamon Ó Cuív:** Glacaim leis go hiomlán go bhfuil an ceart ag an Teachta go bhfuil bunscoileanna i nGaeltacht na Gaillimhe nach bhfuil ag múineadh trí Ghaeilge. Níl aon amhras

orm faoi sin. Ní thuigim cén chaoi a n-athródh sé an stád chun feabhais toiseacht a tharraingt línte ar léarscáil gan réamhstáidéar a dhéanamh. Is é an Teachta an chéad duine a déarfadh liom réamhstáidéar a dhéanamh sula dtosóinn a tharraingt línte ar léarscáil.

Go deimhin féin, caithfidh mé a rá, nuair a théimse go Gaeltacht Phort Láirge, go bhfuil cuid den Ghaeltacht sin ina bhfuil sé deacair mórán Gaeilge a fháil. Is ceist eile é an chun leas na Gaeltachta sin an chuid sin a chaitheamh amach. Chonaic mé cur síos an-spéisiúil den mhéid a dúirt—

**Mr. O'Shea:** Ní dúirt mise aon rud faoi áiteanna a chaitheamh amach. Ba cheart don Aire cloí leis an gceist a chuir mé faoina dháilcheantar féin agus na sé scoil úd. An bhfuil sé chun tada a dhéanamh fúthu?

**Éamon Ó Cuív:** An rud atá ar bun ná go bhfuil an grúpa sin ag déanamh stáidéar teangeolaíoch.

**Mr. O'Shea:** Beidh sé ag déanamh stáidéir go brách na breithe. Is é an obair atá ag teastáil uainn ná—

**Éamon Ó Cuív:** Tá rud an-chosúil ag teastáil leis an méid a bhí ar bun ag comhghleacaí an Teachta sular tháinig mé isteach sa Roinn.

**Mr. O'Shea:** Bhí sé sin ocht mbliana ó shin. Seo an lá inniu. An bhfuil an tAire chun aon rud a dhéanamh?

**Éamon Ó Cuív:** Táimse ag déanamh rudaí.

**Mr. O'Shea:** Cad é?

**Éamon Ó Cuív:** Bhí seisean ag breathnú ar rudaí. Ní dhearna seisean an stáidéar ariamh.

**Mr. O'Shea:** Is é rudaí a dhéanamh atá uainn.

**Éamon Ó Cuív:** Tá mé ag caint ar rudaí a dhéanamh. D'achtaigh muid an tAcht teanga. Chuir muid an Ghaeilge isteach mar theanga oifigiúil oibre san Eoraip. Chuir muid scéim na gcúntóirí Gaeilge agus scéim na gcampaí samhraidh ar bun. Rinne muid athbheochan iomlán ar scéim na bhfeabhsúchán Gaeltachta, a bhí rite síos le tamall de bhlianta.

**Mr. O'Shea:** An bhfuil aon tairbhe bainte astu?

**Éamon Ó Cuív:** Tá an iliomad rud déanta againn ar son na teanga. Agus is é an t-aon rud atá á mholadh dúinn anois ná go gcuirfí deireadh léi sna scoileanna.

**Mr. McGinley:** Nár thug an comhghleacaí áirithe sin TG4 isteach?

**Éamon Ó Cuív:** Caithfidh mé é sin a thabhairt dó, agus níor sheas mise suas ariamh sa Teach seo

á rá nach ndearna sé an rud sin, agus thug mé míle moladh dó taobh istigh den Teach seo an rud sin a dhéanamh, agus tugaim moladh dó arís inniu.

### Other Questions.

#### Rural Transport Services.

52. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs the benefits the Government's Transport 21 plan will bring to rural communities throughout Ireland; his views on whether the plan provides the necessary infrastructure to allow rural Ireland achieve its potential; and if he will make a statement on the matter. [36934/05]

87. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the implications of the Government's Transport 21 plan for road and rail infrastructure in rural Ireland; his views on whether the current transport infrastructure is insufficient to meet the needs of many in rural Ireland; and if he will make a statement on the matter. [36935/05]

**Éamon Ó Cuív:** I propose to take Questions Nos. 52 and 87 together.

The launch of Transport 21 was a major boost to the future of rural Ireland. The investment of €34.4 billion will transform this country's transport network within a ten year financial framework and will deliver better and more balanced regional development. This will be achieved through improved road and rail services throughout the State and the expansion of the rural transport initiative, putting it on a permanent basis. The benefits include improved access, faster travel times, safer roads and better public transport. Transport 21 is essential because existing infrastructure requires improvement across the State. As I stated in a press release on 1 November 2005, these works will now provide the necessary major infrastructure for the west to reach its potential.

**Mr. O'Shea:** My concern is for people who are in isolated and remote areas of rural Ireland, away from the national primary and secondary routes and railway lines. At the moment, sub-post offices are closing. This will cause a transport problem for senior citizens or for people who are dependent upon social welfare. Old age pensioners and invalidity pensioners are entitled to free travel. Their free travel is no use to them unless they can access the routes. The rural transport initiative is there, but it needs to be greatly expanded. The Minister stated that it will be put on a permanent basis and that further resources will be invested.

[Mr. O'Shea.]

However, given what was stated in that plan, was it not somewhat disingenuous for the Minister to paint it as a major breakthrough for rural Ireland? I refer to the people in such areas who require transport in order to collect pensions on a weekly basis, to socialise, to travel to and from towns or to keep hospital appointments where ambulance services or similar services are not available. With regard to such people, for whose welfare all Members, including the Minister, are concerned, were his comments in respect of Transport 21 on 1 November not completely out of context? Is it not misleading to give the impression that a brave new world is about to be created in terms of transport and transport communication for people in rural Ireland?

**Éamon Ó Cuív:** The Deputy has asked questions about ambulances and many other matters.

**Mr. O'Shea:** That is disingenuous of the Minister. I explained what I meant.

**Éamon Ó Cuív:** The Department of Transport has responsibility for the national primary and secondary roads.

**Mr. O'Shea:** The Minister is taking much of the public credit for it.

**Éamon Ó Cuív:** Constitutionally, we are one Government.

**Mr. O'Shea:** I meant the Minister personally.

**Éamon Ó Cuív:** It also has responsibility for public transport services such as buses and trains. Essentially, Transport 21 is concerned with public transport, that is, buses and trains, as well as major national routes. The map published with this plan shows that, unlike previous transport plans, this one deals with isolated areas in terms of national routes. For that reason, I particularly welcomed its inclusion of the coastal national secondary routes. I am sure Deputy McGinley will agree with me that for people living in Gweedore or on the N56, the inclusion of routes like the N56 and the N59, where people live 40 or 50 miles from national primary routes, was an essential ingredient if the transport plan was to benefit everyone.

The commitment in respect of the western rail corridor constitutes the biggest ever re-opening of a railway line undertaken in this country. It reverses the trends of years, particularly in the context of the west. Since the plan's publication, I have met representatives of Iarnród Éireann with regard to the preservation and clearing of the line from Claremorris to Collooney. Moreover, Iarnród Éireann has indicated to me that it is ready to get estimates for the cost of that work as quickly as possible, which is of vital importance for the future.

This plan puts rural transport for pensioners of the type to which the Deputy referred on a permanent basis and provides extra funding for this purpose in future. It is important to provide transport for pensioners and public transport, particularly buses as well as trains, must be upgraded. However, the population at large, young and old, travel on roads. Hence, having a good spinal system of roads is vital.

I take an integrated view. I have matched, euro for euro, money for roads from local improvement schemes, because some people use such roads to go from their houses to the next category of road. Similarly, I have invested extra funding from the CLÁR scheme into the next category of road, namely, class 3 roads. The Government has invested an unprecedented amount in regional roads throughout the country, which for many people is the next category of road. Thereafter, in many cases, one reaches a national secondary route. In that regard, there is a major commitment to a focussed strategy on national secondary routes as part of Transport 21. To get to the main urban centres, most people rely on national primary routes. The Government is carrying out major work on the national primary routes to provide integrated improvements in transport and road services, as well as an equivalent improvement in rail services, during the period of the plan.

**An Leas-Cheann Comhairle:** I must remind Members that, under Standing Orders, supplementary questions are limited to one minute, as are the answers to them.

**Mr. McGinley:** The Minister has a map in his possession showing the details of Transport 21. While I do not, I remember noticing significant gaps at the great launch of the plan. Does the Minister not agree there are significant gaps in infrastructural development under the Transport 21 scheme? I refer in particular to the north west. Admittedly, Northern Ireland gets in the way. Have any negotiations, discussions or meetings been held between the authorities here and those in Northern Ireland? When one considers the fate of previous plans, we all have reservations in respect of the current one. Only 60% of the last plan has been completed. Be that as it may, what plans, arrangements or negotiations have taken place to ensure that if roads are built up to the Border, people will be able to pass through Northern Ireland to reach places such as County Donegal in the north west?

**Éamon Ó Cuív:** The Deputy must ask that question of the Minister for Transport. However, I am sure his heart was warmed yesterday on learning that work on the Castleblayney bypass has commenced.

**Mr. McGinley:** Yes.

**Éamon Ó Cuív:** As the Deputy is aware, the first phase of the Monaghan bypass is under construction and the Carrickmacross bypass has been completed. That means that if one uses the M1 motorway, one nearly has a straight run from Dublin all the way to the Border. As the Deputy is also aware, the Ballyshannon and Bundoran bypasses are under construction. Some years ago, the Donegal and Barnesmore Gap bypasses were completed. In addition, one should consider the N56 and the opening of the Sligo relief road. It is of vital importance to the north west if one travels down the Atlantic corridor, as it will be known.

**Mr. McGinley:** Are any negotiations taking place with the Northern Ireland authorities?

**Éamon Ó Cuív:** I do not know. That would be a matter for my colleague, the Minister for Transport. I suggest the Deputy should table a question for him. However, it is clear that the north west is to the forefront of the plan. Within this jurisdiction, it is all happening for the north west as far as roads are concerned, and not before time. In a few years' time, if there are no developments in Northern Ireland, people will give thanks that they are travelling on the better roads of the South. Many people would not have believed that 15 years ago.

**Mr. Boyle:** The Minister will not be surprised to learn that I do not share his optimism in respect of his initiatives pertaining to rural transport. Would he accept that his much-vaunted initiative on the western rail corridor actually concerns a western rail hallway? It does not come close to being a corridor, which would extend from Cork to Sligo. Currently, given the continuation of radial system in and out of Dublin, one should not be obliged to go from Cork to Limerick via Tipperary or from Cork to Galway via Portlinton. What efforts has the Minister made to secure the railway line between Charleville and Limerick? Currently, there is a planning application to build a bungalow on the line at Bruff in County Limerick. What does Transport 21 contain in respect of rural buses? What effort has the Minister made to mainstream the rural link transport initiative? Is this not simply a glossy brochure that maintains things as they are and does not invest resources where they are required? The access to public transport of people in rural communities will be as poor as ever. For those who have had the promise of the opening of part of the western rail corridor dangled before them, is the deadline of 2014 unlikely to be met?

**Éamon Ó Cuív:** The only circumstance in which it is unlikely to be met is if we are no longer in Government. Work on the western rail corridor will commence next year. As I have already stated, I have had discussions with

Iarnród Éireann about preserving the line from Claremorris to Collooney and it has been extremely proactive in this respect, as has the Department of Transport.

I am familiar with the railway line from Bruff to Charleville, to which the Deputy referred. I have a particular interest in the line because my grandfather used to travel on it in the mornings. Unfortunately there was no train back in the evenings so he had to walk the six or seven miles home from school. I suggest the Deputy raise the issue of the line's ownership with the Minister for Transport. I do not even know if it is owned by Iarnród Éireann.

**Mr. Boyle:** The line has not been closed.

**Éamon Ó Cuív:** The one through Bruree.

**Mr. Boyle:** The rails are gone but the line is still in existence. Planning permission has been given to build on it.

**Éamon Ó Cuív:** I am not the Minister for Transport and, as the Deputy is perfectly aware, I would not know that minor detail. I can tell him, however, that when we open the western rail corridor, one will be able to travel from Sligo to Cork without going to Dublin.

**Mr. O'Shea:** The Minister stated publicly that his Department will provide the funding to carry out the works necessary to clear the line from Claremorris to Collooney, and also to repair or replace fences. Does this mean the project will be carried out under the rural social scheme?

**Éamon Ó Cuív:** No. I have had discussions with Iarnród Éireann and understand it or a contractor it hires will complete the project.

#### Fóram na Gaeilge.

53. D'fhiafraigh **Mr. Gilmore** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta ag Fóram na Gaeilge ó thús na bliana; agus an ndéanfaidh sé ráiteas ina thaobh. [36949/05]

**Éamon Ó Cuív:** Mar is eol don Teachta, bunaíodh Fóram na Gaeilge le comhairle a chur ar fáil maidir le inmholtaíocht plean straitéiseach 20 bliain a réiteach don Ghaeilge sa Stát le spriocanna réalaíocha; na tosaíochta straitéise gearrthéarmacha do chaomhnú agus do chur chun cinn na Gaeilge laistigh den Stát; na tosaíochta maidir le cur i bhfeidhm Acht na dTeangacha Oifigiúla; agus na bealaí is fearr agus is praiticiúla chun dul chun cinn a bhaint amach maidir le cur i bhfeidhm na hoibre sin.

Ag eascairt as an bplé a bhí ag an bhfóram i gcomhthéacs a inmholtaí is a bheadh plean straitéiseach don Ghaeilge agus na tosaíochta straitéise gearrthéarmacha do chaomhnú agus do



[Éamon Ó Cuív.]

chur chun cinn na Gaeilge laistigh den Stát, tá an cheist maidir le ráiteas soiléir ón Rialtas i ndáil le ról agus tábhacht na Gaeilge tar éis teacht chun cinn mar ábhar tosaíochta. Tá súil agam a bheith in ann tuilleadh a rá faoin saincheist seo go luath.

**Mr. O'Shea:** Bhí ceist thíos ar 26 Deireadh Fómhair agus labhair an tAire ansin faoi ráiteas soiléir i leith na Gaeilge a fhoilsiú go luath. Níor tharla sin go fóill. An mbeidh an ráiteas seo againn roimh an Nollaig, roimh deireadh na bliana, roimh an Cháisc nó roimh deireadh an Rialtais? Céard tá i gceist aige? Bhí muid ag súil an lá deireanach go gcloisfimis rud éigin idir an lá sin agus an lá inniu. Cathain is féidir linn bheith ag súil leis an ráiteas cuimsitheach atá i gceist ag breathnú ar an nGaeilge ina hiomlán? An mbainfidh sé le Roinn an Aire agus le Ranna eile?

**Éamon Ó Cuív:** Ráiteas ón Rialtas a bheidh i gceist. Clúdóidh sé áit na Gaeilge sa saol, sa bpobal agus sa Stát. Tá fíor-ghá leis seo.

**Mr. O'Shea:** Cé atá ag ullmhú an ráitis seo?

**Éamon Ó Cuív:** Iarradh ar oifigeach de chuid na Roinne tosu ag réiteach dréachta tar éis cruinniú d'Fhóram na Gaeilge. Tugadh dréacht ar ais ag Fóram na Gaeilge, pléadh é agus rinneadh moltaí áirithe ina leith. Rinneadh tuilleadh oibre air agus ansin iarradh ar shaineolaí breathnú air agus moltaí a dhéanamh. Tá mé féin anois ag breathnú air. Ráiteas Rialtais a bheidh ann agus foilseoidh sé é, is cuma cé eile a bheidh páirteach sa bpróiseas. Tá an focal deireanach ag an Rialtas faoina mbeidh istigh ann.

Chuir an Teachta ceist cathain a bheidh an ráiteas ann. Bhí súil agam go mbeadh sé ann roimh deireadh na bliana ach de bharr gnó oibre, ní bheidh sé ann roimh deireadh na bliana. Bheadh súil agam go mbeadh sé ann roimh deireadh mí Márta mar go minic nuair a bhíonn rud mar seo á phlé, bíonn anonn agus anall maidir le leaganacha agus dréachtaí agus tugann sé go minic níos mó ama ná a bheadh duine ag súil leis. B'fhéarr liom é a dhéanamh go ceart ach bheadh súil agam go mbeadh sé ann roimh deireadh mí na Márta.

Níl ráiteas an-fhada i gceist. Beidh gá ina dhiaidh sin breathnú ar cheisteanna polasaí straitéiseach agus tá sé in am againn a shocrú cén suíomh atá ag an nGaeilge in Éirinn anois. Tá tuairimí éagsúla ag daoine ach tá sé tábhachtach go smaoiníodh an Rialtas cén áit a cheapann sé atá ann don Ghaeilge sa saol. An mbaineann sé le chuile duine nó an ceart é a choinneáil do elite a mbeadh sé aige? An bhfuil sé fós mar aidhm againn go mbeidh sí mar theanga náisiúnta agus go mbeidh forlámhas agus úinéireacht ag pobal na hÉireann uilig uirthi? Sin iad ceisteanna go gcaithfidimid greim a fháil orthu.

Is fada ó bhí ráiteas soiléir ó Rialtas ar bith, ainneoin na rudaí ar fad a rinneadh le TG4, Acht na dTeangacha Oifigiúla agus stádas na Gaeilge san AE. Tá sé fada ó dúirt aon Rialtas go soiléir ar bhealach intuigthe don phobal cén fíis atá aige don Ghaeilge.

**Mr. McGinley:** Níor shamhlaigh mé riamh go raibh míthuiscint fá sheasamh na Gaeilge chomh fada agus a bhaineann sé leis an Aire agus a pháirtí mar tá athbheochan na Gaeilge mar chéad chloch ar a pháirtí i ndiaidh aontú na tíre.

An mbeidh aon tuairisc nó moltaí curtha ar fáil don Rialtas nó go poiblí? An n-aontóidh an tAire go bhfuil an-chuid tuairisciú le blianta anuas maidir leis an Ghaeilge agus an Ghaeltacht ag coimisiúin agus a leithéid eile? Cén fiúntas a bheidh ann le tuairisc eile? Dá bhféadfadh tuairiscí an Ghaeilge a shábháil, bheadh sí sábháilte fada ó shin.

**Éamon Ó Cuív:** Bíonn tuairiscí faoi gach rud na laethanta seo. Níl seachtain a théann thart nach mbíonn tuairisc éigin ar chúrsaí talmhaíochta agus ar bhochtanas agus mar sin. Ní féidir a rá gur faoin nGaeilge is mó a scríobhtar tuairiscí.

Ó tháinig mé isteach, bhí tuarascáil Choimisiún na Gaeltachta. Bhí 19 moladh aige. Má scrúdaítear na moltaí, tá bunáite acu curtha i bhfeidhm nó á gcur i bhfeidhm, ar nós stádas oifigiúil don Ghaeilge. Aontaím, áfach, nach bhfuil mórán fiúntas tuarascáil a bheith ann muna ndéantar tada faoi.

Tá seo faoi rud níos bunúsaí. Tá daoine sna meáin i gcónaí ag cur na ceiste an bhfuil muid i ndáiríre faoin rud a thugann daoine áirithe air, the sacred cow of the Irish language, nuair nach bhfeidhmítear aon pholasaí ina leith. An iarsma de pholasaí atá ann go ndéanann daoine beannú de Lá 'le Pádraig agus nach mbacann siad leis an chuid eile den bhliain? Le fáil réidh leis an míthuiscint sin, tá sé tábhachtach go mbeadh ráiteas soiléir ann atá fréamhaithe i saol 2006 a leagfadh amach go hinléite céard é polasaí an Rialtais, ráiteas a shoiléireoidh suíomh na Gaeilge agus go mbeidh sin ar fáil i gcomhthéacs 2006. Is dóigh liom, ainneoin aon rud a cheapann éinne sa Teach seo atá gafa le cúrsaí Gaeilge, go bhfuil míthuiscint ar an bpobal.

#### National Drugs Strategy.

54. **Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs the funding which is available to persons who do not qualify for the day to day running and development of their projects in view of the fact that emerging needs funding is only available for certain projects. [36833/05]

61. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs, in view of the fact that the last plans drawn up by the local drugs task forces was in 2002, when they will be

mandated to draw up a new updated plan; if this is not a more efficient way of dealing with changed conditions rather than by the provision of a centralised emerging needs fund which will provide about €1 million for the 14 task force areas as opposed to the €1 million each task force area got for its 2002 plan. [36830/05]

**Mr. N. Ahern:** I propose to take Questions Nos. 54 and 61 together.

The Government has allocated in excess of €95 million to support more than 450 projects contained in the plans of the task forces since 1997. In addition to the moneys available under the action plans in this way, the premises initiative is designed to meet the accommodation needs of community based drugs projects, the majority of which are in local drugs task force, LDTF, areas. To date, more than €12.8 million has been allocated to projects under this initiative.

Each of the local drugs task forces has in place an action plan to tackle drug misuse in their area, based on their own identified priorities. These action plans include a range of measures covering local supply, education and prevention, treatment and rehabilitation. The task forces continue to have regular contact with the local communities in which they are based.

Two rounds of plans have been approved for funding to date and these plans are at various stages of implementation in the local drugs task force areas. Furthermore, round II projects which are up and running have to be evaluated with a view to deciding whether there is a case for mainstreaming. At this stage in the process it would not be prudent to make decisions on further rounds of funding for LDTFs.

However, it was brought to my attention last year that demands for services in a number of LDTF areas were arising in the context of changing trends in drug misuse. In view of this I announced an emerging needs fund earlier this year specifically to address pressing needs to deal with gaps in service provision that were not being adequately addressed through existing LDTF measures. To date, I have allocated approximately €181,000 under this fund and other applications are under assessment.

**Aengus Ó Snodaigh:** The Minister said he will adhere to the €1 million figure for emerging needs. This is not anywhere near the figure that is required by the 57 proposals so far, only five of which have been dealt with, for emerging needs. That reflects the crisis there is with drugs. It also does not take into account the proposals for emerging needs which were encouraged by the Department. Those proposals will arrive in the Minister's office tomorrow, given that the deadline is November.

Is the Minister of State aware that the figure announced by his colleague, the Minister for Finance, Deputy Cowen, a fortnight ago in the

Estimates is not sufficient to deal with the demands of the local or regional drugs task forces? In fact, it is at least €8 million short of current demands. When account is taken of the €5 million required for emerging needs projects or the full operation of the regional drugs task force as promised or the eight projects under the young people's funds or the budget required for the national advisory committee on drugs, the money for anti-drugs and drugs rehabilitation and awareness programmes will be €15 million short. Does the Minister believe such a shortfall is contrary to his brother, the Taoiseach's, commitment to the local drugs task forces in October when he spoke to them at the Vital Connections Conference at the Royal Hospital Kilmainham? The Taoiseach said: "...all of us have to be prepared to continue to commit time, energy and resources to the problem going forward." He concluded by saying: "Tackling the drug problem is, and will continue to be, a key priority for Government". Does the Minister of State agree that the paltry sum being suggested is not tackling this matter as a key priority for the Government?

**Mr. N. Ahern:** I have often repeated that the Government's priority is to tackle the drugs problem and support local drugs task forces but people seem to want me to repeat it hour after hour. The Government commitment is there——

**Aengus Ó Snodaigh:** It is not there with regard to money.

**Mr. N. Ahern:** Maybe the Deputy adds noughts on to every figure he considers.

**Aengus Ó Snodaigh:** It is not me. This is coming from the local drugs task forces.

**Mr. N. Ahern:** This year, although inflation is under 3%, there was an 18% increase in funding. I doubt any other budget heading got such an increase. The Estimates two weeks ago contained an 8% increase. That does not include the forthcoming budget and the Revised Estimates in January.

It was brought to my attention last year that, as the drugs situation evolves, additional funding would be needed to deal with some key emerging needs. We agreed to examine proposals for dealing with key, emerging issues and we ring-fenced approximately €1 million for that. Proposals are coming into the Department——

**Aengus Ó Snodaigh:** They were submitted in March and July but they have not been assessed.

**Mr. N. Ahern:** We are discussing key emerging needs.

**Aengus Ó Snodaigh:** There are 57 projects.

**Mr. N. Ahern:** That is additional to what is there at present. The proposals are being examined. I have only received some of them so far and many more are due to arrive. They will be examined and assessed in conjunction with the funds and the other demands on the budget available.

**Mr. Gregory:** Is it not the problem that the Minister is ignoring the scale of the drugs problem? The Minister is making €1 million available in the emerging needs fund. Is it not the case that projects identified and approved under the criteria agreed with the Department require €4 million to be implemented? The Minister is only making €1 million available at a time when we are told there are huge budgetary surpluses available to the Government. I hope the Minister will answer my specific questions.

Projects have been approved by the national drugs strategy team for which approximately €12 million is required but the Minister of State is only prepared to commit approximately €5 million. As a result of both of these failures to respond to the scale of the problem, the planned strategic response to the drug problem by the regional drugs task forces will soon be in a shambles. This is due to cuts and a refusal to recognise the needs that exist. Is it not the case that as a result of what I have outlined and continued attempts to get the Minister and the Department in touch with reality, a long serving and committed member of the national drugs strategy team has submitted his resignation to the Minister?

**Mr. N. Ahern:** Nobody is ignoring the scale of the problem.

**Mr. Gregory:** It will not be solved with €1 million.

**Mr. N. Ahern:** The funding that comes through the local drugs task force and the Department is to deal with gaps in existing services. Services are provided across a range of Departments. A sum of approximately €50 million is spent on projects that started at local drugs task force level. In fact, the scale of Government investment is such that I do not believe people who are actively involved ever dreamt there would be such a level of investment and manpower provided. Almost 600 people are now working on drugs task force projects and young people's fund projects. Eight or nine years ago people did not ever imagine that such a level of resources would be provided.

Despite that, they sought additional funding this year because of the emerging needs and changing situation. I acknowledge that the situation is changing all the time. As a result, we agreed to provide funding despite all the other demands and the 18% increase provided this year. The figures of €5 million and €12 million quoted by the Deputy refer to the regional drugs

task forces. There was another round of the young people's fund and another round of the premises fund. There were also the cocaine initiatives. There are many projects. If I allocate €5 million to a group or team to come up with plans, I mean €5 million. Some people think that when one says €5 million they can look for €25 million. If somebody comes up with a proposal costing €6 million, one might try to push the line a little but people must——

**Mr. Gregory:** These are projects agreed by the Minister's strategy team.

**Mr. N. Ahern:** People must realise that if I say €5 million or €10 million, I mean €5 million or €10 million. Certainly, in the next year if there are good proposals, we will try to fund more. We are carrying out significant work, with almost €50 million of projects initiated at local drugs task force level, taking in almost 600 people. However, all that can be thought about is bringing in even more. We are examining the opportunities as they arise, but everybody involved must be realistic and have sense. Good plans will be looked at and assessed, and some, depending on other demands, will be fulfilled also.

**Aengus Ó Snodaigh:** Taking into account the Minister of State's reply to Deputy Gregory's question, what steps will be taken to get a Revised Estimate that will take into account the emerging needs and moneys required to ensure that the regional drugs task force, which is long promised, can be fully operational next year? The amount would be similar to that given to the horse and greyhound fund, for example, or other pet Government projects. If there is a crisis it must be dealt with properly, and €1 million does not address the evident crisis.

What steps will the Minister of State take to ensure a Revised Estimate by next week's budget from the Minister for Finance that will increase funding to take account of requests that the Minister of State has agreed are there? If this Revised Estimate is not delivered, will the Minister of State resign as having failed in his job, as many people within the local drugs task forces are calling for because of the emerging debacle over funding for this year and next?

**Mr. N. Ahern:** The funding approved for this year, 2005, was an 18% increase, which was enormous. The amount contained in the Estimates was an 8% increase, and we must wait for the Revised Estimates in January. The regional drugs task forces are up and running, and their funding has been approved, some before the summer and some in September. They have drawn down only a small portion allocated to them for this year so it will be there next year also. If this money is spent and there are additional ideas, they will be looked at.

On the emerging needs——

**Aengus Ó Snodaigh:** It is not just emerging needs, I stated that if the Revised Estimate is not introduced, the Minister of State should consider resigning as having failed. He has failed totally on the drugs issue.

**Mr. N. Ahern:** I do not consider myself as having failed. We have provided enormous resources and there is much good work happening on the ground. We have not yet solved the problem, but we are providing many services under a range of headings. Good plans that come in will be considered, and some will get through.

**Aengus Ó Snodaigh:** Maybe in five years' time when the drugs problem is worse.

**Mr. F. McGrath:** We are ahead now.

**Mr. N. Ahern:** The fund is not there to deal with the Government's whole social inclusion programme. Some people in drugs task forces believe that every plan and measure should be brought forward. While I state that we spend approximately €50 million on projects that begin on local drugs task force level, the Department of Health and Children and the HSE spend more than that every year on treatment. There is massive Government funding across a range of headings.

**Aengus Ó Snodaigh:** The Minister of State is clearly not listening to his strategy team.

**Mr. N. Ahern:** There is a problem, with cocaine being an example. This is coming in from South America, mainly from Colombia, and I know the Deputy has some contacts there. We are trying to deal with that problem.

**Aengus Ó Snodaigh:** The Minister of State has stated that there is a problem.

**Mr. N. Ahern:** I accept this situation is changing, evolving and moving all the time and we are dealing with it.

*Written answers follow Adjournment Debate.*

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

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Michael D. Higgins — the need for the Minister to publish a report on the health safety and basic conditions of Traveller halting sites; (2) Deputy Finneran — if the Minister will respond positively to a request by Muintir na Tíre for a subvention towards the cost of installing socially monitored alarms for the elderly; (3) Deputy Catherine Murphy — if the Minister will carry out a study of Irish attitudes to rape victims; (4) Deputy Cowley — to ask the Minister the

reason the Government has not acted on the main recommendation of the report, A Review of Public Safety in Ireland; (5) Deputy Sherlock — if the Minister for Agriculture and Food will account for the position she adopted with regard to the recent negotiations on the EU sugar regime; (6) Deputy Neville — if the Minister will make a statement on the Kilmallock sewerage scheme; (7) Deputy Lynch — the Minister's plans to resolve the problems facing parents of students attending or hoping to attend Coláiste an Chroí Naofa, Carraig na bhFear, County Cork; (8) Deputy Hayes — to ask the Minister to clarify her intentions in respect of the compensation package of €145 million provided by the EU to compensate Irish beet farmers; (9) Deputy Deenihan — the need for the Minister to take immediate action regarding anti-social behaviour in Tralee, County Kerry; and (10) Deputy Fleming — to ask the Minister to ensure that funding is provided for a CT scanner at the Midlands Regional Hospital in Portlaoise.

The matters raised by Deputies Cowley, Finneran, Michael D. Higgins and Neville have been selected for discussion.

#### **Estimates for Public Services 2005: Messages from Select Committees.**

**An Leas-Cheann Comhairle:** The Select Committee on Finance and the Public Service has completed its consideration of the following Revised Estimate for Public Services for the service of the year ending 31 December 2005: Vote 13.

The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the following Revised Estimate for Public Services for the service of the year ending 31 December 2005: Vote 20.

#### **Commissions of Investigation: Motion (Resumed).**

Debate resumed on the following motion:

That Dáil Éireann,

- bearing in mind the specific matters considered by the Government to be of significant public concern arising from the making of a confession by Dean Lyons (deceased) about the deaths of Mary Callinan and Sylvia Shiels in March 1997 in Grangegorman, Dublin 7;
- noting that it is the opinion of the Government that a commission of investigation represents the best method of addressing the issues involved;
- further noting that a draft order proposed to be made by the Government under the Commissions of Investigation

Act 2004 (No. 23 of 2004) has been duly laid before Dáil Éireann in respect of the foregoing matters referred to, together with a statement of reasons for establishing a commission under that Act;

approves the draft Commission of Investigation (Dean Lyons Case) Order 2005.

—(Minister for Justice, Equality and Law Reform).

**Mr. Costello:** I welcome the Minister and the proposal for a commission of investigation into the Dean Lyons case. At the outset I stated my intent to table an amendment to the order and the terms of reference laid out by the Minister. The amendment would extend the order beyond “arising from the making of a confession made by Dean Lyons (deceased)” to include the arrest and detention. It would read: “A commission is hereby established to (a) investigate ... matters relating to and arising from the arrest, detention and the making of a confession by Dean Lyons about the deaths of Mary Callinan and Sylvia Shields in March 1997 in Grangegorman.” The reason for this is so the matters to be investigated are not solely related to the confession of Dean Lyons but extend to his arrest and detention. The Ceann Comhairle ruled this amendment out of order, stating:

I regret that I must disallow the amendment tabled by you to the above-mentioned motion on the ground that it is only within the competence of the Dáil to “approve” or “reject” the motion and therefore it has been the practice to regard such motions as not being open to amendment. I would like to refer you to ruling No. 516 of the Salient Rulings of the Chair, Second Edition, of 2002, which states: “In relation to motions approving a draft Order, the Chair rules amendments inadmissible where there is no provision in the governing Act for such amendment.”

Two issues are at stake here. One is the order itself and the other is the terms of reference flowing from it. What is being spoken about here regards new legislation and there is no reason there should not be an amendment to what is proposed as a draft order and terms of reference. The Minister recognises that it should be possible to amend the terms of reference from what they are currently, as proposed by him today.

I am disappointed this is the case as I would like to have entered the debate at an earlier stage and presented the amendment so that it could be part of the discussion. We could then examine the debate in this context. What is important is that we get the process correct at this stage. The last thing I wish to see is the order and terms of reference being such that we cannot have a proper investigation. The person who has been appointed, George Bermingham, has a good

reputation, but nobody can operate outside the terms of reference. It is important to examine the order and the terms of reference. I would have liked the terms of the order amended further than is proposed by the Minister, who proposed that the commission shall investigate “matters relating to and surrounding the making of a confession”. The wording I propose is more specific and would change to order to read “the arrest and detention of and making of a confession”. In his speech, the Minister referred to the draft terms of reference, which it is proposed would read:

the circumstances surrounding the making of a confession . . .

the adequacy of the Garda assessment of the reliability of Mr. Lyons’s confession, both before and after he was charged with murder, and

the adequacy of information provided by the Garda Síochána on the morning of 27 July 1997 . . .

The adequacy of the Garda investigation is the crucial point in the establishment of the commission of investigation. We are beating around the bush. To get to the core of the matter, the central term of reference should be the adequacy of the Garda investigation. I hope the Minister will take a fresh look at the terms of reference. He should make them comprehensive so that the commission has sufficiently wide parameters to ensure we do not end up with a lame duck report. Otherwise, matters which should have been investigated might not be investigated because the wording is so formulated that it is not sufficiently robust or comprehensive to allow the commissioner to carry out his work.

Everybody would agree that the Lyons case is one of the most bizarre murder investigations in the history of the State. Two women living in sheltered accommodation at Grangegorman in my constituency were brutally murdered in March 1997. Four months later a young, vulnerable man, Dean Lyons, was arrested, confessed to the murder and was charged. A month later, Mark Nash, a man who was already in custody in connection with other violent killings, also confessed to the murders and included in his statement details that could only have been known to the perpetrator. With two confessions to the same murder, the Garda had an embarrassing 200% success rate for a crime that required only 100%. Therefore, the charges against Dean Lyons were quietly dropped. However, inexplicably, Mark Nash was never charged with the murder despite his confession.

The Minister for Justice, Equality and Law Reform and his predecessor in office refused all calls from the families of the dead women, Dean Lyons’s family, the Labour Party and others for a full public inquiry into what was clearly a miscarriage of justice in the case of Dean Lyons and

a failure to achieve a conviction in the case of the murdered women, which would have provided some form of closure on the terrible events for all the families involved. Since his appointment, the Minister has parroted stock replies to Parliamentary Questions along the lines “I am informed that the Garda investigation into this matter is ongoing”. The most recent reply of that nature came in December 2004.

The calls for an inquiry were refused. However, a Garda investigation could not be ongoing forever and the miscarriage of justice was too obvious. Demands made by the legal representatives of the sister of one of the murder victims for an independent inquiry under the European Convention on Human Rights, which Ireland had signed up to at the end of 2003, helped to focus the Minister’s mind and forced him to consult the Attorney General’s office. Consequently, Mr. Shane Murphy SC was appointed to conduct a review of the circumstances surrounding the investigation. He recommended a full independent inquiry under the new Commissions of Investigation Act 2004, with power to examine witnesses under oath.

The Minister refused to publish the Murphy report as he had earlier refused to publish the internal Garda investigation. Now, after eight years, the Minister is belatedly and reluctantly acting on the recommendations of the Murphy report and doing what has been asked of him for many years. It is not good enough to state, as the Minister stated earlier, that this is a matter of significant public concern — of course it is, as well as having implications for public life. The Minister also stated: “I am convinced, however, that unless we do our utmost to get to the bottom of this controversy, it will simply continue to fester as an indictment of our criminal justice system.” After eight years, the light is dawning. We tried to raise this matter and deal with it before and since the Minister came into office. The Minister has been dragged, kicking and screaming, into doing the decent thing for the families involved.

It is important to introduce correct terms of reference for the commission because these will determine the parameters of the work of the commissioner, Mr. Birmingham. It is important that the terms are adequate to enable him to fulfil the task allotted. I ask the Minister to accept my amendment in the spirit in which it is offered. It would strengthen the legislation to broaden the terms of reference to cover all aspects of the investigation, in particular the arrest and detention of Mr. Lyons, as well as his confession.

**Mr. F. McGrath:** I wish to share time with Deputy Boyle.

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

**Mr. F. McGrath:** I thank the Leas-Cheann Comhairle for the opportunity to speak on the

important issue of the confession of Dean Lyons and the broader issue of truth and justice in our State. This was an horrific case. To all the victims directly or indirectly connected to the case, I express my deepest sympathy for their loss and pain. When one considers the facts and details of the miscarriage of justice, I wonder if we have learned from the cases of the Sallins train robbery, the Birmingham Six or the Guildford Four.

At the core of this case is the issue of quality policing and the urgent need to get our policing and justice systems right. As a member of the Joint Committee on Justice, Equality, Defence and Women’s Rights, I actively pursue these issues. The Dean Lyons case is one that must be dealt with. I compliment my Independent colleague, Deputy Gregory, for being one of the first to highlight this case. One of the main reasons the commission of investigation is being established is as a result of Deputy Gregory’s work and perseverance on this case. I commend his efforts.

When a case like the Dean Lyons case arises, there is an onus on all Members of the Oireachtas to support the investigation and stand up and be counted in the interests of truth and justice. Corruption in any quarter cannot be tolerated, whether it is in the Garda or, as suggested today in the media, in politics. It is a scandal and a disgrace. Sleaze and corruption damages us all. “You’re all the same” syndrome is everywhere. I am sick to the teeth off getting it in the neck from voters, particularly the disillusioned, on this issue. Corrupt politicians have damaged politics in this country — that is the reality.

There must be a thorough investigation of what went radically wrong in the case of Dean Lyons, and it must be carried out in a professional and objective manner. I would welcome that type of serious investigation, which should be welcomed by all Members of the Oireachtas. That is why a red light goes on in my head when I see the Minister for Justice, Equality and Law Reform and other elements trying to undermine great groups like the Centre for Public Inquiry, funded by the great Irish-American Chuck Feeney. Do the Minister and these elements condone or understand white collar crime? Why would a Minister for Justice, Equality and Law Reform become directly involved in a whispering campaign to undermine a top-class group such as the Centre for Public Inquiry? Surely the Minister should welcome its great work in cleaning up Irish politics. I challenge the Minister on this issue. We must root out corruption in the Garda Síochána, and in all walks of life, especially politics. Why did it take so long to set up this investigation? Deputy Gregory pushed this issue many times but received no real response. Thankfully, the Minister has listened.

There are many other such cases, however, some genuine, some not, but action must be taken to ensure that all citizens are safe and secure, and

[Mr. F. McGrath.]

that their human rights are protected. These are the issues in this case and every effort must be made to ensure that a citizen's rights are at the top of the political and policing agenda.

An example of such cases is that in England of Christy McGrath, the jockey from Carrick-on-Suir who is serving a life sentence for a crime I am convinced he did not commit. I agree with Richard Guest, winner of the 2001 Grand National who said "until my dying day I will not believe that Christy is responsible for this man's death." I urge the Minister for Justice, Equality and Law Reform to work with the Minister for Foreign Affairs on this case.

I welcome the commission of investigation into the Dean Lyons case. Once again, I offer my sincerest sympathy to all the victims concerned.

**Mr. Boyle:** I wish to share time with Deputy Crowe.

There is general agreement in this House that it is necessary to arrive at the truth of this case. I share Deputy Costello's concern that the Dáil is limited in altering the terms of reference put before it. While the terms are general and deal with most of the issues to be uncovered, there are other issues about which the House and society need to be better informed. The Minister might take that into account when putting the formal terms of reference before the House.

I have reservations about the failure of the Garda Síochána to complete this investigation and find the person who committed these vile murders. That repeats a pattern of miscarriage of justice throughout our recent history. It seems that when the State tries to establish the truth of certain matters some members of the Garda Síochána would prefer not to allow the appalling vista to be revealed. Instead, those originally named carry the implication of guilt. We still do not know what happened in the Kerry babies case, or the Sallins mail robbery.

Establishing a commission that will not resolve that level of implication perpetuates a miscarriage of justice. I appeal to the Minister when putting together the formal terms of reference, to dispel those clouds of ambiguity.

We should not deal with these issues on a piecemeal, case by case, basis. Other speakers have already said we need a police complaints procedure that commands public confidence. We on this side of the House do not believe the complaints structure presented by the Minister and included in legislation will adequately address this problem. The House wants to ensure this commission is allowed to do its job properly and uncovers the truth we need to hear and that this will be acted upon. It might be a template for future commissions on future miscarriages of justice, and inspire confidence among the Members of this House and those we represent.

**Mr. Crowe:** I welcome the establishment of the inquiry into this tragic case involving a tragic individual. Tragedy has surrounded the entire case. The case of Dean Lyons is one illustration of the consequences of having a police force that is a law unto itself and has suffered from a history of corruption and impunity. It is essential for the stability of the Garda Síochána and for the survival of public confidence in it that this Government holds to account all involved in the apparent set up of Dean Lyons.

Sadly, Mr. Lyons will not see the outcome of any investigation into wrongdoing against him perpetrated by this State. The Minister must ensure that any commission of investigation established to examine the case can ask the right questions. The briefing note suggests that the commission of investigation may not ask the crucial questions. This was true too of the inquiry into Brian Rossiter's death. The solicitor representing the Rossiter family has complained that the inquiry will not answer the question of whether Brian Rossiter was killed, and if so, by whom.

Likewise, the commission of investigation into the Dean Lyons case may not ask the question whether he was set up and if so by whom. Rather than investigate which garda or gardaí made up the confession and how they came to do this, the Minister indicated that the commission will focus on the circumstances arising from the making of a confession and the inadequacy of the Garda assessment of the reliability of Mr. Lyons' confession. I appreciate that the exact terms of reference of the commission of investigation will not be confirmed until the order establishing it has been passed. However, in light of the Minister's track record of establishing inquiries it is crucial to insist that the inquiry into the Dean Lyons case be comprehensive, held in public and have the power to ask the questions that matter.

If the expert group is to be of any use its terms of reference must also be broad enough to investigate acts of Garda corruption. The Minister also indicated that he intends to publish the reports of the commission and expert group once produced. I call on him to offer a guarantee in his closing remarks that these reports will be published.

I take this opportunity to demand a full public inquiry into the death of young John Maloney who died within minutes of leaving Garda custody in Rathfarnham in 2003 and Terence Wheelock who, like Brian Rossiter fell into a coma while in Garda custody last June.

**Dr. Cowley:** I am glad to have the opportunity to speak on this important Order and I welcome this long overdue inquiry. Credit is due to the Minister for enabling it to be set up on his watch. We are all aware of miscarriages of justice. There was one in my area whereby five brave men spent 94 days in jail for trying to live safely in their own homes.

There are good and bad gardaí, as in every walk of life there are those who are a discredit to their profession or trade. There are many good gardaí and most gardaí do an excellent job despite lack of resources. We are aware, however, of the continuing saga of the McBrearty family in Donegal.

There needs to be balance in finding the rotten apples in the barrel which unfortunately taint the many others who do a good job for years. This applies in all professions, whether medical, police or clerical. Last night I heard of an old frail priest, who had spent his life ministering to immigrant populations in England, being accosted by people in a train who accused him of the deeds committed by the priests examined in the Ferns Inquiry. Systems are needed to root out the rotten apples.

I was approached by a woman from Donegal, Susan Gray, in regard to the death of her husband, a taxi driver, Stephen Gray. On St. Stephen's night last year he was mowed down by a man who had been seen in two public houses and a disco yet had not been breathalysed. One has to ask why not.

The Minister said today that the DPP does not have to disclose why he decides not to prosecute. The man involved in the death of Stephen Gray was not prosecuted. There is something missing. I wrote to the DPP about this case, asking why this man was not even charged with dangerous driving. Someone had warned Stephen Gray there was a car coming.

Unfortunately, this driver got away with only a charge of not having a supervised driver with him when displaying L-plates. No one can question what occurred. The lady in question approached me and I, in turn, wrote to the Office of the Director of Public Prosecutions. The Office of the Director of Public Prosecutions informed me it could not disclose any facts to me but would write to the lady in question. When she received the letter from the Office of the Director of Public Prosecutions, she was informed no information would be disclosed to her as it was the director's prerogative to do so.

It is the same question in the Dean Lyons case where the same element is missing. What happened when the Garda file was sent to the DPP? In the Dean Lyons case, his confession contained information that only the murderer or investigating officers would have known. There is something very wrong that this could be in the confession of Dean Lyons when he was innocent. The blame certainly lies with the Garda. This is included in the terms of reference of the order.

In the Minister's speech, he referred to statutes in place ready to enact a Garda ombudsman commission, which must be welcomed. However, in the case of Susan Gray, and her husband Stephen Gray, she took a private prosecution. Unfortunately, a summons was issued against her. This woman was not aware that this case was going on and it was not even on the court list. The case

was struck out against the man involved. This poor lady has received a District Court conviction and order against her. She was ordered to:

pay to the Defendant . . . witness expenses in the sum of €600.00 with costs in the sum of €250.00 to include VAT and outlay making in all the total sum of €850.00 to be paid within 90 days and in default of payment, the Complainant Susan Gray of . . . Culdaff, Co. Donegal [to] be imprisoned in Mountjoy Prison, Dublin for the period of 10 days.

This case was not even on the court list.

**An Ceann Comhairle:** We are going well outside the scope of the motion before the House. If this is a case that is still before the courts, it should not be mentioned in the House at all.

**Dr. Cowley:** It was struck out by the courts, so it is done and dusted as far as the State is concerned. However, this case highlights the difficulty that there is no recourse for this woman—

**An Ceann Comhairle:** I suggest the Deputy comes back to the motion before us which is specific in dealing with a particular case.

**Dr. Cowley:** I hope the Minister for Justice, Equality and Law Reform will examine the case to which I referred. It cries out for justice yet there is no remedy available to those involved.

We all hope that when people must depend on the State, it will do all that can be done. However, problems have emerged. For instance, there is the terrible situation where people in rural Ireland live in fear for their lives because of marauding criminals. Promises have been made for extra gardaí but still no resources have been put in place in rural areas. The fabric of rural Ireland is being run down because the right to have protection from marauding criminals is not being upheld. It is an essential service for a rural area along with having a doctor, school and post office.

Who will stay in an area where there is no doctor or protection from marauding criminals? As Garda numbers are finite, gardaí deployments have been mainly to urban centres at the expense of rural areas. Some rural areas that have been traditionally crime-free are now deprived of these resources, creating a haven for criminals. Many older people live in fear because the promise of 2,000 extra gardaí has not materialised. Existing gardaí are being sucked into the larger urban centres. While in the tragic case of Dean Lyons, the ladies were in sheltered housing, they were still not safe.

It would be much better for the Minister to concentrate on supporting people in rural areas. That entails that essential services are not removed from rural areas. I support the Minister's establishment of this commission but it is certainly not before time.



**Mr. F. McGrath:** Hear, hear.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I move amendment No. 2:

That the second draft order be agreed to.

When I moved the motion this morning, I subsequently indicated that I proposed to table a revised draft order by substituting in paragraph 3(a) the words “relating to and surrounding the making of a confession” for “relating to and arising from the making of a confession”. I circulated the revised draft order to all Members in the House at the time. A revised draft order has been laid before the House entitled Commission of Investigation (Dean Lyons Case) Revised Order 2005. I wish to substitute this revised draft order for the draft order currently before the House.

Amendment agreed to.

**Mr. McDowell:** Whatever was in the draft order before the House, several Deputies commented that it was open to me to provide more ample terms of reference. It was perhaps an undue element of overcaution on the part of Deputy Costello and myself in raising this issue. The terms of reference will be wholly adequate to deal with the surrounding circumstances including the arrest and detention and the decision to prosecute Dean Lyons.

The Garda ombudsman commission has the same powers of Mrs. Nuala O’Loan, Police Ombudsman for Northern Ireland. There is a myth that the commission has lesser powers. The only difference is that in the South, An Garda Síochána acts as the security service of the State. The Garda Síochána Act provides for circumstances controlling their access to security records, whereas in Northern Ireland the police ombudsman has no right of access to MI5 or MI6 records whatsoever. There is no substantive difference in the powers conferred. In the Estimates for 2006, €10 million was provided for the commission compared with €2.5 million for the old Garda complaints board. The commission has received significant additional funding.

If the commission was up and running, calls for inquiries into cases such as this, the Rossiter and others, would have been obviated. The sooner the commission is up and running the better. In the new year, I hope to take the relevant steps to get it going in a substantive way.

Deputies Rabbitte and Costello raised the need for a Garda authority. I have heard the arguments for this at some length. However, if there was a Garda authority, such as that in Northern Ireland, comprising political representatives elected on a d’Hondt principle and the great and the good selected by Government, who would answer to the House when matters went wrong? If I believe the Garda should be doing X,Y and Z but the Garda authority had a different view, who would settle the dispute? If the House

cannot express its view and get real accountability through the Minister, is the establishment of a Garda authority such an advance? This is a fundamental philosophical question which has not been adequately answered by those who support a Garda authority. We will have other occasions to continue that debate.

As regards the nature of inquiries, the only sworn inquiries with powers of compulsion available to a Minister for Justice, Equality and Law Reform regarding any matter relating to the police are an old-fashioned tribunal of inquiry under the 1921 Act, which is about to be amended in accordance with a Bill published yesterday, a commission of investigation under the Act under discussion today which came into law on 18 July 2004, and statutory inquiries under the Dublin Police Act. Until late last year it was not possible to deal with inquiries such as that referred to in the motion except either under the Police Forces (Amalgamation) Act 1924 or a full-blown public tribunal of inquiry along the lines of the Flood tribunal. The legislation which has come into play for this inquiry is a halfway house between a statutory inquiry *per simpliciter* and a tribunal of inquiry and is the correct solution.

On the case under discussion, the conundrum has always been that two competing confessions existed for a short period and this created a dilemma for the Director of Public Prosecutions who was faced with two competing explanations for a crime which remains unsolved. I reiterate that this is a live case and if the cold case DNA forensic material comes to hand and makes it feasible to bring a case against an individual, it is the intention of the Garda Síochána to place the relevant evidence before the Director of Public Prosecutions for decision.

Some Deputies described as inadequate the Rossiter inquiry which is being held under the 1924 Act. I understand the inquiry is up and running and receiving full co-operation. As the Commissions of Investigation Act does not provide for public hearings, the only way in which the demand for full public hearings could be met would be to establish a full public tribunal of inquiry. It is desirable that we get the commission of investigation up and running under George Birmingham SC, that the Rossiter inquiry proceeds to completion under Hugh Hartnett SC and that the Garda Ombudsman Commission becomes operational as early as possible in the new year. It should be noted, however, that the commission must do preparatory work. It must have investigatory staff and buildings, establish protocols for carrying out its business with the Garda Síochána and make arrangements on the places in which it will detain people whom it arrests in Garda stations.

Certain Deputies criticised me for rushing through the Garda Síochána Bill. I was faced with the proposition that if I chose to wait until the ombudsman commission was in place before

dealing with these kinds of materials it could be another year before the commission would engage seriously on these propositions.

**Mr. Costello:** Will the Minister provide that the ombudsman commission can carry out retrospective investigations?

**Mr. McDowell:** There are circumstances in which the commission can conduct retrospective inquiries under the Garda Síochána Act. I have been trying to get the various inquiries up and running in a timely fashion.

I am glad every Deputy has broadly welcomed the fact that a commission of investigation is being established in this matter. While I have been criticised for the time taken to establish the commission, this was not an option until late 2004 because the Act was not in operation until that time. Deputies should also bear in mind that a live Garda investigation was taking place on the case. When a number of Deputies repeatedly raised the matter, I asked the Garda Commissioner for a full report and full chronology of events. I received the report in April.

When I indicated in public that I intended to proceed with a commission of investigation I had to go through the relevant steps, namely, to bring the proposition to Government, secure Government approval, identify a person to chair the inquiry and chart out its terms of reference. All of this took place after Shane Murphy SC, to whom I am deeply indebted, undertook a study of the matter and made a recommendation that a commission of investigation be established as the appropriate means of inquiry. It is not as if nothing has been happening. I have been carefully putting together the basis for this inquiry. I agree, however, that if I had the commissions of investigation legislation available to me a couple of years ago, I could have addressed the issue earlier and in a context other than the establishment of a full tribunal of inquiry. That was the dilemma in which I found myself.

I do not wish to discuss the substance of the inquiry as it is a matter for Mr. Birmingham SC to conduct the inquiry. Serious issues are involved, however. The fact that two people could confess to the same crime is a serious state of affairs. Nobody, least of all me, seeks to minimise or avoid this fact. Nevertheless, it will be worthwhile to await Mr. Birmingham's report. Without trespassing on what Shane Murphy SC examined and stated in his report, this case is more complex than Deputies might imagine. No allegation of physical abuse was made and the issues arising were the state of mind of the person in detention and suggestibility. The crunch issue is whether suggestions were made to Mr. Lyons which should not have been made. It is not the case, however, that someone fabricated a complete statement or conjured it up from nowhere. The word "frame" has been abused and is not an apt

description of what took place in this case. Nonetheless, it is a serious matter if a person agrees to confess to a crime he or she did not commit. This should not happen in any circumstances.

Other cases in which people have died in Garda custody were raised. It will be the function of the ombudsman commission to investigate all such cases. Under the new Garda Síochána Act, members of the commission will be required to carry out such investigations themselves and will not be in a position to delegate responsibility for them to the Garda Síochána.

**Mr. Costello:** What is the position regarding the Wheelock case?

**Mr. McDowell:** All the circumstances known to me at this stage suggest there was no misbehaviour of any kind by the Garda Síochána in the Wheelock case. I express my sympathy, as I have done on a number of occasions, to the family of Terence Wheelock on the untimely death of their son. As soon as he was found in a collapsed condition in his cell in Store Street Garda Station, all the requisite steps were taken. An officer from outside the division was immediately appointed to investigate the incident. He visited the scene on the same day and had a full technical examination carried out. Members of the House have made the point that the scene was altered afterwards. To my knowledge, the only thing of significance that was altered was that the alarm button which was tied to the ligature around his neck, was adapted so as to prevent anybody else finding themselves attached by a ligature to that alarm button in future. There was nothing more than that.

**An Ceann Comhairle:** The Minister's time has concluded.

**Mr. McDowell:** I have received a preliminary report of the investigation and I have requested the Garda authorities to submit a full report to me on the outcome of their investigation when completed. When that report is received I will consider it. A completed investigation file will also be submitted by the Garda authorities to the law officers for consideration at that time.

Motion, as amended, agreed to.

**Transfer of Execution of Sentences Bill 2003**  
[Seanad]: **Report Stage (Resumed) and Final Stage.**

Debate resumed on amendment No. 17:

In page 7, line 36, after "time" to insert the following:

"prior to the execution of the warrant".  
—(Deputy J. O'Keefe.)

**Mr. G. Murphy:** Deputy Jim O’Keeffe moved amendment No. 17 before the debate was adjourned. It was discussed previously on Committee Stage. We feel it is necessary to insert the words “prior to the execution of the warrant”. A warrant should be a static document and all parties should be aware that everything in the document is exact and will not change at the whim of a Minister. The whole concept of retrospectivity in a document such as a warrant is a dangerous concept to enter into at this stage.

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I do not propose to accept the amendment. The amendment would provide that the Minister could go back to the High Court to seek a variation of a warrant for the arrest of the person only “prior to the execution of the warrant”. That would limit the discretion of the Minister in a way that could be injurious to the interests of the sentenced person and to the interests of justice.

The Minister must be able to apply to the High Court at any time after the warrant is issued or executed if he becomes aware of new information that would justify him in going back to the court to seek a variation of the warrant. The amendment would limit the Minister’s discretion in this regard.

The Bill, as presented, provides an opportunity for the Minister to bring any new information to the court’s attention, regardless of when it arises. The amendment could remove that possibility and I do not think that is the intention behind the amendment. Perhaps the Deputy who moved the amendment was concerned that new information would become available that would alter the grounds for seeking the person’s arrest. In such circumstances, the court will have its own inherent discretion about how to deal with such a situation, even where it has not been formally notified by the Minister of such developments.

In all the circumstances, I am satisfied the amendment is unnecessary, although I understand the thinking behind it.

Amendment, by leave, withdrawn.

**An Ceann Comhairle:** Amendment No. 18 arises from committee proceedings.

**Mr. Costello:** I move amendment No. 18:

In page 8, line 2, to delete “inspector” and substitute “superintendent”.

This is a fairly straightforward amendment which attempts to delete the word “inspector” and substitute the word “superintendent” in section 8 where the High Court may, upon the sworn information of a member of the Garda Síochána not below the rank of inspector, given with the consent of the Minister, issue a warrant for the arrest of any person.

I am moving this amendment because it is normal procedure that a member of the Garda Síochána of a rank not lower than superintendent would be entrusted with matters of an important nature, such as this. I do not know if there is any particular reason why we should depart from that normal practice. The rank of superintendent would seem to be the appropriate one and for that reason I suggest that we should substitute the word “superintendent” for the word “inspector”.

**Mr. McDowell:** I do not propose to accept the amendment. This amendment proposes that a warrant for the provisional arrest of a person may be issued by the High Court on the sworn information of, effectively, a superintendent or a more senior officer, rather than an inspector as is currently provided for in the Bill, given with the consent of the Minister, that a request for the person’s provisional arrest has been made by the sentencing country.

The current provisions in the Bill providing for provisional arrest are in line with other legislative provisions dealing with provisional arrest such as section 27(1) of the Extradition Act 1965 and section 11 of the International War Crimes Tribunals Act 1998.

For example, section 27 of the Extradition Act 1965 provides that a judge of the High Court may, without a certificate of the Minister, issue a warrant for the arrest of any person on the sworn information of a member of the Garda Síochána not below the rank of inspector, that a request for the provisional arrest of that person has been made.

I am satisfied that a Garda inspector possesses sufficient experience and authority to handle such applications. To meet Deputy Costello’s point, however, I draw attention to the added safeguard that before the member of the Garda Síochána, not below the rank of inspector, gives the required sworn information to the court, the Minister must have consented to the application being made to the High Court for a warrant for the person’s arrest. In fact, therefore, this is more restrictive than the existing arrangements under the Extradition Act 1965. One would have to have a combination of an inspector or higher officer, plus the Minister, so this kind of thing is not going to be cooked up in the back room of a Garda station somewhere without adequate thought or preparation.

**Mr. Costello:** I am sure it would be a very sorry inspector who would try to challenge the Minister, as the latter must give his consent on the matter. Nevertheless, we are talking about sworn information and a provisional arrest. The Extradition Act 1965 is pretty much old hat at this stage given the changes that have taken place concerning the European arrest warrant and, therefore, the use of that Act will become largely redundant. I do not know if there is a reason for

stipulating the rank of inspector. Why not pitch it at a level of senior rank that would be appropriate to legislation of this nature concerning the transfer of execution of sentences? It is a serious matter that somebody would have to give sworn information, even with the consent of the Minister, with regard to the issuing of the warrant and the provisional arrest taking place. Most issues of similar or equivalent importance in domestic law, or relating purely to a domestic area, as distinct either from extradition or the international dimension, would certainly be dealt with by a superintendent. I am not sure if the Minister can cite any example that refers to the issuing of a warrant in the domestic context.

**Mr. McDowell:** I am not in a position to come up with such an example off the top of my head, but such examples do exist in the domestic context. The 1965 Act is not that old hat. We operated it until very recently and nobody ever made a complaint on the basis of the rank involved.

**Mr. Costello:** The Minister has virtually got rid of it now.

**An Ceann Comhairle:** Is the amendment being pressed?

**Mr. Costello:** Yes.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

**An Ceann Comhairle:** Amendments Nos. 19, 19a and 20 are related and will be discussed together.

**Mr. Costello:** I move amendment No. 19:

In page 8, line 38, to delete "in custody".

This seeks to ensure that provision would be made for remanding a person who might be arrested subject to this section not necessarily in custody but on bail. I welcome the Minister's tabling of amendment No. 19a, which has much the same import, namely, to insert "or on bail" after "custody". As such, section 8(4) would read that the High Court "shall ... remand the person in custody or on bail pending the production to it of a certificate". It meets the needs sought by my amendment which I am happy to withdraw.

**Mr. McDowell:** Arising from a discussion that Deputies Ó Snodaigh and Costello participated in, this matter was readdressed. I see the force of the amendments and the reason they were tabled. I must indicate that I prefer the wording prepared by the Parliamentary Counsel to either of the two contending amendments, Nos. 19 or 20. I am grateful to the Deputies for drawing my attention

to the omission of a reference to bail in this context. Including it improves the Bill.

The effect of this amendment is to allow the High Court full discretion in how it deals with the remand of a person, which is the intended effects of both Deputies' amendments. As a result of my proposed amendment, the Bill is in line with the provision of section 27(6) of the Extradition Act 1965 as amended by the Extradition (European Union Conventions) Act 2001. Therefore, it continues the general approach of aligning the provisions in this Bill with those in the extradition Acts.

Amendment No. 20 raises the issue of access to legal advice and representation. These matters are available as a right to all persons and legal aid for that purpose is available in appropriate cases. We can rely on the courts to ensure that a person is fully informed of his or her rights. A person's entitlement to advice and representation does not need to be spelled out in every statute dealing with how the courts deal with people brought before them. Therefore, it is not necessary to make explicit provision for these matters in the Bill.

Before leaving these amendments I wish to reiterate a central point in this Bill. Section 9(2)(f) ensures that all the issues covered in amendments Nos. 19 and 20, plus many more, are taken care of. That paragraph provides that the safeguards available under Part 3 of the European Arrest Warrant Act 2003 are also available to persons arrested under this Bill. Those safeguards are very extensive. They include all the protections available under the Constitution and the European Convention on Human Rights as well as several anti-discrimination matters listed in Part 3. I am satisfied that section 9(2)(f) will prove very valuable should any question arise as to the arrested person's rights and entitlements.

**Aengus Ó Snodaigh:** I welcome the Minister's amendment.

**An Ceann Comhairle:** I remind the Deputy that we are discussing amendments Nos. 19, 19a and 20 together.

**Aengus Ó Snodaigh:** I refer to amendment No. 20. I welcome the Minister's guarantee. I tabled amendment No. 20 to seek clarification on the access to legal aid issue. I will withdraw amendment No. 20 in favour of amendment No. 19a.

Amendment, by leave, withdrawn.

**Mr. McDowell:** I move amendment No. 19a:  
In page 8, line 38, after "custody" to insert "or on bail".

Amendment agreed to.

Amendments Nos. 20 to 22, inclusive, not moved.

**An Ceann Comhairle:** Amendments Nos. 23 and 24 are related. Amendment No. 25 is an alternative to amendment No. 24. Amendments Nos. 23 to 25, inclusive, will be discussed together.

**Aengus Ó Snodaigh:** I move amendment No. 23:

In page 10, line 24, before “Any” to insert “The High Court shall direct that”.

This amendment arises from recommendations on the observations of the Human Rights Commission. In its document it asked that the Bill be amended to provide that the High Court shall direct that all sentences imposed in a designated country shall be excised of any condition or additional element that would not be imposed by an Irish court. This is my intended effect. Will the Minister accept amendments Nos. 23 and 24 to ensure that the High Court shall direct on these issues?

**Mr. Costello:** My amendment addresses a relatively similar point, namely, that the Human Rights Commission has made a number of recommendations on this matter, of which I am sure the Minister is well aware. The amendment is to the effect that the court is not obliged under the legislation to eliminate conditions on a sentence that are not available by law in Ireland. It could result in a change or more severe conditions being imposed. For example, we do not have a sentence of hard labour in Ireland. Areas of remission and so on are also involved.

The difficulty would not be in that area but with any type of unusual conditions that could pertain in a country other than Ireland. We should have the discretion and flexibility to ensure that it did not take place. Sentences should be subject to any directions the High Court may give in respect of these matters and on how a sentence may be served. We want to ensure that new and unusual types of conditions are not applicable in another jurisdiction.

**Mr. McDowell:** These amendments relate to the powers of the High Court to ensure that any aspect of a sentence other than its duration that is less favourable than the equivalent Irish sentence shall not be imposed. Clear examples might be penal servitude or hard labour, as Deputy Costello mentioned. In practice, we may find that some other conditions are also incompatible with Irish sentencing provisions. Without surveying sentencing law throughout the world it would be difficult to be absolutely sure. Currently, the Bill states that those less favourable aspects shall not apply if the High Court so directs. If the High Court hears of less favourable conditions, it is empowered to direct that they shall not apply.

Amendment No. 25 proposes that the onus should be shifted the other way and less favourable aspects shall not apply subject to any direc-

tions that the High Court may give. This places the High Court in the position of giving directions about whether regimes in foreign states should apply. The difference between the two is negligible but it concerns me that the directions given by the High Court as to the non-application of less favourable aspects could involve the High Court making quite complex decisions. I think it would be better to leave matters as they stand. It is a case of six of one and half a dozen of the other. The amendment could introduce uncertainties and I believe it would hinder rather than help proper application of the provision which is to confer on the High Court a discretion to exempt somebody from less favourable conditions in the requesting country. I therefore do not propose to accept the amendment.

Amendments Nos. 23 and 24 direct the High Court not to apply those less favourable aspects. The matter should be left to the discretion of the High Court, especially since, as I mentioned earlier, cases may arise where it simply will not be clear that the sentence as imposed is incompatible with our sentencing regime. There will be argument about whether the regime is incompatible or what the conditions are in our jail or in other jails, or whether Irish prisoners are required to work, tidy up their cells or do prison tasks of that kind. It is better to leave it and to let the High Court use its discretion and common sense on a case-by-case basis.

Amendment, by leave, withdrawn.

Amendments Nos. 24 and 25, not moved.

**Mr. Costello:** I move amendment No. 26:

In page 11, after line 36, to insert the following:

#### SCHEDULE 1

##### *Additional Protocol To The European Convention On The Transfer Of Sentenced Persons*

Strasbourg, 18.XII.1997

##### Preamble

The member States of the Council of Europe, and the other States signatory to this Protocol,

Desirous of facilitating the application of the Convention on the Transfer of Sentenced Persons opened for signature at Strasbourg on 21 March 1983 (hereinafter referred to as “the Convention”) and, in particular, pursuing its acknowledged aims of furthering the ends of justice and the social rehabilitation of sentenced persons;

Aware that many States cannot extradite their own nationals;

Considering it desirable to supplement the Convention in certain respects,

Have agreed as follows:

#### *Article 1*

##### General provisions

1. The words and expressions used in this Protocol shall be interpreted within the meaning of the Convention.

2. The provisions of the Convention shall apply to the extent that they are compatible with the provisions of this Protocol.

#### *Article 2*

##### Persons having fled from the sentencing State

1. Where a national of a Party who is the subject of a sentence imposed in the territory of another Party as a part of a final judgment, seeks to avoid the execution or further execution of the sentence in the sentencing State by fleeing to the territory of the former Party before having served the sentence, the sentencing State may request the other Party to take over the execution of the sentence.

2. At the request of the sentencing State, the administering State may, prior to the arrival of the documents supporting the request, or prior to the decision on that request, arrest the sentenced person, or take any other measure to ensure that the sentenced person remains in its territory, pending a decision on the request. Requests for provisional measures shall include the information mentioned in paragraph 3 of Article 4 of the Convention. The penal position of the sentenced person shall not be aggravated as a result of any period spent in custody by reason of this paragraph.

3. The consent of the sentenced person shall not be required to the transfer of the execution of the sentence.

#### *Article 3*

##### Sentenced persons subject to an expulsion or deportation order

1. Upon being requested by the sentencing State, the administering State may, subject to the provisions of this Article, agree to the transfer of a sentenced person without the consent of that person, where the sentence passed on the latter, or an administrative decision consequential to that sentence, includes an expulsion or deportation order or any other measure as the result of which that person will no longer be allowed to remain in the territory of the sentencing State once he or she is released from prison.

2. The administering State shall not give its agreement for the purposes of paragraph 1 before having taken into consideration the opinion of the sentenced person.

3. For the purposes of the application of this Article, the sentencing State shall furnish the administering State with :

(a) a declaration containing the opinion of the sentenced person as to his or her proposed transfer, and

(b) a copy of the expulsion or deportation order or any other order having the effect that the sentenced person will no longer be allowed to remain in the territory of the sentencing State once he or she is released from prison.

4. Any person transferred under the provisions of this Article shall not be proceeded against, sentenced or detained with a view to the carrying out of a sentence or detention order, for any offence committed prior to his or her transfer other than that for which the sentence to be enforced was imposed, nor shall he or she for any other reason be restricted in his or her personal freedom, except in the following cases:

(a) when the sentencing State so authorises: a request for authorisation shall be submitted, accompanied by all relevant documents and a legal record of any statement made by the convicted person; authorisation shall be given when the offence for which it is requested would itself be subject to extradition under the law of the sentencing State or when extradition would be excluded only by reason of the amount of punishment;

(b) when the sentenced person, having had an opportunity to leave the territory of the administering State, has not done so within 45 days of his or her final discharge, or if he or she has returned to that territory after leaving it.

5. Notwithstanding the provisions of paragraph 4, the administering State may take any measures necessary under its law, including proceedings in absentia, to prevent any legal effects of lapse of time.

6. Any contracting State may, by way of a declaration addressed to the Secretary General of the Council of Europe, indicate that it will not take over the execution of sentences under the circumstances described in this Article.

#### *Article 4*

##### Signature and entry into force

1. This Protocol shall be open for signature by the member States of the Council of Europe and the other States signatory to the Convention. It shall be subject to ratification, acceptance or approval. A Signatory may not ratify, accept or approve this Protocol unless it has previously or simultaneously ratified, accepted or approved the Convention.

[Mr. Costello.]

Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the deposit of the third instrument of ratification, acceptance or approval.

3. In respect of any signatory State which subsequently deposits its instrument of ratification, acceptance or approval, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit.

#### *Article 5*

##### Accession

1. Any non-member State which has acceded to the Convention may accede to this Protocol after it has entered into force.

2. In respect of any acceding State, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of accession.

#### *Article 6*

##### Territorial application

1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Protocol shall apply.

2. Any Contracting State may, at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. In respect of such territory the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

#### *Article 7*

##### Temporal application

This Protocol shall be applicable to the enforcement of sentences imposed either before or after its entry into force.

#### *Article 8*

##### Denunciation

1. Any Contracting State may at any time denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

3. This Protocol shall, however, continue to apply to the enforcement of sentences of persons who have been transferred in conformity with the provisions of both the Convention and this Protocol before the date on which such denunciation takes effect.

4. Denunciation of the Convention automatically entails denunciation of this Protocol.

#### *Article 9*

##### Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, any Signatory, any Party and any other State which has been invited to accede to the Convention of:

(a) any signature;

(b) the deposit of any instrument of ratification, acceptance, approval or accession;

(c) any date of entry into force of this Protocol in accordance with Articles 4 or 5;

(d) any other act, declaration, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this eighteenth day of December 1997, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the other States signatory to the Convention and to any State invited to accede to the Convention.

Amendment put and declared lost.

**Mr. Costello:** I move amendment No. 27:

In page 11, after line 36, to insert the following:

## SCHEDULE 2

*Schengen Convention*

*Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders*

*Official Journal L 239 , 22/09/2000 P. 0019 — 0062*

## CONVENTION

## IMPLEMENTING THE SCHENGEN AGREEMENT

of 14 June 1985

between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders

The KINGDOM OF BELGIUM, the FEDERAL REPUBLIC OF GERMANY, the FRENCH REPUBLIC, the GRAND DUCHY OF LUXEMBOURG and the KINGDOM OF THE NETHERLANDS, hereinafter referred to as the “Contracting Parties”,

TAKING as their basis the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders,

HAVING DECIDED to fulfil the resolve expressed in that Agreement to abolish checks at their common borders on the movement of persons and facilitate the transport and movement of goods at those borders,

WHEREAS the Treaty establishing the European Communities, supplemented by the Single European Act, provides that the internal market shall comprise an area without internal frontiers,

WHEREAS the aim pursued by the Contracting Parties is in keeping with that objective, without prejudice to the measures to be taken to implement the provisions of the Treaty,

WHEREAS the fulfilment of that resolve requires a series of appropriate measures and close cooperation between the Contracting Parties,

HAVE AGREED AS FOLLOWS:

## TITLE I

## DEFINITIONS

## Article 1

For the purposes of this Convention:

internal borders: shall mean the common land borders of the Contracting Parties, their airports for internal flights and their sea ports for regular ferry connections exclusively from or to other ports within the territories of the Contracting Parties and not calling at any ports outside those territories;

external borders: shall mean the Contracting Parties’ land and sea borders and their airports and sea ports, provided that they are not internal borders;

internal flight: shall mean any flight exclusively to or from the territories of the Contracting Parties and not landing in the territory of a third State;

third State: shall mean any State other than the Contracting Parties;

alien: shall mean any person other than a national of a Member State of the European Communities;

alien for whom an alert has been issued for the purposes of refusing entry: shall mean an alien for whom an alert has been introduced into the Schengen Information System in accordance with Article 96 with a view to that person being refused entry;

border crossing point: shall mean any crossing point authorised by the competent authorities for crossing external borders;

border check: shall mean a check carried out at a border in response exclusively to an intention to cross that border, regardless of any other consideration;

carrier: shall mean any natural or legal person whose occupation it is to provide passenger transport by air, sea or land;

residence permit: shall mean an authorisation of whatever type issued by a Contracting Party which grants right of residence within its territory. This definition shall not include temporary permission to reside in the territory of a Contracting Party for the purposes of processing an application for asylum or a residence permit;

application for asylum: shall mean any application submitted in writing, orally or otherwise by an alien at an external border or within the territory of a Contracting Party with a view to obtaining recognition as a refugee in accordance with the Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967, and as such obtaining the right of residence;



[Mr. Costello.]

asylum seeker: shall mean any alien who has lodged an application for asylum within the meaning of this Convention and in respect of which a final decision has not yet been taken;

processing applications for asylum: shall mean all the procedures for examining and taking a decision on applications for asylum, including measures taken under a final decision thereon, with the exception of the determination of the Contracting Party responsible for processing applications for asylum pursuant to this Convention.

### TITLE III

#### POLICE AND SECURITY

##### CHAPTER 5

#### TRANSFER OF THE ENFORCEMENT OF CRIMINAL JUDGMENTS

##### *Article 67*

The following provisions shall apply between the Contracting Parties which are Parties to the Council of Europe Convention on the Transfer of Sentenced Persons of 21 March 1983, for the purposes of supplementing that Convention.

##### *Article 68*

1. The Contracting Party in whose territory a penalty involving deprivation of liberty or a detention order has been imposed by a judgment which has obtained the force of *res judicata* in respect of a national of another Contracting Party who, by escaping to the national's own country, has avoided the enforcement of that penalty or detention order may request the latter Contracting Party, if the escaped person is within its territory, to take over the enforcement of the penalty or detention order.

2. The requested Contracting Party may, at the request of the requesting Contracting Party, prior to the arrival of the documents supporting the request that the enforcement of the penalty or detention order or part thereof remaining to be served be taken over, and prior to the decision on that request, take the sentenced person into police custody or take other measures to ensure that the person remains within the territory of the requested Contracting Party.

##### *Article 69*

The transfer of enforcement under Article 68 shall not require the consent of the person on whom the penalty or the detention order has been imposed. The other provisions of the Council of Europe Convention on the Transfer of Sentenced Persons of 21 March 1983 shall apply *mutatis mutandis*.

### TITLE VII

#### EXECUTIVE COMMITTEE

##### *Article 131*

1. An Executive Committee shall be set up for the purposes of implementing this Convention.

2. Without prejudice to the special powers conferred upon it by this Convention, the overall task of the Executive Committee shall be to ensure that this Convention is implemented correctly.

##### *Article 132*

1. Each Contracting Party shall have one seat on the Executive Committee. The Contracting Parties shall be represented on the Committee by a Minister responsible for the implementation of this Convention; that Minister may, if necessary, be assisted by experts, who may participate in the deliberations.

2. The Executive Committee shall take its decisions unanimously. It shall draw up its own rules of procedure; in this connection it may provide for a written decision-making procedure.

3. At the request of the representative of a Contracting Party, the final decision on a draft on which the Executive Committee has acted may be postponed for no more than two months from the date of submission of that draft.

4. The Executive Committee may set up working parties composed of representatives of the administrations of the Contracting Parties in order to prepare decisions or to carry out other tasks.

##### *Article 133*

The Executive Committee shall meet in the territory of each Contracting Party in turn. It shall meet as often as is necessary for it to discharge its duties properly.

### TITLE VIII

#### FINAL PROVISIONS

##### *Article 134*

The provisions of this Convention shall apply only in so far as they are compatible with Community law.

##### *Article 135*

The provisions of this Convention shall apply subject to the provisions of the Geneva Convention relating to the Status of Refugees of 28 July 1951, as amended by the New York Protocol of 31 January 1967.

##### *Article 136*

1. A Contracting Party which envisages

conducting negotiations on border checks with a third State shall inform the other Contracting Parties thereof in good time.

2. No Contracting Party shall conclude with one or more third States agreements simplifying or abolishing border checks without the prior agreement of the other Contracting Parties, subject to the right of the Member States of the European Communities to conclude such agreements jointly.

3. Paragraph 2 shall not apply to agreements on local border traffic in so far as those agreements comply with the exceptions and arrangements adopted under Article 3(1).

#### *Article 137*

This Convention shall not be the subject of any reservations, save for those referred to in Article 60.

#### *Article 138*

As regards the French Republic, the provisions of this Convention shall apply only to the European territory of the French Republic.

As regards the Kingdom of the Netherlands, the provisions of this Convention shall apply only to the territory of the Kingdom in Europe.

#### *Article 139*

1. This Convention shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of the Grand Duchy of Luxembourg, which shall notify all the Contracting Parties thereof.

2. This Convention shall enter into force on the first day of the second month following the deposit of the final instrument of ratification, acceptance or approval. The provisions concerning the setting up, activities and powers of the Executive Committee shall apply as from the entry into force of this Convention. The other provisions shall apply as from the first day of the third month following the entry into force of this Convention.

3. The Government of the Grand Duchy of Luxembourg shall notify all the Contracting Parties of the date of entry into force.

#### *Article 140*

1. Any Member State of the European Communities may become a Party to this Convention. Accession shall be the subject of an agreement between that State and the Contracting Parties.

2. Such an agreement shall be subject to ratification, acceptance or approval by the acceding State and by each of the Contracting Parties. It shall enter into force on the first day of the second month following the deposit of the final instrument of ratification, acceptance or approval.

#### *Article 141*

1. Any Contracting Party may submit to the depositary a proposal to amend this Convention. The depositary shall forward that proposal to the other Contracting Parties. At the request of one Contracting Party, the Contracting Parties shall re-examine the provisions of the Convention if, in their opinion, there has been a fundamental change in the conditions obtaining when the Convention entered into force.

2. The Contracting Parties shall adopt amendments to this Convention by common consent.

3. Amendments shall enter into force on the first day of the second month following the date of deposit of the final instrument of ratification, acceptance or approval.

#### *Article 142*

1. When Conventions are concluded between the Member States of the European Communities with a view to the completion of an area without internal frontiers, the Contracting Parties shall agree on the conditions under which the provisions of this Convention are to be replaced or amended in the light of the corresponding provisions of such Conventions.

The Contracting Parties shall, to that end, take account of the fact that the provisions of this Convention may provide for more extensive cooperation than that resulting from the provisions of the said Conventions.

Provisions which conflict with those agreed between the Member States of the European Communities shall in any case be adapted.

2. Amendments to this Convention which are deemed necessary by the Contracting Parties shall be subject to ratification, acceptance or approval. The provision contained in Article 141(3) shall apply on the understanding that the amendments will not enter into force before the said Conventions between the Member States of the European Communities enter into force.

In witness whereof, the undersigned, duly empowered to this effect, have hereunto set their hands.

Done at Schengen, this nineteenth day of June in the year one thousand nine hundred

[Mr. Costello.]

and ninety, in a single original in the Dutch, French and German languages, all three texts being equally authentic, such original remaining deposited in the archives of the Government of the Grand Duchy of Luxembourg, which shall transmit a certified copy to each of the Contracting Parties.

For the Government of the Kingdom of Belgium

For the Government of the Federal Republic of Germany

For the Government of the French Republic

For the Government of the Grand Duchy of Luxembourg

For the Government of the Kingdom of the Netherlands”.

Amendment put and declared lost.

Bill reported without amendment and received for final consideration.

Question proposed: “That the Bill do now pass.”

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I thank Deputies for their contributions to the debate on this Bill today and on previous occasions. The Bill enables Ireland to meet its international obligations in respect of persons who fled from the state in which they were sentenced without having served or completed the sentence imposed by the sentencing state. The arrangements under this Bill will complement the extradition arrangements already in place and provide a useful additional option when dealing with fugitives from justice.

As has been noted at various times during the debate on this Bill, the new arrangements have all the protections currently available to a wanted person under our extradition law. As a result, a person who is sought under these new arrangements will be treated in the same way by our courts in substance as if they were the subject of extradition proceedings.

I emphasise that it is for the courts to satisfy themselves about each request to be processed under this legislation.

I thank the Ceann Comhairle and the Deputies for their co-operation in dealing with this Bill.

**Mr. Costello:** I thank the Minister for his courtesy and co-operation regarding a number of amendments and in dealing with the Bill in general. The Bill is worthwhile legislation. My only concern is that with regard to such legislation relating to framework issues in European Union countries we seem to have some difficulty from time to time aligning the provisions among the countries. While the purpose of this legis-

lation is to ensure that fugitives do not escape justice by fleeing to another country, there are nevertheless some instances whereby the manner in which legislation has been introduced makes it difficult to prevent some fugitives from taking refuge in another country and being dealt with in a proper fashion. I suggest the Minister raise the issue at the Council of Ministers to allow for some supervisory structure to enable these EU provisions to be implemented in domestic legislation. I thank the Minister.

**Mr. G. Murphy:** I thank the Minister and his officials for the time and work put into this Bill. Fine Gael welcomes the overall concept of the Bill. We tabled some amendments which were relatively minor concerns in the context of the overall Bill. Generally speaking, the Bill is to be welcomed.

**Aengus Ó Snodaigh:** Like the other Deputies, I welcome the Bill. It has been changed and made better by some of the amendments which the Minister has accepted. He did not take on board everything that the Opposition sought but he took some measures on board. His officials were helpful in providing explanations to the House on the reason certain amendments tabled by the Opposition would not be beneficial to the Bill. It is to be welcomed that the Bill has been passed.

Question put and agreed to.

**An Ceann Comhairle:** A message shall be sent to the Seanad acquainting it accordingly.

*Sitting suspended at 4.55 p.m. and resumed at 5 p.m.*

*Sitting suspended.*

### **Railway Safety Bill 2001: From the Seanad.**

The Dáil went into Committee to consider amendments from the Seanad.

**An Leas-Cheann Comhairle:** Seanad amendments Nos. 1, and 15 to 20, inclusive, are related and may be discussed together, by agreement.

Seanad amendment No. 1:

In page 10, subsection (1), lines 24, “Commission” deleted and “Investigation Unit” substituted.

**Minister for Agriculture and Food (Mary Coughlan):** These are minor amendments, simply substituting the “Investigation Unit” for the “Commission” as regards certain accident functions.

Seanad amendment agreed to.

Seanad amendment No. 2:

In page 12, lines 11 and 12, “or 84” deleted and “, 84 or 92” substituted.

**Mary Coughlan:** This is a minor amendment to include in section 3 a reference to section 92, which provides for the making of a commencement order for Part 10 of the Bill. Section 3 makes reference to the various sections of the Bill provided for commencement orders. Unlike other orders regulations, commencement orders cannot be annulled by resolution of the House. This is just normal legislative practice.

Seanad amendment agreed to.

**An Leas-Cheann Comhairle:** Seanad amendment Nos. 3, 7, 9, 12, 21, 28, 32, 39, and 43 to 46, inclusive, are related. They will be discussed together, by agreement.

Seanad agreement No. 3:

In page 12, line 12, “85(4)” deleted and “97(3)” substituted.

**Mary Coughlan:** These are minor technical amendments to correct or update the text of the Bill.

Seanad amendment agreed to.

Seanad amendment No. 4:

In page 12, between lines 26 and 27, the following new subsection inserted:

“(4) This Act does not apply to fairground equipment which has been granted a valid certificate of safety in accordance with section 239 of the Planning and Development Act 2000, unless, in the opinion of the Commission, it is appropriate to apply it in the interest of the safety of persons.”.

**Mary Coughlan:** This amendment relates to certain miniature railways operating in fairground-type situations, which because their gauge size is in excess of the 350 m, would otherwise fall within the scope of this Bill. These miniature railways are already covered by regulations made under section 239 of the Planning and Development Act 2000 and the Certification of Fairground Equipment Regulations 2003. Under section 239 and the related regulations all fairground equipment which includes military railways, must be certified as safe by an authorised person appointed by the Minister for the Environment, Heritage and Local Government. I am providing in this amendment that this Bill will not apply to such miniature railways unless the commission believes this is appropriate and that it should, in a particular instance.

This gives direction to the commission to apply the provisions of the Bill where it seems that the

risk involved in the operation of miniature railways is more akin to general railway risk than to a funfair.

Seanad amendment agreed to.

**An Leas-Cheann Comhairle:** In the case Seanad amendment No. 5, No. 27 is related and No. 52 is consequential on both. They will be discussed together, by agreement.

Seanad amendment No. 5:

In page 13, subsection (1), lines 6 and 7 deleted and the following substituted:

“body to be known as, in the Irish language, An Coimisiún Sábháilteachta Iarnróid, or in the English language, the Railway Safety Commission, in this Act referred”.

**Mary Coughlan:** These amendments were tabled in response to suggestions made in this House on Report Stage. The amendments amend the Bill so that the Irish language version of the commission and advisory council names are placed before the English language version.

Seanad amendment agreed to.

Seanad amendment No. 6:

In page 13, subsection (3), lines 29 to 42, paragraphs (a), (b) and (c) deleted and the following substituted:

“(a) enter into agreements or make arrangements with any Minister of the Government, or any other person for that Minister or person to perform on behalf of the Commission (with or without payment) any of its functions; and

(b) enter into agreements or make arrangements with any Minister of the Government or the Health and Safety Authority for the Commission to perform on behalf of that Minister or that Authority (with or without payment) such functions as may appropriately be performed by it in connection with its functions under this Act.

(4) The Commission shall have all such powers as are necessary or expedient for the performance of its functions under *subsections (3)(b)*.”.

**Mary Coughlan:** The purpose of this amendment is to update section 10 of the Bill in light of the enactment of the Safety, Health and Welfare at Work Act 2005. This required updating of the reference to the Health and Safety Authority in light of the official name change arising from the 2005 Act. I have deleted the old paragraph (c) referring to the making of an agency agreement with the HSA and as the agency agreement con-

[Mary Coughlan.]

cept in the Health and Safety Act 1989 is not repeated in the 2005 Act. I have also added a new section 4, giving the commission the legal power to perform any functions it takes on from the HSA or any other body. I understand the legal advice suggests this is necessary and that there is similar provision in the Health and Safety Act 2005.

Seanad amendment agreed to.

Seanad amendment No. 7:

In page 16, subsection 99), line 31, “Civil Service and Local Appointments Commissioners” deleted and “Public Appointments Service” substituted.

Seanad amendment agreed to.

Seanad amendment No. 8:

In page 33, subsection (5), line 43, “7” deleted and “21” substituted.

**Mary Coughlan:** This is a technical amendment to change the number of days allowed to a railway undertaking to amend its safety case from seven to 21 days.

**Ms O. Mitchell:** What was the reason for that change?

**Mary Coughlan:** This was recommended on Report Stage in the Dáil. The change is a reference in section 43(5) from seven days to 21 in line with a similar amendment made on the Dáil Report Stage to section 42(6).

Seanad amendment agreed to.

Seanad amendment No. 9:

In page 39, line 16, “42(6) or 43(5)” deleted and “42(4) or 43(4)” substituted.

Seanad amendment agreed to.

**An Leas-Cheann Comhairle:** Seanad amendments Nos. 10, 11 and 14 are cognate and will be discussed together, by agreement.

Seanad amendment No. 10:

In page 43, line 39, “accident” deleted and “occurrence” substituted.

**Mary Coughlan:** These minor textual amendments to section 51 were suggested by the parliamentary draftsman for the proposed improvement of the text.

Seanad amendment agreed to.

Seanad amendment No. 11:

In page 44, paragraph (d), line 3, “accident” deleted and “occurrence” substituted.

Seanad amendment agreed to.

Seanad amendment No. 12:

In page 44, paragraph (d), line 7, “are” deleted and “is” substituted.

Seanad amendment agreed to.

Seanad amendment No. 13:

In page 44, paragraph (d), lines 7 and 8, “the Commission or” deleted.

**Mary Coughlan:** In this amendment I have deleted the power of the commission to make regulations as regards the matters covered in section 51(d). Both the Minister and the commission cannot have power to make regulation as regards the same matters as this could result in contradictions.

Seanad amendment agreed to.

Seanad amendment No. 14:

In page 44, line 9, “accident” deleted and “occurrence” substituted.

Seanad amendment agreed to.

Seanad amendment No. 15:

In page 44, subsection (1), lines 15 and 16, “Commission” deleted and “Investigation Unit” substituted.

Seanad amendment agreed to.

Seanad amendment No. 16:

In page 44, subsection (1), line 16, “Commission” deleted and “Investigation Unit” substituted.

Seanad amendment agreed to.

Seanad amendment No. 17:

In page 44, subsection (1), lines 21 and 22, “Commission” deleted and “Investigation Unit” substituted.

Seanad amendment agreed to.

Seanad amendment No. 18:

In page 44, subsection (1), line 23, “Commission” deleted and “Investigation Unit” substituted.

Seanad amendment agreed to.

Seanad amendment No. 19:

In page 44, subsection (2), line 28, “Commission” deleted and “Investigation Unit” substituted.

Seanad amendment agreed to.

Seanad amendment No. 20:

In page 44, subsection (2), line 31, “Commission” deleted and “Investigation Unit” substituted.

Seanad amendment agreed to.

Seanad amendment No. 21:

In page 48, subsection (2), lines 2 and 3, “Civil Service and Local Appointments Commissioners” deleted and “Public Appointments Service” substituted.

Seanad amendment agreed to.

Seanad amendment No. 22:

In page 48, between lines 23 and 24, the following new subsections inserted:

“(7) Notwithstanding *subsection (2)*, where the Chief Investigator is unavailable or unable to perform his or her functions, or where the position of Chief Investigator is vacant, the Minister may engage a person (‘temporary chief investigator’) who, in his or her opinion, is suitably qualified to perform the functions of Chief Investigator to perform those functions during such unavailability, inability or vacancy.

(8) A temporary chief investigator shall be appointed as an inspector by the Commission and shall have all the powers of Chief Investigator under this Part.

(9) The cost of engaging a temporary chief investigator shall form part of the expenses of the Commission.”.

**Mary Coughlan:** The purpose of this amendment is to cater for the prolonged absence of the chief investigator through ill health or otherwise and to provide for the possibility of this position being vacant at a particular point in time. This amendment will allow the Minister to appoint a suitably qualified consultant to carry out the function of the chief investigator temporarily, pending his or her return, or the recruitment of a permanent replacement.

**Ms Shortall:** I do not have any difficulty with the principle of this, but there is no time limit on it. A situation could arise whereby a person who

is not recruited through the normal channels is appointed to act as a temporary investigator and could be left there indefinitely under the terms of this amendment.

**Mary Coughlan:** I assume that the normal employment legislative framework would be involved in the appointment as a temporary measure. This would only be done in the case of ill health or in particular issues that may arise for the provision of that position. Not being familiar with the text, I assume that it would be done on a temporary basis which would be for a short period.

**Ms Shortall:** That is all very well, but in five years’ time there is little point in saying that the Minister stated that it would be short. What does “short” mean? We need a proper definition for it. The Minister claims it will be in the event of someone being ill, but it may not be that. The position may be vacant and the Minister can still make a temporary appointment. It is not good practice that it be left open-ended like that.

**Ms O. Mitchell:** It may mean that he is just on holidays.

**Mary Coughlan:** It is defined as ill health or otherwise. That would mean personal circumstances.

**Ms O. Mitchell:** It states “unavailable or unable to perform”.

**Mary Coughlan:** If a situation arose where the chief investigator was no longer available and someone was needed to carry out that function immediately, a temporary appointment would be made.

**Ms Shortall:** That is not the point I am making. I wish to see the time limited. It is flawed because of that.

**Mary Coughlan:** I assure the Deputy that the timeframe will be included in the next transport legislation.

**Ms Shortall:** That is acceptable.

Seanad amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 23 and 24 are consequential and may be discussed together.

Seanad amendment No. 23:

In page 49, lines 22 to 27, subsection (6) deleted and the following new subsections substituted:

“(6) Where an investigation under this section relates to an international service, the Investigation Unit shall notify the relevant competent authority in the other state and

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shall invite that competent authority to nominate a person to participate in the investigation and share the results.

(7) Where an investigation under this section relates to an international service and the railway incident concerned took place on or close to the border with another state, the Investigation Unit shall agree with the competent authority in the other state for either it or the other competent authority to investigate the incident, or to carry out a joint investigation.”.

**Mary Coughlan:** The purpose of these amendments is to reflect more accurately the requirement of the EU railway safety directive on railway accidents involved in cross-border services.

Seanad amendment agreed to.

Seanad amendment No. 24:

In page 49, subsection (9), line 35, “or (7)” deleted.

Seanad amendment agreed to.

Seanad amendment No. 25:

In page 56, between lines 20 and 21, the following new subsections inserted:

“(2) Regulations made by the Commission under *subsection (1)* shall not be for the purpose of giving effect to an act adopted by an institution of the European Communities.

(3) The Minister may make regulations for the purpose of giving effect to an act adopted by an institution of the European Communities in relation to railway safety.

(4) Regulations under *subsection (3)* may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary for the purposes of the regulations (including provisions repealing, amending or applying, with or without modification, other law, exclusive of this Act).”.

**Mary Coughlan:** The purpose of this amendment is to provide that the Minister may transpose a European directive relating to railway safety international law through regulations made under this Bill rather than using the European Communities Act 1972. The advantage of this is that the railway safety commission will have its full powers available in connection with its functions under the directive. Consistency of language between this Bill and transposing regulations is also assured.

Seanad amendment agreed to.

Seanad amendment No. 26:

In page 57, between lines 31 and 32, the following new subsection inserted:

“(2) Each commissioner shall, on his or her appointment, be deemed to be an inspector for the purposes of this Act.”.

**Mary Coughlan:** The Bill provides in section 73 that the commission may appoint any of its staff as inspectors. All the enforcement powers of the commission are vested in the inspectorate of the commission. It is logical that these powers should be available to the highest officer of the commission, that is, a commissioner. However, there is no mechanism for a commissioner to be appointed as an inspector. This amendment corrects this oversight by providing that a commissioner will automatically become an inspector on his or her appointment.

Seanad amendment agreed to.

Seanad amendment No. 27:

In page 66, subsection (1), lines 46 and 47 deleted and the following substituted:

“to be known as, in the Irish language, An Chomhairle Sábháilteachta Iarnróid, or in the English language, the Railway Safety Advisory Council, and in this Act”.

Seanad amendment agreed to.

Seanad amendment No. 28:

In page 82, line 25, “Act” deleted and “section” substituted.

Seanad amendment agreed to.

Seanad amendment No. 29:

In page 84, subsection (4)(b), line 45, after “him”, “or her” inserted.

Seanad amendment agreed to.

**An Leas-Cheann Comhairle:** Amendments Nos. 30, 33, 34 and 36 to 38, inclusive, are related and may be discussed together.

Seanad amendment No. 30:

In page 86, lines 13 to 21, subsection (3) deleted and the following substituted:

“(3) A person who contravenes *subsection (1)* or *(2)* is guilty of an offence and is liable—

(a) on conviction on indictment to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 5 years, or to both, or

(b) on summary conviction to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months, or to both.”.

**Mary Coughlan:** These amendments, on the advice of the Parliamentary Counsel, make some changes to penalties for offences. The financial penalty for summary offences is increasing from €3,000 to €5,000 in line with the recent increases in the jurisdictional limit of the District Court. The penalties for indictable offences are rebalanced. The maximum financial penalty is increased and the maximum prison term is reduced. These changes result in more appropriate penalties for the offence in question.

Seanad amendment agreed to.

Seanad amendment No. 31:

In page 86, between lines 31 and 32, the following new subsection inserted:

“(5) Where, when a person is tried on indictment or summarily for an offence under this section, the jury, or, in the case of a summary trial the District Court, is of the opinion that he or she was not guilty of an offence under this section but was guilty of an offence under *section 110*, the jury or court may find him or her guilty of an offence under *section 110* and he or she may be sentenced accordingly.”.

**Mary Coughlan:** This amendment inserts a new subsection (5) in section 111 which relates to the offence of dangerous working on a railway. This new subsection is based on section 53(4) of the Road Traffic Act 1961. This allows a jury to find a person charged with dangerous working guilty of the lesser offence of careless working under section 110. This gives the system useful and appropriate flexibility and leniency.

Seanad amendment agreed to.

Seanad amendment No. 32:

In page 88, subsection (4), line 11, after “Environment”, “, Heritage” inserted.

Seanad amendment agreed to.

Seanad amendment No. 33:

In page 89, line 9, “€3,000” deleted and “€5,000” substituted.

Seanad amendment agreed to.

Seanad amendment No. 34:

In page 89, lines 14 to 21, subsection (2) deleted.

Seanad amendment agreed to.

Seanad amendment No.35:

In page 89, before section 116, the following new section inserted:

“116.—(1) A person who causes a hazard or risk to persons by accidentally or negligently causing any structure, vehicle, or other matter or thing to come to lie on railway infrastructure, or to overhang or protrude into the operational area above or adjacent to railway infrastructure, shall immediately notify the railway undertaking concerned or a member of the Garda Síochána.

(2) A person who, without reasonable excuse, contravenes *subsection (1)* is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000, or to imprisonment for a term not exceeding 3 months, or to both.”.

**Mary Coughlan:** This amendment inserts a new offence in Part 12. This new section requires a person to report immediately any railway safety hazard which he or she causes through some accidental or negligent act. I have in mind an incident in Selby in the UK a few years ago, where a Land Rover left the road and came to rest on the railway. This incident caused a catastrophic rail crash. Other incidents have happened in this country where trucks have dislodged the side parapet stone on a bridge causing it to fall on to the railway below. In such instances, this section will require the person responsible to report immediately the incident to stop rail traffic and avoid an accident. A person will be guilty if he or she fails without reasonable excuse to report the incident.

**Ms O. Mitchell:** The new section heading inserted by amendment No. 48 is “Road Traffic — Bridge Strikes”. Is that being taken with this amendment? How does it relate to this issue?

**Mary Coughlan:** It is a separate amendment but specific to this area. The amendment under discussion inserts a new section on page 89 before section 116.

**Ms O. Mitchell:** Yes, but the other amendment is headed “Road Traffic — Bridge Strikes”. How does it differ from the current amendment?

**Mary Coughlan:** The current amendment will be headed “Obligation to notify danger caused to railway”.

**Ms O. Mitchell:** That is fine. I welcome this amendment which I raised on an earlier Stage of the Bill. Given that there is so much more traffic on the roads these days, especially heavy traffic,



[Ms O. Mitchell.]

the amendment is essential. I am glad to see it is an offence not to report such incidents because reporting is the absolute minimum required. The fine of €5,000 is quite a small amount. I know of a case of bridge strike on the M50 which cost much more than €5,000 to put right. One of our new intercity trains collided with a cow and has been out of action since. I am sure that damage cost considerably more than €5,000. I do not suggest that this was intentional. However, that fine may not be sufficient to cover the kind of damage that is being caused on a daily basis by some of the heavy goods traffic on our roads. To stamp out these bridge strikes, the fine must be onerous. Some of the bridges that are particularly vulnerable should have CCTV cameras so that culprits can be detected.

**Mary Coughlan:** I will hand over now to the Minister for Transport in case I give away too much. I had hoped that I could have introduced an amendment so that we could have had a railway to Donegal. On that point, the €5,000 fine, which is commensurate with the District Court's fines, only reflects the previous section.

**Ms O. Mitchell:** The failure to report?

**Mary Coughlan:** No. That pertained to something falling on a line. This would reflect a failure to report that could be consequential. If this was taken to court, the Judiciary would make an assessment as to what the implications might be, as opposed to a minimum fine.

**Ms O. Mitchell:** That is fine.

**Ms Shortall:** How does the Minister intend to make the public aware of its obligations in this respect?

**Ms O. Mitchell:** In the courts. A public fine would hopefully act as a deterrent. However, the Deputy has made a valid point. People should know that such behaviour constitutes an offence.

**Minister for Transport (Mr. Cullen):** Like all such matters, the question is how one can get the information into the public domain and how one advises people. There is probably a greater level of public awareness in respect of many of these issues than was the case heretofore. However, both the Department and the companies directly involved will endeavour to do everything possible to get that message out and to seek assistance in making the public aware.

Seanad amendment agreed to.

Seanad amendment No. 36:

Section 116: In page 89, lines 24 to 31, subsection (2) deleted.

Seanad amendment agreed to.

Seanad amendment No. 37:

Section 118: In page 90, lines 5 to 12, subsection (2) deleted.

Seanad amendment agreed to.

Seanad amendment No. 38:

Section 119: In page 90, before section 119, the following new section inserted:

119.—A person guilty of an offence under section 115, 116 or 118 is liable—

(a) on conviction on indictment, to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 3 years or to both,

(b) on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 3 months, or to both.”.

Seanad amendment agreed to.

Seanad amendment No. 39:

“Section 119: In page 90, line 19, “Part 12” deleted and “this Part” substituted.

Seanad amendment agreed to.

Seanad amendment No. 40:

Section 123: In page 91, subsection (1), lines 26 to 35, paragraph (e) deleted and the following new paragraph substituted:

“(e) in any case where the Commission considers that the immediate giving of the notice, notification or direction is required, by sending it, by means of a facsimile machine or electronic mail, to a device or facility for the reception of facsimiles or electronic mail located at the address at which the person ordinarily resides or carries on business or, if an address for the service of notices has been furnished by the person, that address, provided that the sender’s—

(i) facsimile machine generates a message confirming successful transmission of the total number of pages of the notice, or

(ii) facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail.”.

**Mr. Cullen:** This is a technical amendment to change section 23(1)(e) in order to provide that the commission may send urgent notifications to railway undertakings by e-mail. As Members are aware, fax machines are rapidly becoming obsolete and e-mail is now the normal means by which

written documents are communicated. This might have arisen when Members discussed the matter.

**Ms O. Mitchell:** It did.

**Mr. Cullen:** This amendment is consequential to that discussion.

Seanad amendment agreed to.

Seanad amendment No. 41:

Section 124: In page 91, subsection (1), line 41, after “The”, “Investigation Unit, the” inserted.

Seanad amendment agreed to.

Seanad amendment No. 42:

Section 128: In page 96, before section 128, the following new section inserted:

“128.—(1) This section comes into operation on such day or days as the Minister may by order or orders appoint and different days may be so appointed for the coming into operation of different subsections.

(2) The Transport Act 1964 is amended by substituting for section 5(2) (inserted by section 3 of the Transport Act 1985) the following:

‘(2) The aggregate at any one time of borrowings under this section which have not been repaid shall not exceed €600,000,000.’.

(3) The State Guarantees (Transport) Act 1962 is amended by substituting for section 2(2) (inserted by section 4 of the Transport Act 1985) the following:

‘(2) The Minister shall not so exercise the powers conferred by subsection (1) of this section or by section 4(1) of the Transport Act 1974, that the amount, or the aggregate amount, of principal which he or she may at any one time be liable to pay pursuant to a guarantee or guarantees under this section or section 4 of the Transport Act 1974 (or under both those sections), and for the time being in force, together with the amount of principal (if any) which he or she has previously paid pursuant to any such guarantees and which has not been repaid, exceeds €600,000,000.’.

**Mr. Cullen:** The purpose of this amendment is to increase the level of CIE’s guaranteed borrowing power from €317 million to €600 million. The current borrowing limit was set by the Transport Act 1985 and has been in place for 20 years. This increased borrowing limit will allow the speedier progression of management of projects

by providing additional cash flow facilities. While the investment programme outlined under Transport 21 will be funded by the Exchequer and private funding, as a commercial body, CIE should be provided with adequate borrowing levels to fund projects from its own resources. It is doing quite an amount of that at present.

**Ms O. Mitchell:** Will CIE be allowed to do this on its own authority, without reference to the Minister? The sum of €600 million constitutes a great deal of money.

**Mr. Cullen:** Such borrowing must be referred to the Minister and the Department.

Seanad amendment agreed to.

Seanad amendment No. 43:

Section 128: In page 96, line 25, “inserted” deleted and “as amended” substituted.

Seanad amendment agreed to.

Seanad amendment No. 44:

Section 130: In page 98, subsection (5), line 25, “and” deleted and “or” substituted.

Seanad amendment agreed to.

Seanad amendment No. 45:

Section 130: In page 98, subsection (5), line 28, “22(A)” deleted and “22A” substituted.

Seanad amendment agreed to.

Seanad amendment No. 46:

Section 130: In page 98, subsection (5), line 28, “129” deleted and “127” substituted.

Seanad amendment agreed to.

Seanad amendment No. 47:

New Section: In page 107, after line 14, but in Part 16, the following new section inserted:

133.—Section 40 of the Transport (Railway Infrastructure) Act 2001 is amended by substituting for paragraph (iv) of subsection (1)(b) the following:

‘(iv) stating that the Minister will consider any submissions in relation to the proposed order or in relation to the likely effects on the environment of the proposed railway works which are submitted in writing to him or her by any person not later than 30 days after the end of the period specified in the notice referred to in subparagraph (ii), and’.

**Mr. Cullen:** This is a technical amendment to correct an anomaly in section 40 of the Transport

[Mr. Cullen.]

(Railway Infrastructure) Act 2001. The current subsection (1)(b)(iv) provides that submissions in regard to a railway order may be made to a Minister within 14 days of the end of its period of public display. However, subsection 3 provides for a submission period of 30 days. I intend to correct this anomaly by amending subsection (1)(b)(iv) to 30 days. This will provide consistency.

Seanad amendment agreed to.

**An Leas-Cheann Comhairle:** Seanad amendments Nos. 48 and 49 are related, while Seanad amendment No. 53 is consequential on both. Hence, Seanad amendments Nos. 48, 49 and 53 will be discussed together by agreement.

Seanad amendment No. 48:

New Section: In page 107, after line 14, the following new section inserted:

“PART 17

Road Traffic — Bridge Strikes

133.—The Road Traffic Acts 1961 to 2004 and this Part may be cited together as the Road Traffic Acts 1961 to 2005 and shall be construed together as one.”.

**Mr. Cullen:** While this new Part 17 will form part of the Road Traffic Acts, the main reason for the amendment is to address the extremely serious risks to the railways posed by the continual striking of rail bridges by vehicles. Iarnród Éireann and the road authorities throughout the country have become increasingly concerned about the number of bridges struck by high vehicles each year. I share that concern. For example, rail bridge strikes for the years 2001 to 2004 numbered 96, 136, 122 and 123, respectively. Provisional figures for 2005 suggest that this trend has continued and is increasing.

In terms of road bridges, Deputies will recall the disruption caused when a HGV struck a fly-over at Rathcoole as well as another, similar incident in the Jack Lynch tunnel. Potentially, a bridge strike could cause the structural collapse of the bridge, resulting in a catastrophic accident and major loss of life. Old stone and arched railway bridges, being generally lower than road bridges, are particularly vulnerable. I find this level of imported risk to be unacceptable. Therefore, Seanad amendment No. 49 creates two new offences in respect of bridge strikes by high vehicles. I want to make such bridge strikes a serious offence. The second offence relates to a failure to comply with the requirement to immediately notify a bridge strike. An unreported bridge strike is even more dangerous than a known one.

Finally, Seanad amendment No. 53 amends the Long Title of the Bill in connection with the changes to the Road Traffic Acts.

**Ms Shortall:** It is somewhat rich to listen to the Minister talk about his concern regarding bridge strikes. While there are an alarming number of them, three years have passed since the Minister of State at the Department of Transport promised to reintroduce height limits for trucks. Since then, the Minister has only talked about it. There does not appear to be any political will to tackle this issue. The current Minister of State at the Department of Transport has reiterated his intention to take action in this regard and is consulting everyone under the sun. While he produces endless reports on the matter, there is a serious lack of political will to bite the bullet and make the decision. When the Dublin Port tunnel was planned, height restrictions were in place, as was common throughout Europe. The Minister, or his colleagues, have promised to do this for the past three or four years. He should simply end this debate by reimposing height restrictions. Members are continually being lobbied about this issue and the nonsense that transpired in respect of the height of the Dublin Port tunnel is a case in point. The solution is to ban the so-called super cube trucks and to reintroduce the height limit. The Minister should take responsibility and do so.

**Ms O. Mitchell:** I am pleased to see that something is being done in this regard. In many cases, crashing into bridges preceded the advent of supercube trucks. I agree with Deputy Shortall that some decision must be made about such trucks because unless we are absolutely definitive in our approach to them now, they will increase in number.

When the House discussed hazards falling on to a railway under a previous section, the issue of surveillance cameras in the vicinity of bridges was raised. Certain bridges are continually struck by vehicles. In many cases, the drivers of such vehicles get away with it and are never found, despite leaving much paint behind. I understand that the truck responsible for the strike at Rathcoole was never found. Is that correct?

**Mr. Cullen:** That is correct.

**Ms O. Mitchell:** When one considers a fine of €50,000, one may be certain that it costs much more to repair a bridge. In the Rathcoole case, the bridge had to be virtually rebuilt. Hence, this is extremely costly for taxpayers. The cost of CCTV cameras would be minor when compared to the cost of constantly repairing these bridges. Nevertheless, I support the amendment.

**Mr. Cullen:** I thank the Deputy for that. I do not disagree with Deputy Shortall. While this is a delegated function, I wish to bring some clarity to

the issue. My understanding is that the average height restriction on trucks throughout Europe is approximately 4.2 m, while I believe the tunnel is limited to a height of 4.65 m. I restate that I believe that we must reintroduce a height restriction in Ireland.

**Ms Shortall:** When will the Minister do so? It has been discussed for years.

**Mr. Cullen:** I have allowed for a wide consultation. I agree with the Deputy.

**Ms Shortall:** The wide consultation was completed three years ago.

**Mr. Cullen:** The Deputy has asked a straight question and I am trying to be up front about this matter.

**Ms Shortall:** The Minister should give a straight answer.

**Mr. Cullen:** I am giving a straight answer.

**Ms Shortall:** He is not.

**Mr. Cullen:** The Minister of State has a delegated function in this regard. However, I want to bring this issue to a conclusion quickly. I am determined, as Minister for Transport, to do so. I agree there has been ample time for debate. Everyone has had a good and wide-ranging discussion on the issue and it is time for a resolution. The impact of this provision will have a limited effect on a small number of trucks. It is important for all of us, no matter where we live, that these supercubes not be allowed on our routes. I subscribe to that view and I am also of the opinion that a height restriction should be reintroduced.

Seanad amendment agreed to.

Seanad amendment No. 49:

New Section: In page 107, after line 14, the following new section inserted:

“134.—(1) In this section ‘structure’ means any bridge, viaduct, subway, tunnel, underpass, overpass or flyover.

(2) Where the height of a structure in a public place is indicated by means of a traffic sign, specified in regulations made under section 95(2) of the Road Traffic Act 1961, provided in accordance with those regulations on or in the vicinity of the structure, a person shall not drive or attempt to drive a mechanically propelled vehicle under the structure, where the height of the vehicle, including its load, if any, measured from the ground to its highest point is equal to or exceeds the height indicated in the traffic sign, so as to strike the structure.

(3) A person who contravenes subsection (2) is guilty of an offence and is liable—

(a) on conviction on indictment, to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years, or to both, or

(b) on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 6 months, or to both.

(4) Where a person driving a mechanically propelled vehicle referred to in *subsection (2)* strikes a structure where a traffic sign referred to in that subsection is provided and, whether or not any damage to the structure is apparent, where the person who owns or is in charge of or has use of the structure has provided in a conspicuous place a notice containing a telephone number to contact in the event of such a strike, he or she shall make such contact immediately after the occurrence of the strike. If the person is unable to make such contact immediately, he or she shall immediately notify a member of the Garda Síochána of the occurrence.

(5) A person who, without reasonable excuse, fails to comply with *subsection (4)* is guilty of an offence and is liable on summary conviction to a fine not exceeding €1,000.

(6) Article 34 of the Road Traffic (Traffic and Parking) Regulations 1997 (S.I. No. 182 of 1997) is revoked.

(7) Part 4 of the First Schedule to the Road Traffic Act 2002 is amended by the deletion of the matter at reference number 26.”.

Seanad amendment agreed to.

Seanad amendment No. 50:

Schedule 1: In page 108, column 3, line 33, after “51”, “, 55” inserted.

**Mr. Cullen:** This amendment repeals section 55 of the Transport (Railway Infrastructure) Act 2001, which extends the drink driving provisions of the Road Traffic Acts to tram drivers. The House will be aware of the extensive provisions in Parts 9 and 10 of this Bill dealing with drug and alcohol testing of safety-critical railway workers. These provisions also apply to tram drivers and it would not be appropriate legally to have two separate laws applying to the same issue. I am, therefore, repealing section 55 of the Transport (Railway Infrastructure) Act so all the provisions, applying to all drivers, will be in the one Act.

Seanad amendment agreed to.

Seanad amendment No. 51:

Schedule 2: In page 109, after line 19, the following inserted:

No. 14 of 1993	Roads Act 1993	Section 15A(a)
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**Mr. Cullen:** This amendment transfers to the Railway Safety Commission the functions of the Minister under section 15A(a) of the Roads Act 1993. That section requires the consent of the Minister for the construction of a bridge over a railway. The purpose of this consent function is to ensure railway safety and, as such, it is more appropriately performed by the commission rather than a Minister.

Seanad amendment agreed to.

Seanad amendment No. 52:

Long Title: In page 9, lines 6 to 13 deleted and the following substituted:

“OF A BODY TO BE KNOWN AS, IN THE IRISH LANGUAGE, AN COIMISIÚN SÁBHÁILTEACHTA IARNRÓID, OR IN THE ENGLISH LANGUAGE, THE RAILWAY SAFETY COMMISSION, TO DEFINE ITS FUNCTIONS, TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS, IN THE IRISH LANGUAGE, AN CHOMHAIRLE SÁBHÁILTEACHTA IARNRÓID, OR IN THE ENGLISH LANGUAGE, THE RAILWAY SAFETY ADVISORY COUNCIL, TO DEFINE ITS FUNCTIONS, TO”.

Seanad amendment agreed to.

Seanad amendment No. 53:

Long Title: In page 9, line 36, after “RAILWAYS,”, “TO AMEND THE ROAD TRAFFIC ACTS 1961 TO 2004,” inserted.

Seanad amendment agreed to.

**Ms O. Mitchell:** I thank the Minister for his courtesy during the passage of the Bill or at least during the Stages for which I was present. I thank the staff for their help and unfailing courtesy. They made every effort to explain a Bill that is truly complex and they will not be sorry to see it being passed. It was an opus of monumental complexity and had an uncommonly long gestation.

This is very important legislation, particularly in light of the fact that we are entering a period of great investment in our railways, during which the network will be expanded. I hope it will make a contribution to ensuring the increased safety of those who work and travel on our railways and

result in a fair and professional investigation process.

I do not like to be churlish on occasions such as this but I must say the way in which we dealt with this Bill was not appropriate. It was published in 2001, introduced in the House and then shelved for two years. Consequently, there was no continuity of treatment of the Bill. The Minister did not introduce it and I certainly did not deal with it in its early stages. I am not sure whether Deputy Shortall did so. If she did, she is the only Member present who was involved in the early stages. Even if we had all been present for the entire process, we would have noted that it took too long. There were too many changes and the legislation should have been reintroduced as an entirely new Bill and taken from the start.

Normally when we conclude dealing with a Bill, those of us who have participated on Committee and other Stages have some confidence that it is robust and will achieve what it was intended to achieve when passed. Whether we agree with every provision therein, at least we feel we have done our bit such that it will stand up to scrutiny. However, I do not know if this is the case regarding the Bill before the House. I trust it is but I have not had the opportunity to scrutinise the legislation in the way I would have liked. I speak for everybody in the House when I say that.

I thank everybody with whom I had dealings in respect of the Bill, when I took over responsibility for it on behalf of Fine Gael, for their courtesy.

**Ms Shortall:** I thank the officials from the Department for their assistance and for the time they have devoted to the legislation. I also thank the Minister for taking on board a number of amendments suggested by the Opposition. However, I protest at the manner in which this Bill has been handled. As Deputy Olivia Mitchell stated, it was published in 2001. Committee Stage was very tortuous and was taken on several sessions in 2003. We returned to it two years later with a raft of amendments and it had to be recommitted. More unexpected amendments were tabled at the end of this process and we have just dealt with a further 53 amendments made in the Seanad. It is clear that the Bill has not been handled properly. I do not know why that was the case or whether there was a problem providing the resources in the Department, such that the Bill was not accorded the priority it deserved.

One cannot deal with legislation in this kind of start-stop manner in which rafts of new amendments are sprung on the Opposition. There were two years in which to consider what changes were necessary and, therefore, they should not have been presented to the Opposition in the past month. At a minimum, this is disrespectful to other Members. I agree with Deputy Olivia Mitchell that we do not know how the legislation

hangs together because it has been dealt with in such a piecemeal way. This is very bad practice.

Procrastination, dithering and changing tack are becoming features of Deputy Cullen's Ministry. It is difficult to believe that he has a clear focus in respect of many of his areas of responsibility. For example, he published a Bill to allow for the driver testing and standards authority, which we debated on Second Stage in the House, but announced some time later that he would not proceed to establish the authority but would produce another set of amendments to change the Bill in order to establish a different authority, namely, the road safety authority. One wonders whether the Minister has thought any of these ideas through or where he is just making them up as he goes along.

A strong commitment was made in the programme for Government to establish a Dublin land use and transport authority, which is obviously needed. A year later, the Minister abandoned this idea but it suddenly dawned on him, in the wake of launching Transport 21, that a transport authority is actually required. Rather than having the proposals for such an authority ready when announcing all the other grand proposals in Dublin Castle, he said that such an authority is needed after the event and referred to the setting up of a team to determine its role and powers. This means that it will be well into next year before the authority is established.

The Minister will forgive us, therefore, for believing that he has no vision of what he wants to do in his Department and that he has not thought through his responsibilities. He is chopping and changing all the time, as is evident in respect of the three major areas to which I have drawn attention. It is not acceptable practice to deal with legislation as he has dealt with this Bill and I regret that. It seems he will repeat this in two other major areas and, therefore, he needs to get his act together.

**Dr. Cowley:** A Leas-Cheann Comhairle—

**An Leas-Cheann Comhairle:** This is not a general discussion. We are concluding this Stage of the Bill.

**Dr. Cowley:** I will be very brief.

**An Leas-Cheann Comhairle:** The Deputy should be very brief because, strictly speaking, this discussion is not in order.

**Dr. Cowley:** I spoke on this Bill approximately two years ago and it seems horrific that it has only now reached its current Stage. There is an underspend of €200 million in the BMW area.

**An Leas-Cheann Comhairle:** We cannot discuss that.

**Dr. Cowley:** I hope the Minister will address this very soon. Furthermore, the western rail corridor—

**An Leas-Cheann Comhairle:** That is completely out of order.

**Dr. Cowley:** I just wanted to make the point because, after two years, it is time the Minister stated openly whether he feels the west is worth supporting at all, particularly in light of the underspend of €200 million, with which he could commence work on the western rail corridor *ab initio*.

**Mr. Cullen:** I thank the Members of both Houses and my officials for facilitating this Bill and I welcome some of the remarks that were made on its passage.

Deputy Shortall is absolutely correct that I seem to be characterised as somebody who actually makes decisions. Based on what she said, I should make no decisions. I defy anybody to question the decisions I have made in only 12 months in the Department of Transport, particularly as such decisions were not made in previous decades. The Deputy is correct that I had a choice regarding this Bill. The choice was simple. If I did nothing and opted to produce a new Bill, it certainly would not have seen the light of day during the lifetime of this Dáil.

I am criticised for seizing the opportunity to try to do something positive. I accept some of the criticisms made by both Deputies that one would hope to do it better. I subscribe to that view in terms of having Opposition Deputies briefed. I have been in that position many times. One wants to know what is happening and to have as much time as possible to deal with a matter but one cannot allow an indefinite amount of time. I am not unfocused in any way and I took the decision to use this Bill as an opportunity. The Bill could be strengthened immeasurably and it has been for the benefit of the public. The highest safety standards should be subscribed to by those who operate the public transport system — specifically the railways — in this country. I believe I did the right thing, although it was not the perfect way to do it.

The Deputy is correct that this Bill has been around since 2001. It could have been around for another three years if I did not take action. I sought the support of the House for doing that. In fairness to both Deputies, who were primarily responsible for the Bill, there was a good discussion on many aspects of its provisions. Everyone will subscribe to the view that it will work well. I sincerely hope so. It is good legislation. Inevitably some legislation is challenged but I believe this was the right thing to do.

With regard to the decisions I have taken in terms of the investment in transport, the Deputy is wrong to state that I suddenly woke up after launching Transport 21 and decided that I had

[Mr. Cullen.]

better do something else. I had spoken about this months in advance of Transport 21. I would not have had the credibility to get somebody of the stature of Professor Margaret O'Mahony to take on the task she has undertaken if the Government had not made the decision. One must be in a credible position. Deputies will note that I do not make press announcements about these issues. I work out what the decision should be and when I have made it, I make the announcement. That might be somewhat different from how others do business but it is my way.

I accept that people can disagree with my decisions. That is their right and I do not have a problem with it. However, at least let my term in office in any Department be characterised by making decisions, right or wrong. Let me be criticised for actually making decisions. I will always accept that. What I will not do, and I hope have never done, is sit back, take the script and do nothing. I have no interest in doing that. I never had an interest in taking that approach in politics. If that is the basis of the criticism, so be it. I reject it and am proud to do so on the basis of my record, particularly during the past 12 months in the Department of Transport.

This Bill will make a fundamental difference. The investment of €1.4 billion in the 15-year safety programme that began in 1999 is allowing us to do a great deal in public transport that we would have only dreamed of doing in previous years. All parties in the House are guilty of ignoring the railways in the past. That has changed in every way possible. Having the safety infrastructure in place allows us, under Transport 21, to invest a huge amount in rolling stock and quality facilities to encourage the public to use these services. Yesterday and today, I was with Iarnród Éireann and Bus Éireann to announce a huge increase in the number, quality and capacity of their services, which will make them far more attractive to the public.

I agree that more must be done but, irrespective of who will be on this side of the House in the coming years, some of these major infrastructure projects will take time to deliver. For the first time in the history of the State, however, we have a Government decision, a plan and the money that is required. That was never the case in the past and I defy anybody to suggest otherwise. That is the position.

If I am to be damned — the Deputy is correct that I will be — for opting to do something more important, broad-ranging and far-reaching by changing the Driver Testing and Standards Authority Bill to the Road Safety Authority Bill, it is still the right thing to do. Again, I am faced with the option of not bothering. Given what the Deputy said, my life would be much easier. I would not be subject to criticism for doing these things if I did nothing. It is when one is prepared to put one's head above the parapet that one is

criticised. That does not bother me. I am happy to do these things.

I know precisely what I am doing with public transport and with the investment in transport across the delivery modes. I look forward, on 1 January next, to taking on this country's ports and to dealing with maritime safety issues. I hope this is seen as an acknowledgement that we in the Department of Transport know what we are doing. In fairness, the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, and the Taoiseach agreed with me that the correct, cohesive and cross-cutting treatment in respect of this issue was to place it within the remit of the Department of Transport.

I thank the officials who worked extremely hard on the Bill. Members will accept that, given the frustration of trying to get this Bill to fruition and through the Oireachtas, enormous credit is due to them for not losing focus. I saw that effort and the desire to get this task done and I had no intention of waiting for another two or three years while nothing happened. If I am to do damned for that, so be it.

Seanad amendments reported.

*Sitting suspended at 5.56 p.m. and resumed at 7 p.m.*

#### Private Members' Business.

#### Climate Change Targets Bill 2005: Second Stage (Resumed).

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

**Mr. Kelly:** I wish to share time with Deputies Nolan, O'Connor, Cregan, Finneran and Michael Moynihan.

**Mr. O'Dowd:** Are they all here?

**Acting Chairman (Mr. Stanton):** Is that agreed? Agreed.

**Mr. Kelly:** Having considered the Bill and slept on it overnight, I must say that it is madness.

**Mr. Broughan:** I believed the Deputy would support it.

**Mr. O'Dowd:** I believed the Deputy was drinking all day due to the way he was speaking.

**Mr. Kelly:** The Green Party, the Labour Party and Fine Gael have sensible Members, most of whom are present. However, I cannot believe the proposed Bill. The economy and jobs must be priorities for everyone. They are priorities for the Government. With such proposed legislation, the

people will believe the Green Party has gone mad.

**Mr. Roche:** What of Fine Gael?

**Mr. Kelly:** That is bad enough but to think that Fine Gael and the Labour Party is joining it is something else.

**Mr. Broughan:** There are jobs in renewables.

**Mr. Roche:** There would be many redundancies if the Opposition had its way.

**Mr. Kelly:** Imagine trying to introduce legislation that the EU may aspire to in 12 years. To the Members of the Opposition, I say be reasonable, sensible, responsible and cut out the madness.

**Mr. Broughan:** Does the Deputy ever make plans?

**Mr. Kelly:** Big plans.

**Mr. O'Dowd:** The Deputy planned his speech.

**Mr. Nolan:** It is fair to say we all recognise that climate change is a reality. Its effects are witnessed across the globe.

**Mr. Broughan:** Hear, hear.

**Mr. Nolan:** However, it is important to remember that this is not the first time we have seen climate changes. It is a cyclical process. For example, we have experienced ice ages. Afterwards, we experienced climate warming.

**Mr. Eamon Ryan:** Does the Deputy really believe that?

**Mr. Roche:** He has taken an interest.

**Mr. Nolan:** Deputy Eamon Ryan has had his chance. He should give us a chance.

**Mr. Roche:** We have listened to the Deputy's lectures before.

**Mr. O'Connor:** He is always on television.

**Acting Chairman:** One speaker at a time and through the Chair.

**Mr. Nolan:** The international framework for addressing climate change already contains legally binding targets through the Kyoto Protocol, under which Ireland has targets that it is fully committed to meeting. The Minister for the Environment, Heritage and Local Government, Deputy Roche, made this quite clear in his speech to the House.

If anything, we have been far too generous in committing too much in the Kyoto Agreement negotiations. It did not take adequate account of the significant improvement in the Irish economy then taking place. We did better than many of our European partners but, at the same time, our costs for complying with the protocol will be severe. Many of our indigenous industries will pay heavily to comply with the process.

Ireland's Kyoto Protocol target was the product of years of negotiation beginning in the mid-1990s. The protocol was ratified by the Government. The Green Party's Bill, with its intention of making legal commitments to reduce emissions of greenhouse gases, is praiseworthy but it has not been thought through. I am more than surprised that Fine Gael and the Labour Party will probably vote with the Green Party.

**Mr. Roche:** They should change their minds.

**Acting Chairman:** The Minister interrupted Deputy Nolan.

**Mr. O'Connor:** That is allowed.

**Mr. Nolan:** As speakers have pointed out, this Bill does not contain any information on how Ireland would achieve those reductions. Targets such as these are all very well but no country anywhere would agree targets that have the potential to do so much damage to their industries. Where would we search for foreign direct investment were we to pass this legislation? It should be reviewed. The Government is taking a positive approach by opposing the Bill and I commend the Minister on what he is doing for the country.

**Mr. O'Connor:** I welcome this opportunity as I am always happy to speak on Private Members' business. Deputy Nolan nearly praised the Green Party for introducing this Bill and I compliment him on giving us an opportunity to speak. It is unfortunate that there will not be agreement but this will be so for many good reasons. The Bill is timely in the sense that I hope climate change and environmental matters stay on our minds.

My grandmother believed that, when the Russians and Americans went into space, it was the ruination of the world as we knew it. Much has changed since then. We have watched television reports from Montreal this week. It is important that we listen to what is being said in this respect. That meeting on climate change is particularly significant as I am told it is the first such conference since the Kyoto Protocol came into effect. It is an event we should mark.

Other colleagues have made a point about the difficulties presented by the Bill. I will not be parochial simply because I come from a major population centre where we take the question of the environment very seriously. One matter I was



[Mr. O'Connor.]

involved in when I was chairman of South Dublin County Council in 1999 was the launch of a major employment project which was sited in Deputy Curran's constituency of Clondalkin and had significant impacts as far as Tallaght was concerned. The Wyeth medicare campus in Grange Castle now provides more than 1,300 jobs, many of which are filled by people from my constituency. I am sure Deputy Curran will articulate a point clearly, namely, that many people in his and my constituencies will examine this Private Members' business, wonder about those jobs and the Bill's impact on their lives. I examined a website today that listed the companies that would be deeply affected were this Bill passed.

We all have a responsibility. Deputy Kelly said we should be responsible and examine this issue in a reasonable way. We should understand the profound effect the Bill would have on many jobs in everyone's constituency, mine included. I suspect my colleagues in the Opposition will ponder this fact over the next hour or so, which they should. The Minister has been very reasonable. I listened carefully to what he said when he put forward the Government's position. He does not want me to praise his work but he shows that he has an interest in the environment. He examines all aspects of it, which is of great concern to us all. Once again, he has demonstrated in this debate that he has his finger on the pulse. He will listen to what people say. He is not going to take on board legislation which will not work.

**Mr. Finneran:** As someone from a rural constituency I am amazed that such a Bill has reached the floor of this House. It is a recipe for the closing down of two important levels of activity in my constituency. The farming community will be forced to cut back drastically and the pharmaceutical industry—

**Mr. Eamon Ryan:** The farmers will have to expand into biofuels and biomass.

**Mr. Finneran:** The Deputy was given the opportunity to speak earlier. I ask for the protection of the Chair so that I can make my contribution.

I have every confidence the Bill will not be enacted because the common sense of this House and the other House will not allow it to be enacted. The Bill, if enacted, would cause the farming community in my constituency, for which I speak, to retract and reduce to the extent that our contribution to the local economy would be reduced so much that farming would no longer be important. The farming sector directly employs 8,000 people in County Roscommon and more are employed indirectly. The Bill would have a detrimental effect on the major processing plants in the county, such as the Elan Corpora-

tion in south Roscommon, Masonite on the Roscommon-Leitrim border and Shannonside in Ballaghaderreen. Without question the Electricity Supply Board's power stations in Lanesborough and Shannonbridge would be effected. These are facts that cannot be disputed.

The economics of this Bill have not been fully thought through. If Ireland were to commit to targets such as proposed in this Bill, the emissions reduction would have to come from somewhere unspecified. The Green Party and other speakers in favour of this Bill did not tell the House where these would come from. I will outline how emissions reduction of this magnitude can only be achieved. It can be only be achieved by a such a reduction in herd numbers that Ireland could become a net importer of food. It can only be achieved by the closing down of any Irish industry with carbon emissions, such as the closing down of the cement industry and forcing the ESB either to close down all its plants or to increase massively the cost of electricity to consumers. This would make the country completely unattractive for any further foreign direct investment. The price of petrol and diesel would become so costly that the ordinary motorist could not afford to run a car and hauliers could not afford to run a business.

I can accept that the Green Party is very sincere in moving this Bill. However, I am amazed to see other parties lining up to support it. I can only conclude that they have not read the Bill or they have completely failed to understand its meaning. I fail to understand the involvement of other Opposition parties in support of this Bill.

I have listened over the years to the nonsense from the Green Party regarding issues that are important to this country and to my constituency, particularly regarding one-off rural housing, live exports and power production from peat extraction in the midlands. The Green Party objected to the power station in my constituency of Roscommon-Longford—

**Mr. Eamon Ryan:** Three million tonnes of CO<sub>2</sub>. It is absolute madness.

**Acting Chairman:** One speaker, please.

**Mr. Finneran:** They objected as a party, not as individuals, to a power station in Lanesborough, County Longford on the Longford-Roscommon border. These are the people who are going to—

**Mr. Eamon Ryan:** Polluting—

**Acting Chairman:** Deputy Ryan.

**Mr. Finneran:** —attempt to close down by means of this Bill, other economic activity in this country.

I assure the House that the reaction from the farming and business community and the ordinary people in my constituency is that this is a crazy Bill which is based on all types of ideology that does not meet the needs or the future needs of this country. It should be disposed of as soon as possible. I ask that this House votes this Bill down in a way that will give a message that this type of nonsense should not come onto the floor of this House.

**Mr. Cregan:** We all recognise that climate change is a reality and that its effects are being seen across the globe. We all have a part to play.

The international framework for addressing climate change already contains legally binding targets through the Kyoto Protocol. Ireland is fully committed to meeting its target under the Kyoto Protocol, as was made clear by the Minister, Deputy Roche, in his speech to the House. It may be difficult to achieve that target but I hope we do.

Ireland's Kyoto target was the product of years of negotiation, beginning in the mid-1990s and culminating in the ratification of the protocol by Ireland in 2002, together with other European Union member states. This Bill does not acknowledge this process.

The implications of this legally enforceable right proposed in the Bill would be to force the Government to adopt policies that ensure Ireland's emissions are 30% below 1990 values by 2020, no matter what the consequences. What would this mean in the context of Ireland's growth, its existing industries and employment and its foreign direct investment policies? The implications of this Bill are stark. The effort to eliminate sources of emissions would mean serious damage to Ireland's economy, its agriculture, heavy industry such as cement and alumina production and the food processing sector. This would be the real world implication of this Bill. Ireland would be the only country in the world to allow wholesale destruction of its economy to satisfy somewhat arbitrary and legally binding targets.

The Minister stated in his contribution that Government policy on climate change targets is based on international commitments made and ratified. This Bill is not based on any existing commitments. The Kyoto Protocol is the only such commitment that exists. Ireland has its target under this protocol and is fully committed to meeting this target.

It sets a dangerous precedent to enshrine such targets in legislation, especially when targets are not based on any international agreement. There is no precedent for such an approach. Deputy Boyle referred to the National Pensions Reserve Fund as an example of a precedent. There is no comparison. One piece of legislation commits the Minister for Finance to invest a set percentage of

gross national product into a fund for pensions; the other sets targets for the reduction of greenhouse gases completely in excess of what is appropriate or possible for the economy.

The Climate Change Targets Bill is fundamentally flawed in that it does not take into account the nature or structure of the economy. Where will the Green Party find the extra 30% reduction?

**Mr. Eamon Ryan:** From Irish farming.

**Ms O. Mitchell:** There will be nothing to grow.

**Mr. Cregan:** It will be found through the reduction of herd numbers in Irish farming—

**Mr. Eamon Ryan:** And by growing viable crops.

**Acting Chairman:** The Deputy should speak through the Chair.

**Mr. Cregan:** —and by closing Irish industries with carbon emissions.

**Mr. Eamon Ryan:** The Government is closing down the Carlow sugar factory.

**Acting Chairman:** One speaker, please.

**Ms O. Mitchell:** The sugar growers—

**Mr. Cregan:** The ESB will be forced to charge exorbitant prices. The country will be completely unattractive for any foreign investment. The price of petrol and diesel will be out of reach for the ordinary motorist. The reduction of 30% will be achieved in my constituency of Limerick West by the closing down of Aughinish Alumina, Wyeth Nutritionals in Askeaton and Irish Cement.

**Mr. Cuffe:** What about the sugar beet?

**Mr. Cregan:** The Deputy should forget about the sugar beet because that is a separate issue which we will debate any time, any place.

**Acting Chairman:** One speaker, please.

**Mr. Cregan:** That is where the Green Party will find its targets and it is unacceptable. The Green Party, if nothing else, is consistent. I respect their views and policies, but I am surprised other parties, and my colleagues from west Limerick, are prepared to come into this House to vote to lose jobs in Aughinish Alumina and Wyeth Nutritionals Ireland in Askeaton, and I defy them to do that. That should not happen and I hope it will not happen. I am being realistic. I commend the Minister for the manner in which he is setting out to achieve our 13% plus target.

**Mr. Broughan:** I want to share my time with Deputies O'Dowd and Olivia Mitchell.

It is risible, if not ludicrous, to see the Fianna Fáil backbenchers, Deputies Kelly, Finneran and Cregan, coming in here like a trio of ventriloquist's dummies. One can almost see the Minister, Deputy Roche's hand up—

**Ms O. Mitchell:** I ask him not to say it.

**Mr. Broughan:** —Deputy Kelly's back.

**Mr. Roche:** They are not allowed to speak — the little fascist comes through every now and then. Look at how much the standard has fallen.

**Mr. Broughan:** We could hear the mantra, devised by the Fianna Fáil press office, that they are trying out for the general election—

**Mr. Cregan:** It is factual.

**Mr. Broughan:** —where all the carbon emissions will be heaped on the heads of the Green Party.

**Mr. Roche:** Deputy Broughan has not read the Bill.

**Mr. Broughan:** They hope that will prevent a change of Government, but it may not work because many people are profoundly interested in the legislation before us. They might not agree with every line of it, however they feel it is a timely debate.

The Green Party must be commended for bringing forward this Bill, one of the major elements of which, as I understand it, is to provoke a debate year-on-year in this House from the Minister for the Environment, Heritage and Local Government, Deputy Roche, and from the Ministers for Communications, Marine and Natural Resources and Finance. That is a reasonable proposition, that the Minister would come in here, report to us on emissions targets and involve all the people in deciding what we might do in terms of changing our lives. This is about personal performance by citizens. It is fair enough for the Green Party to come in here and ask us to start on this road tonight, and I commend and congratulate them on that—

**Mr. Roche:** It is asking for much more than that.

**Mr. Broughan:** Let us face it, the Minister knows that in 18 months' time the election will be just over, and I hope every one of us here tonight, including Deputy Cregan, will be in the 30th Dáil. On that occasion, let us say that Fianna Fáil has 72 seats. The Minister will do whatever is required to try to make a majority because he believes in being in government, and rightly so

because one can do nothing in opposition. If it suits the Minister, no doubt he will go across to Deputies Eamon Ryan and Cuffe and, despite this Bill or 100 Bills like it, ask them for parliamentary support. The Minister and I know that. One aspect of Fianna Fáil is that it believes in *realpolitik*. It does not mess around when it comes to staying in power. That is why it has been in power for 20 years.

**Mr. Cregan:** That is because the people chose it.

**Mr. Broughan:** Therefore, the Minister should not give us hypocrisy about the terrible Greens to try to sweat down the likely change of Government, which is now a prospect that is opening up.

**Mr. Roche:** There is nothing wrong with the Greens.

**Mr. Broughan:** Yesterday Britain's leading scientist, Robert McCredie, the outgoing President of the Royal Society and the former chief scientific adviser to the British Government, with outstanding academic credentials, in a major speech to coincide with the worldwide conference on climate change that opened in Montreal this week stated that the potentially devastating impact of climate change "invites comparison with weapons of mass destruction". Such will be its impact on our culture.

We are talking about jobs. I personally believe in renewable energy. We heard a suggestion here about biofuels. There are many more jobs available. Let us look at this in a positive way. We must change our ways. Climate change is a reality.

The sad fact for the planet was that Mr. Bush was elected in 2000 and we have had to grapple with this for five or six years with a crowd of neanderthal American Government officials who will not accept the reality in front of our eyes accepted by every reputable scientist. Tonight the Minister and the Fianna Fáil Deputies prefaced their remarks by stating that climate change is a reality. That is why we are here, we are trying to discuss ways to address that.

Carbon dioxide is, of course, the primary greenhouse gas that is created by man-made emissions causing global warming and climate change. Such emissions rose from 280 parts per million before the onset of the Industrial Revolution to 380 ppm today. It is estimated that by the middle of this century they will have risen to an astonishing 500 ppm. The last time there were greenhouse gas emissions at this level was approximately 20 to 40 million years ago when sea levels were around 100 metres higher than today. A recent study published in the journal *Science* reported that current levels of the greenhouse gases carbon dioxide and methane in the

atmosphere are higher now than at any time in the past 650,000 years.

Like many colleagues, last night I watched coverage on one of the American news channels — I think it was ABC — of New Orleans, where there are only 60,000 people living in a city where once half a million people lived. It is a city bigger than Belfast and it has been reduced to this frightening position. This hurricane season has been the worst for two or three generations. We know what is happening, we need to take action to curb our greenhouse gas emissions drastically. We need to start thinking about it and tonight is a good opportunity for all of us to do so.

The European Environment Agency published a report, which is a shocking indictment of this Administration in the past eight or nine years. I do not have time to quote all the excerpts in this regard, but on our carbon emission targets and the likely 2010 targets, it is shocking that the European protection agency in Copenhagen feels that we are not addressing this problem seriously enough.

Climate change has been obvious across the European Continent, especially in the past few years. The hottest years on record were 1998, 2002, 2003 and 2004. During the summer of 2003 temperatures across Europe were the highest on record, approximating at 3.6° centigrade higher than average. Approximately 50,000 Europeans died due to the extremes of heat during June, July and August of 2003 and there were serious and devastating forest fires across Italy, Spain and France, with considerable crop failures and river droughts in these countries. While people speak of changes in the economy, we are speaking of fundamental changes in the planet, and it is clear that we must address that.

Concerted political action is urgently necessary around the connected issues of climate change and planning for our energy future. Although global co-operation and action is essential for any practical and effective strategy in this regard, all states must put their own house in order first and do everything possible to ensure that they comply with agreed targets.

In recent days we have been reading frightening debates about the oil peak and whether oil production is due to peak in 2008 or 2030. The Minister probably saw the debate in the interesting magazine *Prospect* a few days ago. That is why there is general and widespread interest in the Bill.

We have failed badly on many of our environmental targets. One of them, about which I was very disappointed in particular and to which the Green Party also due attention during the late summer, was the biofuels target. We had a 2% target for 2005, but we got nowhere near it. Less than one tenth of that target for biofuel was achieved.

The galloping emissions from transport are completely wrecking attempts to take control of greenhouse gas emissions. Obviously the Kyoto Protocol obligated all EU member states to reduce greenhouse gases by 8% from 1990 levels by 2012. There was agreement at the European Heads of Government and Environment Ministers in the spring of this year, as I understand it, on a 15% to 30% reduction in greenhouse gas emissions by 2020 and by 60% to 80% by 2050. Where did we hear those figures previously? People on the Government backbenches rubbished our Green colleagues in that regard. Often the Taoiseach does not really tell his backbenchers what he gets up to, but he seems to have agreed to this Bill in principle at a European Council meeting.

Clearly we must adopt a range of measures to begin addressing the problem that confronts us. I welcome the developments that have taken place in the UK, in particular, under its Department of Environment, Food and Rural Affairs, DEFRA, where the system of assigned amount units, AAUs, and trading is up and running for the past year or so.

Besides the EU emissions trading scheme, recent EU measures that should start to deliver emission reductions soon include legislation to improve the energy performance of buildings from next January — the Irish Government is one of the EU states that has been extremely slow to bring the directive on energy performance into force and to promote combined heat and power generation. Many other existing EU policies and measures, according to the EPA, will hopefully start to deliver on these targets fairly shortly.

In general terms I welcome the Bill. It reminds me of the Bill the two British MPs, Dr. Alan Whitehead and Mr. Mark Lazarowicz, from our sister Labour Party in the UK brought before the House of Commons. Even the Tories supported the Bill and an early day motion went through. This Bill would mean we would have a debate on these matters annually and the public, both as individuals and communities, could get involved. As the Labour Party spokesperson on energy, I warmly congratulate the Green Party.

**Mr. O'Dowd:** I want to address a number of points. We will answer each of them in our own good time. Whether there is sufficient time tonight I do not know. I have spent most of my time today dealing with issues regarding climate change. Over the last few weeks I have met with the cement industry, with Eco Cement and Century Homes. Today I met representatives of the insurance industry. Climate change has arrived and we must feel it. We cannot avoid the issue, put our heads in the sand and act like the Fianna Fáil backbenchers who were totally inane as regards the silly points they made. This is the most important debate we could have in this

[Mr. O'Dowd.]

House for the next generation. It will take a generation to escalate the momentum to reverse the climate change that has already occurred. It has taken 150 years to produce the present-day situation where the temperature is 20°C higher than it was before the industrial revolution.

We must row back as much as we can. Fine Gael has a coherent planned policy on this. We support the aspirations in the Green Party Bill. It is an aspirational rather than a line by line critique that we offer tonight. Nonetheless, we are in favour of the debate and we welcome the Green Party's input. This year's Estimates provide a figure of €20 million to the OPW for flood relief. That is totally inadequate. Flood relief is necessitated by the impact of climate change that gives rise to flooding in places such as Clonmel and Kilkenny. In Kilkenny alone the Bill for last year effectively was €45 million to meet the insurance calamity that occurred there. The reality is that there will be a series of increasingly extreme weather conditions. One day, unfortunately, the hurricanes that currently head over to America will be crossing Europe and perhaps affecting us as well. This is the reality and it must be faced.

We in Fine Gael believe we must play our part. The removal of all excise duties on biofuels produced from renewable energy crops is crucial. This will drive down costs and entice more players into the market place. We urgently need establishment grants for producer groups, comprising up to 50% of the costs of setting up, subject to a maximum of €300,000 per group.

A public competition for the establishment and operation of a number of biofuel processing plants, strategically located in a selected number of areas, should be put in place. Capital start-up grants for these processing plants should be given initially to enable them to become established and begin viable operations. Greater links are needed with international biofuel processors and fuel suppliers and the relevant Departments, especially the Departments of Transport and Agriculture and Food, must facilitate the promotion of such an industry in Ireland. We believe a market must be created for biofuels, but production cannot flourish if there is no market for what is being produced. Fine Gael says clearly that we must legislate for all motor fuels to be included in a blend of fuel from renewable sources.

All petrol sold at filling stations will include a 5% bioethanol mix and all diesels contain a 2% biodiesel mix. This will not necessitate the conversion of standard motor engines and will represent a good start to reducing emissions from cars. It will provide an immediate market for farmers to sell energy crops. As the benefits become clearer, motorists may move to convert their engines to allow for greater use of biofuel, thus reducing emissions further. We want an eco-

friendly economically sensible approach to vehicle registration tax. To do this we will establish a system of energy efficiency labelling for vehicles and reward those that get a higher rating with a reduced rate of VRT. Similarly, vehicles with a lower rate of efficiency will be penalised with a higher rate of VRT. We cannot allow a situation to evolve, as it has in the United States, where more people drive gas-guzzling, road-hogging SUVs, squeezing out smaller, smarter and more efficient vehicles in the process.

There must, too, be a much greater debate about jobs. The Minister is entering a very sensitive and important period in terms of allocations as regards emissions trading before Christmas. It is a critical time for this country, for jobs, the cement industry and all those industries that have been mentioned. It is essential to have a proper and full debate and that the Minister makes the right decision. We must change. We must keep the jobs as well, however, and the right balance must be struck. Part of that debate will take place tonight, hopefully, and at our committee meeting in the near future. We cannot stick our heads in the sand any longer and pretend it is not going to happen. It is happening all around us now. We must be practical, realistic and sensible in the choices we make. Fine Gael fully supports the aspirations in this Bill and we await the Minister's response.

**Ms O. Mitchell:** I have no problem and am delighted to support the thrust of the motion from the Green Party because I believe its intention is to act as a wake-up call for all of us to the reality of climate change. I had not realised quite how important it was until I heard the contributions from the Fianna Fáil backbenchers. Deputy Kelly believes, I understand, that no country should take any action until forced into it, kicking and screaming, by the European Community. We will be pulled, kicking and screaming, because the economic impact, if not the environmental impact, will be felt forcefully and painfully by all of the Fianna Fáil backbenchers if they do not wake up to the reality of change and what is needed.

As the Fine Gael spokesperson on transport I want to concentrate in particular on the transport impact on energy use in the couple of minutes available. Transport is the largest user of energy in this country and this trend is set to grow. Car ownership continues to grow and more significantly our car usage is among the highest in the world, despite our tiny country. We drive more kilometres *per capita* than the British, the Germans and incredibly, the Americans, despite the fact we are not slow to criticise the US's level of commitment to Kyoto and climate change measures. We are really not in a position to criticise the Americans at all.

We publicly committed ourselves to limiting emission increases to 13% of the 1990 level. We are already at twice that level and by 2012 it will be three times if we do not take action immediately. Yet there is no sign of any real commitment to take action. I wonder why that is. There may be people who do not accept that global warming is a threat to our planet. There may be those who will not accept that the world's supply of fossil fuels is diminishing and that we have probably already reached peak production levels. In any event, we are on a downward curve. They are going to disappear very soon. There may be people who do not want to accept the volatility of oil supply, the impact this will have in the future and the impact that even remote disasters have on the certainty of our oil supply. There may even be those who do not accept the inexorable upward trend in the price of oil and the impact this will have, not just on our local economy, but on civilisation. If so these are people in absolute denial in the face of all evidence to the contrary. They are people with their heads in the sand and who want to keep them there, probably for vested interests, to prevent the exploration of avenues for alternative sources of fuel and energy.

Unfortunately some of those people are still in positions of power in some of the big energy using countries around the world. However, Ireland is not among those countries. We accept the reality of climate change, notwithstanding the remarks made earlier for political reasons. We know the climate is changing as a result of fossil fuels being used. All of us accept the economic argument that oil is going to get dearer and that supplies will become less certain. We cannot continue to depend on the supply of oil, so why are we not making changes? We pay lip-service to developing alternative energies, but progress always falls way behind the pace of increasing energy usage. Transport is a big energy user and there are now 500,000 more cars on the road than there were ten years ago. How can we even begin to deny that such an increase will have an impact on climate change? This increase is due to the lack of public transport. My colleague has gone through a number of Fine Gael suggestions that try to effect a switch to alternative energy sources. It is undeniable that buses are a part of the solution. Plain, sexy unpopular buses could contribute an enormous amount to reducing emissions.

**Ms C. Murphy:** When this Bill was introduced by the Green Party, it was correctly described as a positive Bill. It is timely and welcome. If we are to change attitudes, we need to change the decision making culture. The Bill seeks to do that by a targeted and co-ordinated approach. The national climate change target plan called for in the legislation is needed if we are to see results. We need to change the *laissez faire* attitude to

decision making and that requires a hands-on approach. Planning our towns and cities should be deliberate and must be integrated. For too long, those with financial interests have been setting the agenda. The result is regional imbalance and traffic chaos. We are now facing fines for not meeting our targets on climate change.

Transport planning is needed for every major residential, commercial and industrial development. Such plans should have a public transport element. Planning should be about reducing our need to travel, designing and locating our communal spaces, such as schools and recreational facilities, in such a way as to make it possible to access them by foot. That will not occur unless we provide safe walking and cycling routes. Too often, such facilities are not in the heart of a community but on its periphery, due to what is known as hope value in unzoned land. This adds to the need for a vehicle to access essential services. Initiatives such as safe routes to school have a demonstrated value in traffic reduction and these initiatives should be a given. Congestion around schools and the need to introduce exercise into the daily routine for our children are obvious reasons for accelerating the delivery of such schemes.

In many communities, one cannot go to a bottle bank without a car, which is quite ironic. How environmentally friendly is such an approach? There is not one comprehensive recycling facility in my constituency. Local authorities are shying away from providing comprehensive recycling facilities owing to costs. While the capital costs are funded by the Department of Environment, Heritage and Local Government, the running costs must be borne by the council. A change is needed.

We need to arrive at a situation where we have genuine land use and transport planning to deal with traffic congestion. In the week when Operation Freeflow began, it seemed free flow was facilitated by holding back traffic on the county side of the M50. There is no doubt that traffic jams this week are longer at that side.

For those of us living close to the N4, the concern is great in 2005 but we are worried it will get worse in 2006. The word "Adamstown" conjures up the background sounds in the film "Jaws" when the shark is about to bite its prey. The communities in that area expect to be bitten by this development. The expectation is that this massive new town will add significantly to the problems. It is supposed to be planned in such a way that services will be delivered in conjunction with new dwellings. Quality bus corridors are included in the plans, but will there be buses to run on them? The train service to be provided terminates at Heuston station, but the interconnector linking Heuston station to the docklands will not be available for ten years while a three-mile tunnel is being constructed. The Kildare route project

[Ms C. Murphy.]

will double the lines and will be completed by 2010. This will increase the number of commuters who have perfected the 100 yard dash between the train station and the bus and Luas stops. While all these projects are welcome, they are taking far too long and they need to be integrated.

Creating a crisis seems to be a uniquely Irish way of doing things. We create the crisis and come to a dramatic solution such as that used to clear smog from Dublin. It was only when the problem presented itself at the hospital gates that the issue was tackled. The decision was a good one, but the problem should have been anticipated. Short-term thinking may have been necessary in times of economic bankruptcy. We can now afford to take the long view. We have the resources to plan properly if the political will exists. Some Fianna Fáil backbenchers referred to a doomsday scenario where industry would close down. They should take a look at the energy efficiency of Intel and HP. We can do better but to do so, we must do things differently. That means a change in culture.

**Dr. Cowley:** There is no getting away from the fact that global warming is a reality. We had better face up to it now because if we do not, we will jeopardise the planet that is entrusted to us. The scientific evidence exists, despite the doubting Thomases and those with agendas that would have us believe otherwise.

The failure of the Government to implement the national development plan and the national spatial strategy has contributed to our problems with gaseous emissions. High density urban living produces high levels of pollution, including traffic pollution, noise pollution, air pollution, water pollution, domestic waste, industrial pollution, river pollution and so on. This is due to unbalanced regional development. I ask the Government to consider making up the capital envelope for the Border, midlands and west region. The underspend in transport alone was €200 million, while more than €3 billion was underspent in the region in total.

There is no public transport system in rural Ireland. A bus may pass twice or three times a day, but that does not constitute a proper transport system. In Dublin, there are 600,000 private cars which travel at an average of 8 mph. Emissions depend to a great extent on fuel consumption. A car travelling 15 miles to a provincial town at 50 mph produces far fewer emissions than a car in Dublin travelling at 8 mph. Idling cars use up fuel and increase emissions. We must get back to balanced regional development which will make a major difference. Rural dwellings are surrounded by hedges, reducing emissions in the same way that forests soak up emissions. In urban

areas, increased concrete spread has made the situation even worse.

The Government should support Knock Airport with the €50 million that is required for the next two years. It would mean less distance for people to travel as it is adjacent to 13 counties. It is not too late to put in the capital budget required to make up the deficit before the problem increases in the cities and the towns. Dublin Airport is facing increased congestion and another terminal will only make things worse.

The evidence shows that most of the warming of the last 50 years is due to human activities. Temperature increases will cause the polar ice caps to melt, which will increase water levels, causing extreme weather events. If carbon dioxide, nitrous oxide, methane and water vapour increase, they will trap heat from the sun and act like a pane of glass in a greenhouse. These gases will ensure that temperatures close to the Earth's surface are much warmer. In France, 14,000 died in the heatwave in 2003. Everyone now agrees that human activities are responsible for global warming. We must ensure that major players of the future, Brazil, China and India, are brought into the equation.

Ultimately, it is up to us. However, it has been extremely remiss of the Government to bury its head in the sand like an ostrich and to pretend this is something that does not concern it and that does not require urgent attention. It has not carried out its responsibilities and duties. It was elected by the Dáil to act on behalf of current and future generations.

**Mr. Connolly:** I welcome the publication of this Bill as the first constructive proposal to achieve a graduated reduction in domestic greenhouse gas emissions, with a view to fulfilling our climate change target obligations. Global warming is not a distant problem waiting to appear, or a hypothetical trouble for which we should not prepare. The world is already changing with deadly speed. Every time one burns coal, oil or gas, one sends carbon dioxide into the atmosphere. The carbon dioxide that we emit traps enough heat to create a new planet. Ominously, each development will, in turn, trigger more global warming. For instance, as the Siberian permafrost melts, it releases enormous quantities of methane. Last winter, the gas bubbled up so quickly in some places that the bogs did not freeze, even in the coldest weather. Methane is an even more potent greenhouse gas than is carbon dioxide.

Meanwhile, as the soil heats up and decay is accelerated, that decay releases enough carbon to offset all the energy saving changes that Ireland has made over the past decade. It has been estimated that the soil exhales large quantities of carbon dioxide, thus accelerating global warming at an approximate rate of 2 million tonnes of carbon per year. In addition, the reductions in

plant growth during the recent summers mean that fewer trees and plants are available to soak up the carbon in the atmosphere. Icebergs, which reflect the sun's rays back into space are melting and the blue sea water absorbs the heat, again increasing the warming effect. Last year, Europe's glaciers lost 10% of their mass and harvest growth was reduced by an average of one third.

In a recent report, *Impacts of Europe's Changing Climate*, the European Environment Agency states that fewer than 50 years remain to act against the threat posed by global warming. It attributed most of the warming observed over the past 50 years to human activities. Up to now, human beings have increased the Earth's temperature by one degree Fahrenheit. Unless we do everything possible as soon as possible to shift from fossil fuel usage, scientists have stated that we will warm the planet by a further five degrees by the end of the century.

The EU states that the world should act to try to prevent temperatures from rising by more than two degrees Celsius above their 1990 levels, which it regards as the highest sustainable level. The EU estimates that on present trends, this target is likely to be exceeded by 2050. We must get our act together in respect of reducing greenhouse gas emissions that contribute to global warming. We simply cannot assume that somehow, the laws of physics and chemistry do not apply to us. Ongoing research has demonstrated that hurricanes and typhoons are 50% stronger and last 60% longer than they did a generation ago. We see the results regularly on our television screens.

In the past week, we have learned that the EU will miss its greenhouse gas emission targets by quite a wide margin. The 15 long-standing member states of the EU, including Ireland, are likely to cut emissions to just 2.5% below 1990 levels, thus falling well short of the target cut of 8%. As was mentioned earlier, growth in the transport sector is partly to blame, as increased air travel has offset gains made elsewhere. Unfortunately, emissions in the EU, which is at the heart of the Kyoto Protocol process, have risen since 2000. The most dramatic gains in terms of emissions reduction have been made by reducing methane emissions from waste tips and by improved industrial efficiency. However, it is most disappointing that the share of renewable sources of electricity has increased by only 0.5% since 1990.

Renewable sources such as wind power are increasingly seen as the key to any low-carbon economy. I agree with the Bill's proposal for a national plan to achieve the targets in reduced emissions. Neither the national climate change strategy launched in 2000 nor the EU emissions trading directive appear to be achieving their aims. Incentives must be created for our indus-

tries to operate in an environmentally-friendly, manner with light usage of carbon dioxide and methane. Energy industries must also invest in new technologies that will move us, by mid-century, to an economic structure that is light on carbon emissions and heavy on carbon sequestration.

**Mr. Crowe:** On my way to the House, I mentioned to someone that I would speak on the issue of global warming. That person's attitude was that we could benefit from some global warming. However, that is a simplistic way to look at the issue as is stating that it is too important an issue to be left to tree huggers. This concerns changing people's attitudes about their responsibilities. It also concerns the responsibilities of companies, industry and governments. I welcome this debate and I support the Bill because it would provide some accountability as far as the issue of climate change is concerned.

This concerns big issues like the future of the planet and our future direction. To put it in perspective, while many of us can appreciate the consequences of climate change, others would prefer if the climate was a couple of degrees warmer, or if we had less rain. However, this has adverse effects in other parts of the world. For those who are old enough to remember the Live Aid concert, the consequences of climate change are real and affect people today. It is worth examining the case of the Sahel region of Africa. From 1950 onwards, rainfall began to decline dramatically. Since 1970, half the region has been in severe drought. All Members remember the horrific images of suffering that were beamed into our living rooms, as millions of people starved to death. Everyone remembers the Live Aid concert and I am sure many Members contributed to it. I watched an interview with Bob Geldof last night in which he spoke about what remains to be done, by both individuals and, in particular, by the wealthiest countries in the world.

This is not an academic discussion and does not concern events in the distant future. It concerns what is happening at present. While the outline I provided may be depressing, examining the Government's record in respect of climate change and its responsibility under the Kyoto Protocol is even more so. According to consultants employed by the Government, the State will face possible fines of up to €118 million for its failure to meet its Kyoto targets. Rather than having the overburdened PAYE worker fork out yet again for the Government's incompetence, why can this money not be recouped now by introducing a taxation policy that punishes those responsible for greenhouse gas emissions, namely, big industry in the main? One gets a clue as to the likelihood of this happening when one considers the Government's reaction to the news that Ireland still has the highest *per capita* greenhouse gas emissions.



[Mr. Crowe.]

With a straight face and without a hint of irony, the Government laid the blame at the public's feet. We were told that individuals must become more environmentally-conscious. Everyone agrees with that. However, I suggest that the Government should look to its sponsors in big business for a solution to this issue. Should big business issues take precedence over the deaths of millions in Africa?

I urge Members to support this Bill tonight. I do not believe the PAYE worker or ordinary taxpayers should bear the brunt of it. Transport policy must begin to take account of the environment. In this respect, the most practical step is to provide an efficient and comprehensive public transport system. The total failure of this year's national car-free day is an indication of the degree of the public's faith in public transport. This problem will be worsened, not solved, by privatisation. There must be a comprehensive shake-up of building procedure. Developers must be encouraged to introduce buildings that are far more energy efficient. However, this will not work if they can simply pass the penalty on to the purchaser. Developers have become phenomenally wealthy over the last decade and it would be a pity if the introduction of an environmentally-friendly policy became another excuse for them to increase prices and profits. This should not be permitted.

On a related matter, any tax on carbon fuels should not affect the disadvantaged in our society. World events have already pushed fuel prices through the roof and there has been no corresponding increase in fuel allowance. In the event of a fossil fuel tax, it would be necessary to substantially increase the fuel allowance and to greatly extend eligibility for it. I support the Bill, which concerns the future of the planet, drought, climate change and some rich countries buying emissions credits from others. I do not recognise the morality in buying emissions credits, nor do I understand how countries can stick their chests out and say they are living up to their agreements by buying credits from poorer countries. I welcome this debate and urge people to live up to their responsibilities. Big businesses and governments, particularly governments that have so far failed to meet the targets set out in the Kyoto Protocol, have major responsibilities to meet.

**Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. B. O'Keeffe):** The Bill seeks to place an obligation on the Government to reduce its emissions to up to 30% below 1990 levels by 2020 and up to 80% by 2050. These are huge reductions in the context of Ireland's current emissions of 25% above 1990 values. My colleagues have explained the implications of these reductions for Ireland.

Targets such as these are all very well but no country would sign up to any of them——

**Mr. Boyle:** They are already agreed.

**Mr. Eamon Ryan:** The Minister signed up to them.

**Acting Chairman:** The Minister of State, without interruption.

**Mr. B. O'Keeffe:** ——which have the potential to that much damage to its competitiveness and economy.

**Mr. Eamon Ryan:** The European Parliament signed up to them.

**Mr. B. O'Keeffe:** The figures in the Bill are EU proposals for reductions in the context of international negotiations on the period after 2012 and are not in any way binding.

**Mr. Boyle:** Do we accept them?

**Mr. Eamon Ryan:** We do not mean any of it.

**Mr. B. O'Keeffe:** The Government has made it very clear that there are real reasons of principle and practicality for objecting to this Bill. The objection in principle relates to enshrining in legislation targets that properly belong in the arena of Government policy. The practical objection is that there is no firm basis for the targets. The figures used are not legally binding on any other country and even if they were adopted by international agreement, there would be in-built flexibility to accommodate countries in different states of economic development and industrial capacity.

**Mr. Eamon Ryan:** Reductions in the order of 60% to 80%.

**Mr. B. O'Keeffe:** This practical reason for opposing the Bill has been well exemplified by my colleagues on the Government benches. As speakers have pointed out, this Bill does not contain any information on how Ireland would achieve such reductions. The Green Party, as proposer of the Bill, has not spelt out the measures necessary to achieve these targets. The party and its colleagues in Opposition have proposed a variety of measures, some of which seem to have been borrowed from the Government's climate change strategy and others which, while worthy, would achieve nowhere near enough emissions reductions to reach the targets contained in this Bill. The reality is that the reductions would be achieved by doing untold damage to the economy——

**Mr. Gogarty:** Rhubarb.

**Mr. B. O’Keeffe:** —affecting every sector—

*(Interruptions).*

**An Ceann Comhairle:** Allow the Minister of State to continue.

**Mr. B. O’Keeffe:** —from agriculture and food processing to pharmaceuticals and semi-conductor manufacture. Deputy Boyle would hate to see all the pharmaceutical industries in Ringaskiddy in his constituency being affected.

**Mr. Boyle:** Are they not the Minister of State’s constituents any more?

**Mr. B. O’Keeffe:** The Green Party may have a principled opposition to dirty industry but Irish industry is already regulated to the highest standards by the Environmental Protection Agency and many of the firms in these industries are already reducing their emissions through the EU emissions trading scheme. This Bill would destroy Irish industry—

**Mr. Boyle:** Nonsense.

**Mr. B. O’Keeffe:** —by imposing on it targets that are unrealistic and unachievable. It would mean the closure of major companies such as Intel and Aughinish Alumina and the decline of our pharmaceutical sector and cement industry.

**Mr. Boyle:** Rubbish.

**Mr. B. O’Keeffe:** The Government cannot accept a Bill that would lay waste to vast sectors of the economy given that it has taken so long for the economy to get on its feet.

**Mr. Sargent:** What about the new jobs—

**Mr. B. O’Keeffe:** Opposition Deputies have spoken about the potential impact climate change is having and will have. It is accepted, and scientific research has confirmed, that climate change will impact on Ireland. The adoption by Ireland of overly ambitious targets to reduce emissions will not solve that problem on its own, however. Targets need to be agreed and adopted internationally—

**Mr. Boyle:** They have been agreed.

**Mr. B. O’Keeffe:** —and it is only in the international forum that countries acting together can begin to bring climate change under control. Ireland’s climate change policy is situated squarely within the existing international climate change framework.

**Mr. Cuffe:** It is out of date, however.

**Mr. B. O’Keeffe:** Ireland accepts the scientific evidence of climate change and accepts what needs to be done to address the problem.

**Mr. Sargent:** And then ignores it.

**Mr. B. O’Keeffe:** It is committed to fulfilling its targets under the Kyoto Protocol and is committed to working with its international partners to build an international framework to succeed the protocol. Ireland is addressing its Kyoto commitment through the national climate change strategy, through emissions trading for industry and through the use of the flexible mechanisms—

**Mr. Eamon Ryan:** The Government is buying its way out of it.

**Mr. B. O’Keeffe:** —in the Kyoto Protocol to purchase credits for carbon reductions elsewhere in the world.

**Mr. Boyle:** We are 25% over the limit.

**Mr. B. O’Keeffe:** The Minister, Deputy Roche, spoke about some of the achievements in Ireland’s climate change policies and some of the areas that have potential for the future. This is the Government’s approach. It is a sensible approach grounded in the economic realities and constraints that Ireland faces.

There is nothing in this Bill that makes me or the Government confident that its proposers are aware of its economic implications and the dangers it would present for Irish industry. It is strange that the Green Party Members may well believe everybody in the country should cycle to work and have their overcoats on in the living room. If that is the policy Fine Gael and Labour are now espousing—

**Mr. Boyle:** That is beneath the Minister of State. It is contemptible.

**Mr. B. O’Keeffe:** —the public deserves to know what is on offer to it.

**Mr. Boyle:** We live in this society.

**An Ceann Comhairle:** The Deputy will have an opportunity to make his point in a few minutes.

**Mr. Cuffe:** The Minister of State should blush.

**Mr. B. O’Keeffe:** Deputy Crowe does not seem to be aware that big businesses have been made fully responsible for achieving their share of the necessary reductions in emissions. The Minister explained quite clearly last night that every single firm that is a major emitter of carbon dioxide is now required, by law, to participate in the EU emissions trading scheme. If they do not achieve the necessary reductions, they, rather than the taxpayer, must pay.

**Mr. Boyle:** The taxpayer will still pay.

**Mr. Gogarty:** I am sitting on the Government benches, as I did when speaking on planning issues, to see if I can keep a straight face while talking about climate change and transport policy.

**Mr. B. O’Keeffe:** A rare opportunity.

**Mr. Gogarty:** I am sorry that I cannot do so. The hot air from this side of the House is certainly circulating around the Chamber and not doing the country’s future any good.

I will talk about transport because the transport sector, at 31%, accounts for the largest share of energy consumption and also contributes to emissions, global warming, acid rain and respiratory diseases, thus putting pressure on our health care service. It contributes to almost 20% of carbon dioxide emissions and at the very least contributes to climate change, rising sea levels and increased flooding in Ireland. At EU level, through the Kyoto Protocol, we must meet our climate change targets. Adopting the Green Party Bill will ensure that this happens.

We need to start giving people real transport choices. We spend four times as much on roads as we do on public transport and this trend needs to be reversed. In my constituency, for example, people working outside the city centre in areas such as Clondalkin and Lucan have no choice but to drive to work, thus contributing to global warming. We need real solutions involving real bus and rail investment rather than the fantasy lines on a map that are evident in the Government’s Transport 21 proposals.

In providing public transport solutions, we need to consider providing our energy locally in so far as is possible. The Government’s spending four times more on roads than on public transport has resulted in circumstances in which 90% of our energy needs are derived from imported fossil fuels. We are wholly unprepared for the imminent peak in global oil production, which other Deputies have mentioned, and the commitments the international community has made on climate change. Both of these global issues will require us to scale back our use of oil and its derivatives by almost 2% in each of the next 40 years. We must start living more sustainably.

With oil production peaking and the attendant price hikes and shortages that are inevitable, the only way to provide a clean and secure transport solution for both urban and rural areas is to invest in transport run on locally grown fuels. That will provide jobs. Our oil should be coming from Carlow and Kilkenny, as Councillor Mary White has said, not from Kuwait. We can provide jobs and steady farm incomes in this way.

I listened to and watched the debate on the monitor. Speaking from the Government benches, as I am at present, I feel like a Luddite. The Government has displayed a Luddite mentality

by bringing up the old chestnuts about farming jobs and industry being destroyed. By what would they be destroyed? They will be destroyed by not responding early to the coming energy crisis. Those who do not respond early are betraying farming communities and their constituents. They are removing future jobs and making it more difficult to adapt to the lower energy consumption future to which we all must adapt.

There is no point saying it will be too difficult and will have this and that effect. As Deputy Murphy and my party colleagues have said, jobs have been created by multinational companies being energy efficient. That is the way of the future. We must provide incentives. During this debate Members on the Government benches have shown they are nothing but opportunistic, political parasites——

**Mr. B. O’Keeffe:** Realists.

**Mr. Gogarty:** ——living off the resources of today’s children and those of future generations to satisfy their selfish electoral ambitions——

**Mr. B. O’Keeffe:** We are realists who will not hang our industry and establish foolish standards while others destroy our competitiveness.

**Mr. Gogarty:** ——built on a web of untruths or, at least, a collective incompetence of staggering proportions. There has been much hot air throughout this debate but it has been coming from that side of the House.

The debate has shown that Fianna Fáil and the Progressive Democrats have no clothes on in terms of the issues of climate change and energy security. We need greater debate. It is a pity all the members of the media are not watching this debate because we must fight for this on the airways, not just in the Dáil Chamber. The Government has no clothes on and is talking through its collective posterior. Much hot air is being created and it is coming from the wrong end. People are sick and tired of the S-H-1-T on climate change coming from the Government benches.

Has the Minister tabled an amendment that will take on board some of the proposals or will the Government simply vote it down, saying blah, blah, blah about farm incomes and industry? The reality, as Deputy Sargent will explain, is that a proper transport solution must follow the ethos of this Bill and farm incomes will, in future, have to take cognisance of climate change. We are the only people who appear to be doing anything about protecting farm jobs and incomes. The message from this House tonight is that Fianna Fáil has no clothes. It is the party that is destroying agriculture. I put it to the party that it must do something about it.

**An Ceann Comhairle:** Before calling Deputy Gormley, I note there are a number of rulings by my predecessors that members of the Govern-

ment sit to the left of the Chair and members of the Opposition sit to the right of the Chair.

**Mr. Gogarty:** I am getting out of here as quickly as possible, a Cheann Comhairle.

**Mr. Gormley:** I have listened with disappointment to the arguments from the Government benches. I did not have high expectations but I expected a greater understanding of the problems associated with global warming. I also expected greater sophistication. Talking about overcoats at this stage is beneath the Minister.

**Mr. B. O’Keeffe:** It is the reality of what the Deputies are suggesting.

**Mr. Gormley:** It is rubbish.

**Mr. B. O’Keeffe:** The Deputy is suggesting changes in Ireland without any thought of the consequences of other international entities taking advantage of that.

**Mr. Gormley:** The reality is that the biggest challenge facing humanity—

**Mr. B. O’Keeffe:** It does not add up.

**Mr. Gormley:**—in human history is the challenge of global warming. If this problem is not tackled, there will be catastrophic sea rises and huge increases in the intensity of storms, and people will not have insurance. I discovered this when I attended a conference in Berlin 11 years ago as Lord Mayor of Dublin. There is no insurance for storm damage, which is a serious problem. Species will disappear, as will countries, and there will be many more ecological refugees. We will also see the disappearance of our economy. The Minister talks about reality, but that will be the reality.

What is the Minister, Deputy Roche’s, response to this? He was on the radio this morning talking about the problem of free newspapers. That is what concerns the Minister. It is time the Minister had a reality check. What planet is the Minister, Deputy Roche, on? It certainly is not planet Earth. If it were, he would be trying to save the planet. The Government has not been blessed with good environment Ministers. Former environment Minister, Deputy Cullen, and the current Minister, Deputy Roche, have managed to make the other former Minister, Deputy Noel Dempsey, look good.

The Minister’s job is to try to convey the seriousness of this problem to the electorate and, second, to embrace positive solutions. This Bill is about reality and my colleague, Deputy Eamon Ryan, has put forward many positive solutions in the area of energy, but they have been ignored by the Government. It is often said in a capitalist society that there is no such thing as a free lunch. Likewise, there is no such thing as a free lunch

when it comes to ecology. Decisions will have to be made. Otherwise, the consequences for this and future generations will be severe.

I remind the Minister of what was said by the Irish committee on climate change. It estimates that there will be a rise in sea levels of approximately two millimetres per year. Dr. John Sweeney, a member of the climate change committee who will address the civic forum next week, has told us climate change will mean that homes in Dublin will have to be approximately four metres, that is, 12 feet, above sea level if they are to be safe. Does the Minister know how many homes in Dublin are four metres above sea level? He should visit Ringsend, Sandymount, Ballsbridge and Donnybrook in my constituency. Some of the homes in these areas are beside the River Dodder or the River Liffey and along the sea front. Many of them are below sea level so we will see the Taoiseach standing in his wellingtons again.

Many of my constituents are extremely vulnerable. If that is true for my area, it is certainly true of Deputy Boyle’s constituency in Cork and the constituency of the Minister of State. People are vulnerable. That is the reality of climate change. We have a difficult job communicating that reality. As I told our recent press conference, trying to let people know about this phenomenon is difficult because CO<sub>2</sub> is an odourless gas. We must make this a tangible concept, and the only way to do that is to let people know that their activities and use of energy is contributing to the storms we now see, which are becoming more frequent.

I have asked the Government repeatedly for assistance to deal with the problem of climate change and to provide more money for flood protection measures, but nothing has been forthcoming. There is a symbolic wall in Ringsend but that is all. It has become a feature of the Government that it sets up committees and then ignores their advice. The committee on climate change has stated that there should be no building within 100 metres of soft shorelines and no reclamation of estuary lands and that there should be a cost-benefit analysis of hard engineering solutions.

What does that mean? The Government is proposing to proceed with building an incinerator in my constituency well within 100 metres of the shoreline on the Poolbeg peninsula.

**Mr. Boyle:** It is proposing to do it in the Minister’s constituency too.

**Mr. Gormley:** That is correct.

**Mr. Boyle:** It is in the constituency he is leaving anyway.

**Mr. Gogarty:** He is moving to higher ground.

**Mr. Gormley:** We shall wait and see.

**Mr. Boyle:** He does not want it in Ringaskiddy but he is in favour of its operation.

**Mr. Gormley:** Why does the Minister of State ignore the committee's advice? The Minister of State has not calculated, in talking about waste management, the CO<sub>2</sub> emissions from these waste plants, another example of a lack of joined-up thinking. These are not calculated, and we will therefore go way above our commitments to the Kyoto Agreement. In talking about the reclamation of estuary lands, the Minister of State should tell that to his builder friends in the tent in Galway. What will they say, as land reclamation is big business?

We should examine hard engineering solutions carefully. People may be told that a wall will be built, for example, but according to the Minister of State's committee this approach will not work. Although Fianna Fáil speak of madness, the real madness is on its side of the House. I am disappointed by the lack of response from Fianna Fáil's coalition partners, the Progressive Democrats. Where are they? Do they have any solutions or responses on the issue of climate change?

**Mr. Sargent:** Do they care?

**Mr. Gormley:** The problem is that the Progressive Democrats cannot see a way out of this. The party's economic model cannot respond to this. It is neo-liberal economics that is giving rise to this serious problem. Ultimately we must look at the growth paradigm to see if it is the best way forward. We must alter our way of thinking if we are to deal with this serious problem.

The magnitude of the problem has been explained. Reductions of between 60% and 80% are required. This is a massive task for the global community. We must sign up to this legislation. We are seeking a consensual report but we have been rebuffed. I am very disappointed but my party will keep trying because what the Green Party is saying will ultimately be expected, and the Government's statements will be looked on by later generations with astonishment.

**Mr. Sargent:** A Cheann Comhairle, go raibh maith agat as seans a labhairt ar an mBille táb-hachtach seo. Ar dtús, ba mhaith liom buíochas a ghabháil leis an Teachta Eamon Ryan, urlabhraí fuinneamh, agus leis an Teachta Cuffe, urlabhraí taisteal, a chur tús leis an mBille seo, Climate Change Targets Bill 2005.

The chief scientific adviser in the UK, as has already been stated by others, has contended that climate change is a more serious threat than international terrorism. I ask the Minister of State to take on board this particular scientific view and recognise that the response to climate change needs a cross-departmental strategy. We have had from the Government the usual pigeon-holing of the issue as a matter which applies only

to the Department of the Environment and Local Government. We can see from this party's spokespersons, from Deputy Boyle on finance, Deputy Gormley on foreign affairs, Deputy Gogarty on education and myself on agriculture and food, that this issue requires a cross-departmental approach. This has not been forthcoming from the Government.

What is evident is a failure in word and deed to respond to the challenges facing this country and generations to come. The Government does not have a strategy after 2012, and it talks of Kyoto but is waiting until other groups decide what to do. The Government might then at least verbally indicate that it will consent to that agreement. I was astonished to hear the Minister of State contend that the Government will not support this Bill because it is legislation. What about the Waste Management (Amendment) Bill 2003 and other legislation which have set down measures put forward as Government policy? There is no basis to argue that this cannot be advanced through legislation.

The Swedish Government has done exactly what this party is proposing, and that country has a very successful economy with viable social protection. Government officials have spoken of child care, and Sweden is considered the place to go for this and a place to learn about the issue. The European Parliament has agreed a post-2012 strategy, and only a fortnight ago it agreed by an overwhelming majority to adopt a number of policy recommendations. This is in view of the conference that has been discussed, the 11th conference of the United Nations Framework Convention on Climate Change under way in Montreal.

I will not list all the recommendations being put forward, but among them is the reduction of emissions by 30% by 2020 and between 60% and 80% reduction by 2050. This is the exact goal which the Minister of State is attempting to rubbish. The proposal to extend the scope of the buildings directive and updating the biofuels directive may hurt the Minister of State's friends in the Galway tent. The Minister of State is apparently unaware of these measures and does not care about them.

I wonder who the Minister of State expects to pick up the tab for this problem. A newspaper headline has explained that there will be a €600 million bill to face the taxpayers for what will be the Government's inaction on climate change. Does the Government expect the taxpayer simply to turn over and pay this because the Government has decided there is no other option? Another report states that Dublin City Council will spend €150 million on flood prevention. That is only the city, and this amount can be multiplied for the rest of the country. Who does the Minister of State expect to pay for this? Will the Government put its hand in its pocket or will it expect

the taxpayer to do so? The taxpayer certainly wishes to know the answer to the question.

Who will explain the issue of international problems coming about as a result of climate change? We in this country must take responsibility for this, as we have added to the problems. Another newspaper article details a looming water crisis as Himalayan glaciers melt. I went on a charity walk in the Andes, 500 m high, where glaciers there have been melting at a rate detrimental to countries and cities along the coast, from Lima to Valparaíso and other parts of Chile, to Peru, Ecuador and Argentina. People in those regions face only 25 more years of fresh water. How will this affect agriculture and people's daily needs? This is not about food, but water.

The irresponsibility of this Government has been shown in stark relief. In spite of feigned concern and crocodile tears, as well as the Minister speaking of the sentiments being correct in the proposed legislation, what the Government is doing is exacerbating the emissions problem. It is breaking agreements relating to the Kyoto Protocol and will punish the taxpayer for this inaction. It is also protecting the polluters and people building houses currently at such a low standard that people will be sentenced to fuel poverty in the years ahead. The Government is soft-pedalling to favour the climate chaos villains, those who benefit from not paying their dues on the pollution issue.

The Government is refusing to give leadership on the matter. Opportunities are being devised in other countries for research and development in areas of energy conservation, renewable energy and public transport initiatives. These countries, including Germany, Sweden, Finland and the US, will benefit. The Minister of State does not want to know what these countries are doing and the Government is smug in its aura of Celtic tiger self-satisfaction. It thinks everybody else is out of step.

Although they may not say so, the reality is that even the largest corporate companies are addressing the issue, with one oil company pro-

claiming that it is "beyond petroleum". The companies are thinking about an era after oil, with climate change being dealt with through innovation. The Minister should get on board this particular initiative. Unless a ceiling of 550 parts per million of CO<sub>2</sub> equivalent and a plan of an 80% reduction in emissions is agreed, how can this Government tell China, for example, to respect limits? How can it tell the UK not to go down the nuclear power road? If the Minister of State turns up on Monday night at the Mansion House for the civic climate change forum he will hear some reality.

This Bill is the key to unlocking many opportunities for enterprise in terms of energy conservation, for farming in terms of biomass, wind energy and other renewable energy, and for good planning in terms of zero emission housing, making public transport viable and reducing travel needs. These are all what the Government is not doing. Most of all, the Bill states we must plan if our children are to survive in the future. Those who reject the Bill — I am looking at the Minister of State, Deputy Batt O'Keeffe — will have to live with their consciences.

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

**Mr. Sargent:** They will have to prove they are not responsible for people's deaths from climate chaos. However, what they are not able to disprove——

**An Ceann Comhairle:** As it is 8.30 p.m. I would like to put the question.

**Mr. Sargent:** I will finish my sentence. What we have opposite is a huddle of gangsters spending taxpayers' money in a carbon casino, plotting the most conniving scams to dodge even the woefully inadequate Kyoto targets. The Minister of State should seize the opportunity presented by this Bill and at least support the concept of climate change targets. Molaim an Bille don Teach.

Question put.

The Dáil divided: Tá, 51; Níl, 65.

Tá

Allen, Bernard.  
Boyle, Dan.  
Breen, James.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
Gogarty, Paul.

Gormley, John.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Joe.  
Higgins, Michael D.  
Kehoe, Paul.  
Lynch, Kathleen.  
McCormack, Pádraic.  
McGinley, Dinny.  
McGrath, Finian.  
McHugh, Paddy.  
Mitchell, Olivia.  
Moynihan-Cronin, Breeda.  
Murphy, Catherine.  
Murphy, Gerard.  
Naughten, Denis.

## Tá—continued

Neville, Dan.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Perry, John.  
 Ring, Michael.

Ryan, Eamon.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stanton, David.  
 Timmins, Billy.  
 Upton, Mary.  
 Wall, Jack.

## Níl

Andrews, Barry.  
 Ardagh, Seán.  
 Brady, Johnny.  
 Brady, Martin.  
 Brennan, Seamus.  
 Browne, John.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Collins, Michael.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Cullen, Martin.  
 Curran, John.  
 Davern, Noel.  
 de Valera, Sile.  
 Dempsey, Tony.  
 Dennehy, John.  
 Ellis, John.  
 Finneran, Michael.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Gallagher, Pat The Cope.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.  
 Kelleher, Billy.  
 Kelly, Peter.

Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McEllistrim, Thomas.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Keeffe, Batt.  
 O'Keeffe, Ned.  
 Parlon, Tom.  
 Power, Peter.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Dan.  
 Wallace, Mary.  
 Walsh, Joe.  
 Wilkinson, Ollie.  
 Woods, Michael.  
 Wright, G.V.

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

Question declared lost.

### Adjournment Debate.

#### Road Safety.

**Dr. Cowley:** I am grateful for the opportunity to speak on this important matter. In 2000 the Tánaiste and then Minister for Enterprise, Trade and Employment appointed a review group to consider public safety. The group's main recommendation was that an office of public safety regulation be established to monitor the lack, appropriateness and-or adequacy of regulations, Acts and guidelines designed to protect the public.

It is necessary to consider public safety because the Government appears to be remiss in this area.

To judge by the number of people who have approached me on this subject, there is clearly a need for an office of public safety regulation. The regulations either do not exist or, where they do, are not enforced. The Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, will no doubt tell me there will be duplication of services. The Tánaiste, however, appointed this group but the Government has not acted on its key recommendation. In this it is remiss.

There are many cases involving road safety which demonstrate the need for this office. A young woman named Aisling Gallagher was killed last Christmas because the surface of the road on which she was travelling had not been completed. Work had been undertaken but not finished. There was no warning of a temporary road surface with a mandatory speed limit of 50 km/h. This woman, having passed all relevant

tests, was driving within the law in a car in perfect working order, yet she was killed because the road was unfit for travelling. The speed limit on the road at the time was 100 km/h.

That woman should not have died but no one will take responsibility for that accident. The county council carried out the work on the road and the National Roads Authority is responsible for national secondary roads but said it would not take responsibility for this incident. The Health and Safety Authority is responsible for places of work but hairs are being split and this authority also refused to deal with the issue. Although the HSA said it did not investigate the accident, I believe it did but would not deal with it.

In a second case Sinéad McDaid in Donegal was driving on a road where there was a sign in long grass but no adequate warning of the loose chippings on which she skidded. She too was killed and nobody will take responsibility for this case. There are many such cases, including the bus crash on the Kentstown Road. This road was covered with dense base macadam which is not fit for driving with an open speed limit as in this instance. I believe this road safety factor, which was the cause of the crash, has been swept under the carpet. All criminal charges will be dealt with before this is even touched, which is the recommendation. This does not sound right. The Minister of State cannot say there is no need for this because if he met the families of the deceased they would explain the need for accountability. No one is accountable, meaning there is a need for an office of public safety regulation. If the local authorities, the Health and Safety Authority, splitting hairs as to what constitutes a place of work, and the National Roads Authority will not take responsibility, who will? There must be a system of proper reporting of and investigation into road traffic accidents. The protocol exists between the Garda and the Health and Safety Authority. I hope the Minister of State will address these issues because people are dying as a result of the lack of accountability for public safety. The establishment of an office of public safety is the only way to ensure public safety regulations are implemented.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** Gabhaim buíochas leat, a Cheann Comhairle, as seans a thabhairt dom an t-ábhar seo a chur os comhair na Dála.

An interdepartmental-agency review group on public safety, established in November 1999 and chaired by Dr. Daniel O'Hare, comprised representatives from all Departments, various agencies and other appropriate bodies, such as the National Safety Council. The group's report entitled, *A Review of Public Safety in Ireland*, was published by the Tánaiste and then Minister for Enterprise, Trade and Employment, Deputy Harney, in December 2000.

In summary, the review group recommended the establishment of an office of public safety regulation, the placing of public safety high among the concerns to be addressed by Departments and agencies in decision-making and the development of public policy. In regard to the recommendation regarding an office of public safety regulation, the proposed office would not be responsible for all public safety issues but rather would ensure those areas of the administration which should be responsible for relevant issues are doing whatever is required. Where no area is responsible for a particular subject, the office would make determinations as to where responsibility should lie. The group also proposed that the functioning, appropriateness and continuing need for the office should be reviewed within a five-year period.

Although the review group recommended the establishment of an office of public safety regulation, it was not in full agreement on its proposal due to issues relating to duplication of existing services and additional costs. Some members of the group expressed reservations about the need for such an office and the extra burden on State finances. The review group's recommendation was inconclusive with no clear-cut case made for the establishment of a new agency. It has been previously stated in the House that the establishment of yet another State agency, whose function is merely to oversee public safety matters, is not the right way forward. It is, therefore, not intended to act on the recommendation.

The regulation of public safety is being dealt with by several Departments and public bodies which co-operate as closely as possible. In many cases, there are memoranda of understanding and regular ongoing liaison meetings between the various authorities, for example the Health and Safety Authority and the Garda Síochána. In addition, an office of emergency planning is based in the Department of Defence which deals with policy and review of emergency planning. The Health and Safety Authority, in the context of the control of major accident hazards involving dangerous substances, is represented on the interdepartmental group which feeds into the work of this office.

#### **Security of the Elderly.**

**Mr. Finneran:** I wish to share time with Deputy Ellis.

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

**Mr. Finneran:** Following consultation with local groups and Muintir na Tíre in the Longford-Roscommon constituency, I tabled this adjournment matter. Muintir na Tíre is the national body at the forefront in supporting elderly people who wish to live in their own homes, with back-up supports and appropriate alarm systems in the event of any difficulties that might arise. The proposals



[Mr. Finneran.]

revolve around the introduction of a subvention towards the costs of the annual monitoring fee for socially-monitored alarms, grant-aided by the Department of Community, Rural and Gaeltacht Affairs under the community supports for older people scheme. We are asking for a subvention towards the monitoring fee.

Approximately 60,000 persons are supplied with socially-monitored alarm systems funded by the Department. Based on a monitoring fee of €75, the annual cost to the Exchequer would be approximately €4.5 million. Monitoring fees range between €45 and €90 per annum. A monitoring subvention of €50 would be a major help to people, particularly those on fixed incomes, people with disabilities or old age pensioners. The benefits to the people involved and the Exchequer would be that older people could remain living in their own homes. Older people would feel more secure in their environment and would have a much improved quality of life. For the State, the reduction in costs for nursing home and medical care would become apparent quickly.

The proposal revolves around the introduction of allowances along the lines of the free fuel and telephone line rental allowances. Muintir na Tíre proposes that a voucher type system is introduced where community alert groups, approximately 1,300 nationwide, would be issued with a voucher to submit annually to monitoring companies on behalf of people supplied with socially-monitored alarms. In turn, the companies would receive subventions from the Department of Community, Rural and Gaeltacht Affairs. I do not have to inform the House of Muintir na Tíre's contribution to communities over the years. Its submission to the Department must be considered either in the forthcoming budget or in new proposals from the Department of Community, Rural and Gaeltacht Affairs.

**Mr. Ellis:** I support Muintir na Tíre's proposal. All Members will be aware of the tremendous work it has done. Members will also be aware of the work done by social groups with regard to providing alarms for the elderly. This is one way of assisting people who feel threatened in their own homes. Members will know of some of the recent cases where the elderly have been attacked in their homes. If a properly monitored system was available to the elderly, they would participate in it.

A subvention of €50 per annum is not out of line, particularly when considered in the context of the telephone rental and other allowances available to the elderly. This proposal must be looked at favourably by the Minister. I hope he will take this into consideration with the Estimates. It is imperative that those who wish to remain in their own homes enjoy maximum independence, security and assistance. A monitored

alarm is a back-up, allowing access to help, if needed, as if there was another person living in the home.

**Mr. Killeen:** I acknowledge the commitment of Deputies Ellis and Finneran to this issue. I am answering on behalf of the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern, who has another engagement.

Responsibility for the scheme of community supports for older people was transferred to the Department of Community, Rural and Gaeltacht Affairs from the Department of Social and Family Affairs in June 9 o'clock 2002. The scheme was established in the mid-1990s in response to a spate of burglaries on the homes of older people. It is based on the concept of contact with people at local level. For this reason, the funding was provided to voluntary and community organisations rather than grant-aiding individuals to assist and stimulate broader community support for older people.

The scheme is, therefore, administered by local community and voluntary groups with the support of the Department of Community, Rural and Gaeltacht Affairs. Since its inception, funding in excess of €30 million has been awarded by the State to community and voluntary organisations to provide socially-monitored alarms and other security items for those members of the community in need of such equipment. Funding can be provided under the scheme for the once-off cost of installing socially monitored alarm systems, window locks, door locks and door chains designed to strengthen points of entry to the dwelling and security lighting. In 2004, a grant for smoke alarms was introduced.

The maximum grants available to individuals are €300 for socially monitored alarms, €150 for physical security equipment, €150 for security lighting and €50 for smoke alarms. Funding was provided at 90% of the cost of equipment between 1997 and 2003. In 2004, following a review of the scheme, the 90% limit on funding was abolished and replaced with individual maximum grants, as outlined. Community groups were being given quotes from suppliers ranging from €250 to as much as €500. Given that these products vary little, it seemed reasonable to limit the grant to €300 per individual. The aim of this measure is to encourage competition between suppliers in the interest of ensuring value for money for taxpayers and individual applicants. I am aware that a number of suppliers quoted under €300 for the installation of socially monitored alarms. Anyone availing of these quotes is, therefore, 100% grant aided under the scheme, effectively leaving the individual applicant with nothing to pay for his or her socially monitored alarm.

The changes introduced in 2004 have no implications for the overall funding available for the

scheme and €2.8 million has been allocated to the scheme of community supports for older people in 2005. This constitutes a 17% increase on the 2004 scheme which received an allocation of €2.4 million. The scheme is advertised on an annual basis with a specified closing date. Given the nature of the scheme, the Department of Community, Rural and Gaeltacht Affairs exercises a degree of flexibility regarding the closing date. After the closing date and in circumstances where an individual requires equipment urgently, the Department will accept additional applicants to the group's application during the period of processing.

The Department has also received a number of proposals, including one from Muintir na Tíre, regarding the facilitation of emergency cases. These will be considered when the guidelines come up for review for the 2006 scheme. While I accept there is occasionally a need for such facilitation, most groups appear to get by without major problems. Although the guidelines for the scheme call for a closing date, the Department is flexible. Many late applications have been accepted and in most cases groups have been facilitated. When such applications arise, the Department considers the circumstances case by case within the resources available and makes every effort, in co-operation with the voluntary groups, to facilitate such cases. To date, more than 200 applications have been approved and many groups have received their grants and are in a position to begin installing security equipment.

Deputies Finneran and Ellis will appreciate that the scheme has been running for the greater part of a decade and has supplied security equipment to many older people. Since 1997 more than €30 million has been provided to assist older people under the scheme. Personal security depends on a range of factors and this scheme makes a valuable contribution to the security requirements of eligible older people.

### **Traveller Accommodation.**

**Mr. M. Higgins:** I am grateful for the opportunity to raise on the Adjournment the condition to which Carrowbrowne halting site has been allowed to deteriorate. The Ceann Comhairle also allowed me to raise this issue several years ago on the Adjournment. My interest in the matter dates back to 1994. In 1995 the public was shocked by the publication of photographs of the halting site which showed tiles missing from roofs, windows broken, wooden parts of the site burned and so forth. When I raised the matter on 17 September 2001, I received a reply indicating that the National Building Agency was preparing a report and urgent repairs would take place within a month. On 25 November 2003, the Ceann Comhairle allowed me to raise the matter in the House. Two years later the House is discussing the issue again.

A five-year strategy has been published but in what conditions are families living? The 18 families living on the Carrowbrowne halting site must wash using a cold tap because no electricity or toilets, apart from portakabins, are available. A recently widowed woman, whose family featured on the news recently, is trying to rear her 11 children in these conditions. This is a flagrant violation of human rights and should be reported to the Office of the United Nations High Commissioner for Human Rights in Geneva as a complete failure on the part of the authorities.

After the children at the site indicated that all they wanted for Christmas was electricity, my colleague, the former mayor of Galway, Councillor Catherine Connolly, proposed a resolution to this effect in Galway City Council. In fairness to the city councillors, the resolution was passed unanimously before last Christmas. When no action had been taken by March, councillors from all parties and independents unanimously passed a second resolution. The latest development is that council officials have produced a report on the state of the site suggesting that all the families at Carrowbrowne will have to move to another temporary site while work is carried out on the site. The proposed location to which the families are to be moved is in the control of Galway County Council. No planning permission has been approved for this site and no timescale has been given for the works at Carrowbrowne. Meanwhile 18 families face Christmas with a cold tap and no electricity.

An outrageous falsehood has been perpetrated that the conditions at the site are not safe, even for temporary generators. Those who have skills in this area have indicated this is simply not the case and that part of the site could be refurbished while other parts were occupied. Parts of the site are kept in a wonderful condition by individual occupants.

I am not interested in hearing words about this issue. The families in question have been on the site for an average period of four years. Parents are trying to rear their children under the conditions I have described, which Galway City Council has addressed unanimously not once, but twice. Despite this, the council's decision has not been implemented.

I welcome the Minister of State who will be aware that the Department has a responsibility for requiring that local authorities meet their obligations on the housing of Travellers. What does the Government propose to do for the children in question this side of Christmas? As a member of the Oireachtas who has drawn attention to conditions on the Carrowbrowne halting site in 1994, 2001, 2003 and again in 2005, I will try to seek advice to determine if we can legally prosecute the State for allowing conditions on the halting site to persist and the democratic will, as expressed by the local authority, to be frustrated and not implemented.

[Mr. M. Higgins.]

In recent days, looking at one of the widows living on the site, I asked myself how she can handle what she is going through with 11 children, a cold tap, no hot water, no permanent generator, a portakabin, no proper toilets and so forth. It is a badge of shame on this country that despite the publication of photographs of the site ten years ago, several unanimous resolutions by Galway City Council, and an indication given to me in this House on one of two occasions when I raised the issue that the National Building Agency would complete the most urgent repairs within a month, nothing has been done. I ask the Minister of State to give me a timescale for putting an end to this disgrace.

**Mr. Killeen:** Gabhaim buíochas leis an Teachta Micheál D. Ó hUiginn as ucht an ábhar tábhachtach seo a thabhairt ós comhair na Dála. Is oth leis an Aire Stáit, an Teachta Nollaig Ó hEachthairn, nach feidir leis bheith anseo mar tá sé ar gnó eile.

In recent days we have heard a great deal about Traveller halting sites. I express my sincere sympathy to the family of the two McGinley children who died so tragically during the week. It is right that the circumstances of their deaths are being fully investigated.

Before dealing with the Carrowbrowne project I must emphasise that, through their Traveller accommodation programmes prepared in accordance with section 7 of the Housing (Traveller Accommodation) Act 1998, the provision, management and maintenance of Traveller accommodation is the responsibility of local authorities. The Department's role is to provide the necessary funding to meet the cost of the provision and refurbishment of Traveller specific accommodation. The full cost of such work is provided to local authorities by way of capital grant. Over the past five years a total of €130 million was expended in this area. This has resulted in the 389 new permanent units of Traveller specific accommodation and the refurbishment of 346 such units.

While these developments are welcome, the need to make further progress in this area is acknowledged. The development by local authorities of their Traveller accommodation programmes for the period 2005 to 2008 and the targets they contain will facilitate these efforts. Despite this increased investment, the conditions on existing halting sites which have not yet been refurbished to modern standards is a cause for concern. In these cases, the effects of their site environment on the health of Travellers is a subject which has been raised in the context of the Traveller health strategy and it is proposed that the issue will be examined jointly by the national Traveller health and accommodation consultative committees over the coming months.

In the context of the difficulties and the extra cost experienced by local authorities in the management and maintenance of Traveller specific accommodation, the Department defrays some of the ongoing management and maintenance costs incurred by authorities in this area. Since 2000 in excess of €14 million has been provided to authorities for this purpose. The Department is also examining the issue of guidelines for local authorities for the management and maintenance of Traveller specific accommodation.

The Department is concerned to ensure that the refurbishment of the Carrowbrowne site should proceed as soon as possible.

**Mr. M. Higgins:** That is what it said in 2003.

**Mr. Killeen:** Galway City Council was informed earlier this year that its proposals for the complete demolition and refurbishment of the halting site to modern standards were eligible for funding. As well as minor technical amendments, it was a condition of the approval that an effective and ongoing management and maintenance system be put in place. Such a system must ensure that, with the involvement and co-operation of the Traveller tenants on the site, the new facilities to be provided will be managed and maintained to a high standard so as to contribute to the well-being of the residents and secure what will be a considerable investment in the project.

I understand that the city council is in the process of obtaining an alternative site to accommodate existing tenants while refurbishment works are being undertaken.

**Mr. M. Higgins:** There will be no electricity for Christmas.

**Mr. Killeen:** Details of this site, including the costs involved, are awaited from the council. On their receipt, this aspect of the project will receive early attention in the Department.

### Water and Sewerage Schemes.

**Mr. Neville:** I thank you, a Cheann Comhairle, for allowing me to raise this issue. It concerns the urgent need to improve the sewerage scheme at Kilmallock in County Limerick. The current scheme is 50 years old resulting in environmental and developmental concerns in the village. There is concern that damage is being done to the Loobagh and Maigne rivers as a result of the lack of adequate facilities for sewage disposal in Kilmallock. The existing treatment system is unable to take the loading from the town. There is a serious lack of development in Kilmallock, a matter with which I will deal in greater detail later.

On 31 July 2003, the Minister for the Environment, Heritage and Local Government, Deputy Cullen, promised, by way of a letter, that the scheme would commence in 2004. When will it commence and what is the expected date of

completion? These are two vital questions to which the townspeople, traders and organisations in Kilmallock want answers. The environmental section of the council is anxious to ensure that sewage disposal in Kilmallock complies with EU urban waste water treatment work directives. The cost of the scheme is €9 million and the preliminary report is with the Department awaiting a response.

On 31 May, I was informed by the Minister that the council's brief for the appointment of consultants to prepare the contract documents was under examination by his Department, and that a response would be issued to the council within weeks. I would appreciate it, therefore, if the Minister of State would let me know what developments have taken place since then.

There is serious concern regarding development in the town. A proposal for the construction of 300 houses and a 20-bedroom hotel, which would be of enormous benefit to the town, is dependent upon completion of the sewerage scheme. There is a serious lack of employment opportunities in Kilmallock, which has lost approximately 260 jobs in the past five years, including 120 jobs in Diamond Engineering, 20 in Kerry Group Mill, and 120 in Neo-Data Services. The people of Kilmallock are anxious to renew their town and the development of the sewerage scheme will be crucial in this regard.

In December 2003, Environmental Resources Management Limited presented a report commissioned by the Kilmallock town traders, which outlined 37 recommendations for improvement in the town. Many of them are dependent on the construction of the sewerage scheme. The population in Kilmallock has declined from 1,311 in 1991 to 1,231 in 1996. With proper support and a sewerage scheme, the population, as predicted by Limerick County Council's development plans, could grow to 2,080 by 2021, which represents an increase of 849 people. This is not a minimum or maximum population, but a realistic guide to providing a framework for the provision of housing land and ancillary services in the town for the foreseeable future.

The report by Environmental Resources Management Limited stated that having consulted the townspeople, traders and organisations, a practical vision of the town for the next decade has been developed. That vision includes Kilmallock as an attractive place in which to live with an additional population of 1,000 people. It will be a town with a full range of trading retail availability and full services.

The proposals currently before the Department to develop the town's sewerage scheme will provide for a population equivalent of 4,000 with a possibility for future development. I urge the Minister to address the serious concerns of the townspeople and traders of Kilmallock to ensure the town has an opportunity to expand.

**Mr. Killeen:** I thank Deputy Neville for raising this matter. I am replying on behalf of the Minister for the Environment, Heritage and Local Government, Deputy Roche, who apologises for being unable to attend the debate.

The provision of modern environmental infrastructure to support social and economic objectives has been a major focus of Government spending in recent years. The Minister is glad to confirm that Kilmallock is set to gain a new sewerage scheme as part of the drive to upgrade our national infrastructure.

The unprecedented investment in new water and sewerage facilities under the national development plan has made a key contribution to the economic growth that has benefited every part of Ireland. Limerick is no exception, with an allocation of nearly €143 million for new schemes under the latest phase of the Minister's water services investment programme.

Last year, we saw the opening of the multi-million euro Limerick main drainage scheme, a project that has copper-fastened Limerick's ability to attract inward investment, create jobs and function as the major commercial centre in the mid-west. Sewerage schemes for Castleconnell and Croagh have also recently reached completion. There are still many more schemes to follow.

The water services investment programme includes funding for more than 20 other locations throughout County Limerick where planning of new infrastructure is moving ahead rapidly. Towns and villages such as Adare, Patrickswell, Athea, Askeaton, Foynes, Shanagolden and Glin can look forward to new sewerage schemes.

**Mr. Neville:** In 20 years.

**Mr. Killeen:** Many areas will benefit from improved water supplies from the major upgrade planned for the Clareville water treatment plant, improvements to the Shannon estuary water supply scheme and extensions of the Limerick county trunk water mains.

Funding has also been set aside in the water services investment programme for the Kilmallock sewerage scheme. Costing more than €9 million, it has been assigned construction status in the programme and can go to tender immediately once the necessary preliminaries have been completed. It is a substantial infrastructural project that will upgrade and extend the existing sewerage treatment plant and sewage collection network. It will play a major role in allowing Kilmallock to develop while preserving all important environmental standards.

The Minister for the Environment, Heritage and Local Government approved Limerick County Council's brief for the appointment of consultants to draw up the detailed design and contract documents for the scheme last July. I understand that in the meantime the council has interviewed potential consultants and is about to

[Mr. Killeen.]

enter fee negotiations with the selected candidate. How long the contract documents take to produce will be a matter for agreement between the council and the consultants. The tender advertisement and award of contract will follow after that.

I am conscious of the strong case for getting this scheme started quickly. As far as the Minister and his Department are concerned, I am assured that everything possible will be done to avoid unnecessary delays. No doubt Limerick County

Council will do the same. A key point is that the necessary funding has been allocated for the scheme in the water services investment programme and the money is available for draw-down by the council as soon as work can start on the ground. The important thing is for the council to push on quickly with the production of contract documents so that tenders for the construction of the scheme can be invited within the shortest possible timescale.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 1 December 2005.

## Written Answers.

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

*Questions Nos. 1 to 11, inclusive, answered orally.*

*Questions Nos. 12 to 46, inclusive, resubmitted.*

*Questions Nos. 47 to 49, inclusive, answered orally.*

*Question No. 50, lapsed.*

*Questions Nos. 51 to 54, inclusive, answered orally.*

### Proposed Legislation.

55. **Mr. Howlin** asked the Minister for Community, Rural and Gaeltacht Affairs if he expects the Charities Bill to be published by spring 2006; and if he will make a statement on the matter. [36928/05]

69. **Mr. Stagg** asked the Minister for Community, Rural and Gaeltacht Affairs if he intends to bring forward legislation on charities regulation before the summer recess in 2006; if the general scheme of the Bill will go before the Government in January 2006; the reason for the delay in this legislation; and if he will make a statement on the matter. [36925/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I propose to take Questions Nos. 55 and 69 together.

As I have previously pointed out in the House, I do not accept that the publication of legislation to regulate charities has been subject to delay. In fact, it is only following the establishment of my Department in June 2002, and the setting up of a dedicated charities regulation unit in February 2003, that substantive moves began to be taken towards regulation of the charities sector. The draft legislation under preparation in my Department will ensure that charities are regulated for the first time since the foundation of the State.

With regard to a publication date, I have already publicly signalled spring 2006 as our target for publication of the Bill and my Department continues to give priority to the work of advancing this important legislation.

### Foclóirí Gaeilge agus Béarla.

56. D'fhiafraigh **Mr. Costello** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cathain atá súil aige a bheidh an Foclóir Leictreonach

Béarla-Gaeilge ullamh ag Foras na Gaeilge; agus an ndéanfaidh sé ráiteas ina thaobh. [36948/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Mar a thug mé le fios cheana, tá Céim a hAon den tionscadal seo críochnaithe.

Tuigim ó Fhoras na Gaeilge go bhfuil sé mar aidhm acu conraitheoir seachtrach a roghnú le linn 2006 chun tabhairt faoi Chéim a Dó den tionscadal (sé sin, scríobh agus tiomsú an Fhoclóra ina iomláine) tríd an ngnáthphróiseas tairisceana poiblí. Meastar go dtógfaidh sé trí nó ceithre bliana ar an gconraitheoir a roghnófar an obair thiomsaithe seo a chur a i gcrích. Déanfar an leagan leictreonach den Fhoclóir Nua Béarla-Gaeilge a thiomsú agus a scríobh ag an am céanna leis an leagan clóite den Fhoclóir.

### Decentralisation Programme.

57. **Ms McManus** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department will be able to meet the end of 2007 deadline he recently set for its full decentralisation to Knock; the staged decentralisation of staff in the interim; and if he will make a statement on the matter. [36933/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Preparation for the relocation of my Department to Knock Airport is an ongoing process and I have every confidence that the deadline of the end of 2007 will be met. As part of this process, my Department is planning to relocate up to 70 posts — about 40% of the total — in advance of the main move subject, *inter alia*, to the availability of suitable temporary accommodation in the general area. My Department and the Office of Public Works are currently seeking to source suitable accommodation and I hope that this advance move can take place from mid-2006.

The Office of Public Works is also in the process of finalising the purchase of a site for a permanent headquarters building for my Department. I am informed that it is expected that a competition will be advertised shortly for the design and building of the headquarters and that work on site should begin in the second quarter of next year. All necessary work on the building is scheduled to be completed in time for staff to move to Knock Airport by the 2007 deadline.

### Regional Development.

58. **Mr. McGinley** asked the Minister for Community, Rural and Gaeltacht Affairs the progress made to date in 2005 by his Department in reviewing the structure and functions of Údarás; and if he will make a statement on the matter. [36859/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** As I have previously

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indicated, I initiated a public consultation process at the beginning of this year in regard to my Department's review of the powers and functions of Údarás na Gaeltachta. A total of 67 submissions were received from various organisations and individuals as a result of this process. The current position is that my officials are currently working on a comprehensive paper for my consideration.

### Community Development.

59. **Mr. Hogan** asked the Minister for Community, Rural and Gaeltacht Affairs if an analysis or evaluation has been undertaken by his officials in relation to the impact of the RAPID scheme; and if he will make a statement on the matter. [36861/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** RAPID aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within the 45 designated RAPID areas. The priorities for each RAPID area are identified locally by each RAPID area implementation team and are incorporated into a plan for each area. Each Department reports on progress in relation to the proposals from these plans that fall within their remit for the quarterly meetings of the RAPID National Monitoring Committee. It is estimated that over €337 million has been spent in the RAPID areas in social provision under the NDP.

My Department, supported by Pobal, which was previously known as Area Development Management Ltd., ADM, co-ordinates the implementation of the RAPID programme. As part of its co-ordinating role, my Department receives regular updates on the implementation of the RAPID programme. These updates range from informal *ad hoc* updates to reports prepared for the quarterly RAPID National Monitoring Committee, which I chair. These reports can be accessed at [www.pobal.ie](http://www.pobal.ie).

In addition, I also arrange to meet the RAPID co-ordinators, the chairpersons of area implementation teams and directors of community and enterprise twice yearly to review the ongoing implementation of the programme.

As regards a formal review of the programme, following discussions with my Department, Pobal has initiated a tender process to appoint consultants to undertake an evaluation of the RAPID programme.

### Departmental Programmes.

60. **Ms Lynch** asked the Minister for Community, Rural and Gaeltacht Affairs the progress which has been made in regard to simplifying delivery structures with improved coverage and level of service locally of development schemes

under the remit of his Department; and if he will make a statement on the matter. [36930/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I refer the Deputy to my reply of 4 February 2004 to Questions Nos. 151, 153, 156, 163, 172, 173 and 185 on this topic.

Arising from the review of local and community development structures which I initiated in conjunction with my colleagues, the Ministers for the Environment, Heritage and Local Government and Justice, Equality and Law Reform, the Government agreed, in January 2004, a series of measures designed to: improve delivery of services on the ground; improve arrangements under which community and local development initiatives are delivered; re-affirm the Government's commitment to local and community development programmes; and improve cohesion and focus across various measures and enable communities to more readily access and make maximum use of the funding available.

In line with that decision, local and community development agencies were requested to advance improvements in linkages, cohesion and sharing resources. City and county development boards were given the role of co-ordinating the cohesion process. Cohesion funding of €3,248,600 was allocated during 2004 to support specific measures arising from that process. These were mainly focused on improving current arrangements with regard to resources, staffing and geographic coverage.

I am making funding of €7 million available over 2005 and 2006 to advance cohesion at the local level. The core objective of this round is the alignment of local, community and rural development organisations to achieve full area coverage of these programmes by the end of 2006. In rural areas, this will involve rural and local development groups coming together to secure a unified overarching structure which will provide full area coverage. In urban areas, this will involve local development groups securing full area cover.

Until now, there have been parts of the country not covered by the local development social inclusion programme whereas the Leader programme covered all of rural Ireland. As part of the change that will take place on a gradual basis over the next year and a half, it is intended that in both urban and rural areas, the local development social inclusion programme will cover all parts of the State. The major advantages of such an approach are that the State will be able to deliver programmes such as the rural social scheme through these new unified structures because they will have all-area cover.

Proposals from local and community development groups are currently being assessed and I hope to be in a position to make decision on funding support very shortly.

*Question No. 61 answered with Question No. 54.*

### Departmental Schemes.

62. **Mr. Gormley** asked the Minister for Community, Rural and Gaeltacht Affairs when he expects the order to be signed to allow for the transfer of the social economy scheme to his Department; and if he will make a statement on the matter. [36769/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The legal arrangements for the transfer of the social economy programme to my Department are a matter to be advanced by the Minister of Enterprise, Trade and Employment.

### Rural Development.

63. **Mr. Cuffe** asked the Minister for Community, Rural and Gaeltacht Affairs when he expects the new national rural development scheme to be approved and implemented; and if he will make a statement on the matter. [36765/05]

72. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs the new rural development strategy that he is developing in conjunction with the Department of Agriculture and Food; the person who will be consulted in the formation of this strategy; the person who will oversee its development and implementation; the length of time for the consultation process; when the new strategy will be finalised; and if he will make a statement on the matter. [36937/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos 63 and 72 together.

One of the key challenges facing rural Ireland in the coming years is how best to achieve an appropriate balance between supporting farming as the traditional source of income in rural areas on the one hand and fostering sustainable economic diversification in rural areas on the other. The recent EU negotiations marked a clear shift from a predominant focus on agriculture income support to a new integrated rural development approach with special emphasis on the rural environment and rural economic development outside the farm gate.

At present, officials from my Department and the Department of Agriculture and Food are finalising the preparation of an overarching national strategy for rural development. This task is being carried out in association with the EU Commission. It is envisaged that the strategy, which is a regulatory requirement, will be formally agreed and adopted very early in 2006.

In the meantime, both Departments recently invited all those with a stake in the future direction of rural development in Ireland to indicate if they wished to be consulted on preparation of the next rural development programme. Formulation of a detailed programme will follow on from the adoption of the national strategy. The response has been very positive with numerous expressions of interest received. In the near future, my Department will issue guidelines to help inform the preparation of submissions regarding the programme. These guidelines will reflect key priorities established in the national strategy.

Preparation of the national programme for rural development will commence once the national strategy has been adopted. It is intended that the national programme will be finalised and agreed with the EU Commission by the middle of 2006 to allow commencement in January 2007.

### National Drugs Strategy.

64. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if extra funding will be offered to voluntary or community groups involved in combating drug abuse; and if he will make a statement on the matter. [36962/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** As the Deputy is aware, my Department has overall responsibility for co-ordinating the implementation of the National Drugs Strategy 2001-2008. It also has responsibility for the work of the local and regional drugs task forces as well as the Young People's Facilities and Services Fund. Through these initiatives, a range of voluntary and community groups are funded to tackle drug misuse in their areas.

To date: approximately €95 million has been allocated to implement in the region of 440 projects contained in the two rounds of plans of the local drugs task forces; a further €13.66 million has been allocated to projects under the premises initiative which is designed to meet the accommodation needs of community based drugs projects; approximately €90 million has been allocated under the Young Peoples Facilities and Services Fund to support in the region of 450 facilities and services; and in relation to the regional drugs task forces, allocations totalling just under €5 million have been made to support their action plans, thus allowing them to get a range of projects up and running in their areas.

My Department was allocated €31.5 million to fund drugs initiatives in 2005, an 18% increase on the original allocation for 2004. The additional moneys were targeted particularly at the local and regional drugs task forces and the Young People's Facilities and Services Fund.

In relation to the coming year, I can report to the Deputy that, in the Abridged Estimates Volume published recently, my Department was allo-



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cated a further increase of 8% over this year's allocation to fund drugs initiatives in 2006.

#### **Polasaí Dátheangachais.**

65. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na pleananna atá aige, más ann, chun tacú leis an togra go ndéanfaí cathair dhátheangach oifigiúil de Chathair na Gaillimhe, agus an ndéanfaidh sé ráiteas ina thaobh. [37000/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Bhí teagmhálacha agam le Bainisteoir Chomhairle Cathrach na Gaillimhe níos túsce i mbliana faoin ábhar seo. Ina dhiaidh sin, bhí cruinniú idir oifigigh ó mo Roinnse agus ionadaithe ón gComhairle Cathrach chun féidearthachtaí éagsúla a phlé agus tá i gceist ag an gComhairle Cathrach teacht ar ais chuig mo Roinnse arís faoin gceist.

Ar ndoigh, bíonn mo Roinn ar fáil chun pé tacaíocht is féidir a thabhairt d'aon tionscnamh oiriúnach a thagann chun cinn chun stádas agus úsáid na Gaeilge a láidriú i gCathair na Gaillimhe. Mar is eol don Teachta, tá tacaíocht á tabhairt ag mo Roinnse cheana féin don togra Gaillimh le Gaeilge agus do Thaidhbhearc na Gaillimhe trí Chiste na Gaeilge. Tá cúnamh ceadaithe agam freisin d'Acadamh na hOllscolaíochta i gColáiste na hOllscoile Gaillimh thar thréimhse trí bliana. Chomh maith leis sin, faigheann Gaelfhorbairt na Gaillimhe tacaíocht ó Fhoras na Gaeilge, atá maoinithe ag mo Roinnse. Tá mé cinnte go gcuidíonn an cúnamh seo uile le cur chun cinn na Gaeilge i gCathair na Gaillimhe.

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

66. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs the progress which has been made to fulfil his commitment to have all post offices on the islands fully automated. [36763/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** In September of this year, an application for funding to automate a number of island post offices was received by my Department from An Post. This application is currently being evaluated and I will make a decision on it as soon as the evaluation is completed.

#### **National Drugs Strategy.**

67. **Mr. Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide an update on the work of the working group to develop a policy for the provision of integrated rehabilitation services under the aegis of the national drugs strategy; and if he will make a statement on the matter. [36939/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** As the Deputy may be aware, rehabilitation emerged as a key issue during the Mid-Term Review of the National Drugs Strategy. The conclusion of the steering group overseeing the review, with which I agree, was that the strategy's rehabilitation provisions needed to be strengthened and expanded, particularly in light of the significant and ongoing expansion in treatment provision in recent years. Accordingly, the report of the steering group recommended that rehabilitation become the fifth pillar of the strategy. To progress this, it was further recommended that a working group, under the aegis of the Department of Community, Rural and Gaeltacht Affairs, be established to develop a strategy for the provision of integrated rehabilitation services.

This group has been established and includes representatives from a range of Government Departments and agencies involved in delivering rehabilitation services as well as the National Drugs Strategy Team, NDST, the National Advisory Committee on Drugs, NACD, and representatives from the community and voluntary sectors. The group is examining the provision of existing rehabilitation services in Ireland and will seek to identify existing best practice as well as gaps in current services. The final report of the group will recommend actions to develop an integrated rehabilitation service.

The group has met formally three times to date and their fourth meeting is being held today. In addition, the group have held two days of consultation meetings with various stakeholders and experts in the field of rehabilitation, and other stakeholders and experts have been invited to meetings of the group. It is hoped that the working group will complete its report by the end of the year and that its recommendations will be considered by the Inter-Departmental Group on Drugs and the Cabinet Committee on Social Inclusion early in 2006.

#### **Community Development.**

68. **Mr. Eamon Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs if he intends to introduce reforms to facilitate small voluntary groups that find it difficult to fulfil the local fund-raising requirement, which is often imposed on groups before they are able to draw down national funding allocations. [36768/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** As the Deputy is aware, my Department operates a number of schemes designed to facilitate small voluntary groups including the programme of grants for locally-based community and voluntary organisations. This programme offers two schemes of once-off grants to local community and voluntary organisations for equip-

ment and refurbishment of premises and-or education, training and research grants.

The Gaeltacht improvement schemes, under which my Department may provide a grant of up to 80%, including CLÁR contribution if applicable, of the cost to local committees in order to provide community and leisure facilities together with furniture and equipment in Gaeltacht areas.

I am not aware that the local fund-raising requirement has been a difficulty and I have no plans to change the current arrangements. If, however, the Deputy has specific cases in mind I am prepared to examine the issue.

*Question No. 69 answered with Question No. 55.*

### Rural Development.

70. **Mr. Hogan** asked the Minister for Community, Rural and Gaeltacht Affairs the reason action has been taken by his Department on foot of its publication of the review of enterprise supports in rural areas; and if he will make a statement on the matter. [36864/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The review of enterprise support in rural areas, published in January 2005, remains under consideration in my Department following consultation with my colleagues, the Ministers for Enterprise, Trade and Employment and Arts, Sport and Tourism, whose areas of responsibility are also covered in the report.

As I previously advised the Deputy, the rural enterprise report will be examined in the context of the post-2006 EU rural development programme which places special emphasis on rural economic development outside the farm gate and, in particular, the creation of new micro-enterprises and jobs.

At present, my Department and the Department of Agriculture and Food are finalising the preparation of a national strategy for rural development from which the national programme for rural development will be developed during 2006. This will reflect a strong emphasis on the need to support rural micro-enterprises.

### National Drugs Strategy.

71. **Ms Burton** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the results of a pilot programme run by the Irish Society for the Prevention of Cruelty to Children showing that children as young as 12 have been treated for problems relating to cannabis abuse, some as young as 14 for heroin, while others between 15 and 18 for ecstasy and cocaine problems; his views on whether programmes such as this can help identify the causes and cures for drug use among

young persons; and if he will make a statement on the matter. [36926/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I am aware of the recent launch by the Irish Society for the Prevention of Cruelty to Children, of the three-year statistics for their schoolmate drugs and alcohol pilot prevention programme as well the launch of the 4Me service and their information leaflets on drugs for parents and children. I welcome research in this area and what it can tell us about the causes of drug misuse.

I note that, as result of the experience of running this service, the ISPCC believes that drug awareness and prevention needs to be introduced as an integrated component of both the educational system and of parenting practice in general. I agree and I want to assure the Deputy that the national drugs strategy already has a dedicated prevention pillar which seeks to progress both these issues.

In this context, guidelines to assist schools in the development of a drugs policy have been developed and were issued to all primary and post primary schools in May 2002. Furthermore, since September 2003 the social, personal and health education, SPHE, programme is a curriculum subject at both primary and post-primary level. At both levels, there are dedicated modules which focus on the prevention of substance misuse, including alcohol. In addition, one of the actions agreed in the mid-term review of the strategy is that drug prevention education should be part of the curriculum for student teachers.

The second phase of the national drugs awareness campaign was targeted specifically at parents and featured, among other things, a television, radio and print advertising campaign, specific parent-focused information on the website, [www.drugsinfo.ie](http://www.drugsinfo.ie), and a Parents Guide to Drugs information leaflet. The most recent phase of the campaign was aimed at young people and focussed on the dangers of cannabis use.

The Deputy should also note that my Department has responsibility for the Young People's Facilities and Services Fund, YPFSF. By developing youth, sport and other recreational facilities and services, the YPFSF seeks to attract "at risk" young people away from the potential dangers of substance misuse. In this regard, the YPFSF has provided funding for the ISPCC to employ a youth resource worker for the new 4Me service. This person will work with young people in the 13 to 18 years age group at risk of drug and alcohol misuse.

To date in 2005 over €13.5 million has been spent under the YPFSF. This is in the context of the total allocation to date through the fund of over €90 million. In broad terms, this has funded approximately 450 facility and services projects. These include building, renovating or fitting out

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of approximately 190 community centres, purpose built youth facilities and sports clubs as well as funding over 170 youth and outreach workers and 14 sports development officers.

*Question No. 72 answered with Question No. 63.*

73. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs if, in view of the large number of cocaine seizures by the Garda Síochána over the course of 2005, the growing social acceptance of cocaine as a recreational drug, the cheapness and availability of cocaine generally, and the consequent feuding between gangs here as they fight over the sale and distribution of cocaine, he believes it necessary to discuss with the regional drugs task forces the need to educate the people here regarding the dangers of cocaine and develop a new strategy in conjunction with them to combat the sale and consumption of cocaine; and if he will make a statement on the matter. [36924/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** As part of the national drugs strategy, ten regional drugs task forces, RDTFs, have been established across throughout the country. The RDTFs work in a partnership manner, similar to the local drugs task forces, and are made up of nominees from State agencies working in the region, the community and voluntary sectors and elected public representatives.

At the outset, the RDTFs were involved in mapping out the patterns of drug misuse in their areas, as well as the current levels of services in place to address drugs misuse in their regions. This work informed the development of action plans to address gaps in key services going forward which were then forwarded to the National Drugs Strategy Team, NDST, for assessment. All of the ten regional drugs task forces plans have now been assessed and allocations totalling just under €5 million have been made to allow them to get a range of projects up and running in their areas. The projects and services involved will deal with a range of drugs, including cocaine, and I look forward to working with them in this regard in the future.

The Deputy may also be interested to note that the national drugs awareness Campaign, which was launched in 2003, has included two specific phases aimed at cocaine misusers — in Autumn 2004 and again in May this year. These campaigns sought to outline the dangers of cocaine misuse in a targeted manner.

#### **Countryside Recreation Strategy.**

74. **Ms Burton** asked the Minister for Community, Rural and Gaeltacht Affairs when he expects Comhairle na Tuaithe to have completed

the national countryside recreation strategy; and if he will make a statement on the matter.

[36927/05]

77. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs the details of the countryside code and the national countryside recreation strategy to be developed by Comhairle na Tuaithe; when this strategy will be in place; and if he will make a statement on the matter.

[36936/05]

98. **Mr. Cuffe** asked the Minister for Community, Rural and Gaeltacht Affairs the percentage of the increased expenditure announced in the Estimates 2006 for the national rural development scheme which will be spent on the national countryside recreation strategy; and if he will make a statement on the matter. [36766/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 74, 77 and 98 together.

Comhairle na Tuaithe has agreed the key features necessary for a countryside code, with a focus on the potential application of the internationally-recognised Leave No Trace initiative. Details of the code are available in a booklet, which I launched in September of this year, and on my Department's website at [www.pobail.ie](http://www.pobail.ie).

An Comhairle is currently working on the development of a national countryside recreation strategy. The first phase in the development of the strategy involves consultation with interested parties. In this regard, it has invited submissions from interested individuals and groups. This invitation appeared in the national and provincial newspapers at the end of October and in addition Comhairle na Tuaithe wrote to groups representing recreational interests, State agencies and relevant Government Departments seeking their views. Comhairle na Tuaithe has requested that submissions should reach it by 7 December 2005. The work of drafting the countryside recreation strategy will proceed following examination of the submissions received.

While an agreed definition of countryside recreation will emerge as part of the development of the strategy the members of Comhairle na Tuaithe felt that a working definition would aid the consultation process and therefore agreed the following as an interim definition: countryside recreation applies to those sporting, recreational and holiday pursuits based on use of the resources of the countryside and which contribute to healthy active lifestyles. The term "countryside" includes land, water and air. The term "recreation" in this context applies to sporting and recreational activities, which operate in the countryside as defined above. It does not refer to sporting activities which take place in the countryside on confined courses or pitches

specifically designed and constructed for those sports e.g. golf, football, show jumping etc.

I anticipate that Comhairle na Tuaithe will have completed its work on the national countryside recreation strategy during the first half of 2006.

As regards resources to support the work of the Comhairle, the rural social scheme will assist in this regard. Provision has been made in the 2006 Estimates for the employment of 2,500 participants on the scheme by early in the new year. Provision has also been made for capital expenditure on the scheme. Funding is also available under the area based rural development initiative for rural and agri-tourism.

### Departmental Projects.

75. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs if the cocaine treatment pilot projects announced earlier in 2005 are fully operational; if he will commit to increasing the number and range of such projects nationwide; and if he will make a statement on the matter. [36863/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** As the Deputy is aware, earlier this year I launched four pilot cocaine treatment projects to examine different methods of treatment for cocaine use, as well as a training initiative focusing on front-line workers. Funding of almost €400,000 was provided by me to support the pilot treatment projects and the training programme.

The four projects deal with the following cohorts of cocaine users: intravenous cocaine users; poly-drug users using cocaine; problematic intranasal cocaine users; and problematic female cocaine users. The pilot treatment projects are now all operational.

In regard to the training initiative, the first two levels have been completed by approximately 160 front-line personnel from various backgrounds and level 3, final part, has commenced in the last two weeks.

Goodbody Economic Consultants Ltd have been engaged to conduct an evaluation of the pilot projects and this work has commenced. It is expected that a preliminary report will be available early in 2006. The main thrust of the evaluation will be to analyse, in a systematic manner, what is being achieved by the projects and to report the findings of the projects and the positive and negative lessons to be learned as a result. The evaluation will focus particularly on the structures, effectiveness, efficiency and value for money of the projects. Following receipt of the final evaluation I will be a position to decide on the next steps in this regard.

### Irish Language.

76. **Mr. Sherlock** asked the Minister for Com-

munity, Rural and Gaeltacht Affairs when in 2006 it is expected that the linguistic study on the use of Irish in the Gaeltacht will be completed; his views on whether it is realistic to expect that legislation arising from this study will be enacted during the lifetime of this Government; and if he will make a statement on the matter. [36945/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The linguistic study of Irish language usage in the Gaeltacht to which the Deputy refers commenced in April 2004 and is scheduled for completion in September 2006. This important study, which is being conducted on behalf of my Department by Acadamh na hOllscolaíochta Gaeilge, University of Ireland, Galway, in conjunction with the National Institute for Regional and Spatial Analysis, University of Ireland, Maynooth, is therefore well under way.

Given the complex nature of the subject matter, the Deputy will appreciate that it would be impossible to presuppose what precise findings and recommendations regarding the issue of the Gaeltacht boundaries will emerge from this study. As I have already outlined to the House, any proposals regarding the redefining of the boundaries that may emerge from the study will receive detailed and careful examination by my Department before being put before Government in due course.

*Question No. 77 answered with Question No. 74.*

### Care of the Elderly.

78. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals to introduce a subsidy in regard to the annual servicing charge for security pendant alarms for older persons (details supplied); and if he will make a statement on the matter. [36810/05]

83. **Mr. S. Ryan** asked the Minister for Community, Rural and Gaeltacht Affairs if the €2.8 million provision for the scheme of community support for older persons in 2005 has been sufficient to meet the funding needs for equipment to improve the security of older persons in their homes; and if he will make a statement on the matter. [36942/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I propose to take Questions Nos. 78 and 83 together.

The purpose of the scheme of community support for older people is to encourage and assist the community's support for older people by means of a community based grant scheme to improve the security of its older members. The scheme is administered by local community and

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voluntary groups with the support of my Department.

The scheme provides maximum individual grants of: €300 in respect of the once-off installation cost of socially monitored alarms; €150 in respect of door locks, window locks and door chains; €150 in respect of security lighting; and €50 in respect of smoke alarms. I have no plans to further extend the scheme to introduce a subsidy in regard to the annual servicing charge for socially-monitored alarm systems.

The yearly allocation for the scheme of community support for older people is based on the demand received under the scheme in previous years. A figure of €2.8 million has been allocated to the scheme of community supports for older people in 2005. This constitutes a 17% increase on the 2004 scheme, which received an allocation of €2.4 million. I am satisfied that the 2005 allocation will meet the demand for equipment funded under the scheme.

#### National Drugs Strategy.

79. **Mr. Crowe** asked the Minister for Community, Rural and Gaeltacht Affairs the steps which have been taken by his Department to implement the recommendations in the report of the Joint Committee on Arts, Sports, Tourism, Community, Rural and Gaeltacht Affairs on the treatment of cocaine addiction, with particular reference to the Irish experience. [36829/05]

92. **Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs his Department's views to the report of Joint Committee on Arts, Sports, Tourism, Community, Rural and Gaeltacht Affairs on the treatment of cocaine addiction, with particular reference to the Irish experience. [36834/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I propose to take Questions Nos. 79 and 92 together.

As the Deputy is aware, my Department has responsibility for co-ordinating the implementation of the National Drugs Strategy 2001-2008. Since the mid-term review of the strategy earlier this year, it contains 108 individual actions to be implemented by a range of Departments and agencies.

In this context, I welcome the additional information on the treatment of cocaine misuse provided through the work of the Joint Committee on Arts, Sports, Tourism, Community, Rural and Gaeltacht Affairs, which was published last July. The report, which goes into considerable detail on the effects of cocaine and the various treatments for misusers, adds to the existing knowledge base on the misuse of cocaine in Ireland.

I attended at a meeting of Joint Committee on Arts, Sports, Tourism, Community, Rural and

Gaeltacht Affairs on 9 November and I broadly welcomed the recommendations contained in the report. I am seeking, in the context of the outcome of the Mid-Term Review of the National Drugs Strategy, to progress a number of actions that are relevant to the report and its recommendations. However, direct responsibility for the implementation of these recommendations falls under the responsibility of my colleagues, the Minister for Education and Science, Deputy Mary Hanafin, and the Minister for Health and Children, Deputy Mary Harney.

#### Offshore Islands.

80. **Ms B. Moynihan-Cronin** asked the Minister for Community, Rural and Gaeltacht Affairs if the reports he has received from the official in his Department who has chaired the Blasket Management Group meetings will be published; and if he will make a statement on the matter. [36940/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Although an official from my Department chaired the Blasket Island Management Group, the group itself reported directly to the Office of Public Works and not to my Department.

If the reports to which the Deputy is referring relate to the management plan for the island, I understand that the group completed that plan in September 2004 and that it is already in the public domain. I will be happy to arrange with my ministerial colleague in the Office of Public Works to have a copy of the management plan sent to the Deputy, if she so wishes.

#### An Ghaeilge sa Státhóras.

81. D'fhiafraigh **Mr. Costello** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cén dul chun cinn atá déanta i mbliana ag a Roinn chun cumas agus líofacht sa Ghaeilge i measc fhostaithe an Státhórais a fheabhsú go mór; agus an ndéanfaidh sé ráiteas ina thaobh. [36947/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Níl freagracht ar mo Roinn maidir le cumas agus líofacht sa Ghaeilge i measc fhostaithe an Státhórais go ginearálta a fheabhsú.

#### Rural Development.

82. **Mr. Gormley** asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide a geographical breakdown of the demand for the rural social scheme together with a similar breakdown of the capacity for employment under current projects; and if he will make a statement on the matter. [36770/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** There are 2,500 partici-

pant places available under the rural social scheme. To date, 1994 of these places have been filled. The geographical breakdown in respect of the current participants is as follows:

County	Number of Participants per County
Carlow	12
Cavan	61
Clare	101
Cork	120
Donegal	181
Dublin	0
Galway	241
Kerry	199
Kildare	7
Kilkenny	12
Laois	15
Leitrim	102
Limerick	46
Longford	43
Louth	8
Mayo	440
Meath	9
Monaghan	22
Offaly	30
Offshore Islands	5
Roscommon	134
Sligo	87
Tipperary	39
Waterford	11
Westmeath	29
Wexford	29
Wicklow	11
Totals	1994

In addition to the figures outlined above, 506 rural social scheme participant places remain available throughout the country. It is anticipated that these places will be filled in early 2006.

The 35 Leader companies, along with Údarás na Gaeltachta, which is implementing the rural social scheme at a local level, allocate appropriate work to all participants who join the RSS. This is achieved by balancing the demand for RSS participant places with the demand from local organisations promoting work projects under RSS.

*Question No. 83 answered with Question No. 78.*

### Oideachas Trú Leibhéil.

84. D'fhiafraigh **Mr. M. Higgins** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil an comhoibriú breise óna chomhghleacaí an tAire Oideachais agus Eolaíochta lena raibh sé ag súil chun ceist an oideachais tríú leibhéal trí

Ghaeilge a chur chun cinn tar éis tarlú; agus an ndéanfaidh sé ráiteas ina thaobh. [36951/05]

89. D'fhiafraigh **Mr. Gilmore** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta cad iad na hinstiúidí tríú leibhéal lena bhfuil a Roinn ag obair chun a chinntiú go gcuirfear leis an soláthar sainchúrsaí dírithe ar riachtanais na hearnála poiblí i ndáil le cur i bhfeidhm Acht na dTeangacha Oifigiúla. [36950/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tógfaidh mé Ceisteanna Uimhir 84 agus 89 le chéile.

Mar a thug mé le fios roimhe seo, bunaíodh grúpa oibre idir-ghníomhaireachta don oideachas tríú leibhéal sa Ghaeltacht sa bhliain 2002 faoi chathaoirleacht na Roinne Oideachais agus Eolaíochta le hionadaithe ón Roinn sin, ó mo Roinn féin, ón Údarás um Ard-Oideachas agus ó Údarás na Gaeltachta chun plean forbartha don oideachas tríú leibhéal sa Ghaeltacht, a bhí réitithe ag grúpa ollscoileanna, a mheas.

Cuireadh tuarascáil agus moltaí an ghrúpa faoi mo bhráid agus faoi bhráid an Aire Oideachais agus Eolaíochta anuraidh. Ó mo thaobhse, táim ag breathnú ar na moltaí agus ar na féidearthachtaí agus tig leis an Teachta a bheith cinnte de go mbíonn teagmháil idir mo Roinn agus an Roinn Oideachais agus Eolaíochta ar bhonn leanúnach.

Mar is eol don Teachta, tá sé leagtha síos mar sprioc ag mo Roinn go bhféachfar le “ceist oideachais tríú leibhéal trí Ghaeilge a chur chun cinn”. Ar ndóigh, is faoi chúram an Aire Oideachais agus Eolaíochta go príomha atá an fhreagracht sin. Agus é sin ráite, aithním go bhfuil ceist an oideachais tríú leibhéal mar thosaíocht fíor-thábhachtach do thodhchaí na Gaeilge agus mar riachtanas ar leith ó thaobh chur i bhfeidhm Acht na dTeangacha Oifigiúla.

Mar atá ráite agam roimhe seo, tá fonn speisialta orm go gcuirfear an cheist seo ar aghaidh agus sa chomhthéacs sin is féidir liom a rá go bhfuil comhoibriú agus tacaíocht iomlán faighte agam ó mo chomhghleacaí, an tAire Oideachais agus Eolaíochta, chun na críche sin.

Maidir leis an gceist faoi sholáthar sainchúrsaí dírithe ar riachtanais na hearnála poiblí i ndáil le cur i bhfeidhm Acht na dTeangacha Oifigiúla, mar atá ráite agam roimhe seo, tá mo Roinnse ag obair go dlúth le Foras na Gaeilge, Gaeleagras na Seirbhíse Poiblí, An Foras Riaracháin agus instiúidí tríú leibhéal chun a chinntiú go gcuirfear le soláthar sainchúrsaí den chineál seo, ar a n-áirítear córas creidiúnaithe do aistritheoirí, córas creidiúnaithe do theagasc na Gaeilge, sainchúrsaí oiliúna Gaeilge, agus bunachar sonraí leictreonach de chomharthaí caighdeánacha. Bhí áthas orm an céad comhartha de thoradh dearfach na hoibre sin a aithint le déanaí nuair a sheol mé dhá sainchúrsa atá forbartha ag An Foras Riaracháin.

[Éamon Ó Cuív.]

Sa bhreis ar sin, mar is eol don Teachta, feidhmíonn Acht na dTeangacha Oifigiúla ar dhá bhealach. I dtosach báire, tá forálacha ar leith a bhaineann go díreach le gach eagrais poiblí. Chomh maith leis sin, tá forálacha ann maidir le scéimeanna reachtúla a chaithfidh gach comhlacht poiblí — institiúidí tríú leibhéal san áireamh — ar iarratas uaimse, mar Aire, a ullmhú agus a aontú. I dtaca leis sin, ní miste a lua go bhfuil scéimeanna ó roinnt institiúidí tríú leibhéal i measc na scéimeanna atá daingnithe agam agus foilsithe go dáta. Sa chomhthéacs sin, is féidir liom a rá go bhfuil forbairt sainchúrsaí, agus go deimhin forbairt oideachas tríú leibhéal trí Ghaeilge go ginearálta, ar cheann do na tosaíochtaí atá sonraithe sna scéimeanna sin agus go leanfaidh sé mar thosaíocht ag mo Roinnse agus í ag plé dréacht-scéimeanna le hinstitiúidí tríú leibhéal eile amach anseo.

### Community Development.

85. **Mr. Rabbitte** asked the Minister for Community, Rural and Gaeltacht Affairs the projects undertaken by his Department that would not otherwise have been developed other than for the fact they were undertaken under the RAPID scheme; and if he will make a statement on the matter. [36938/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** RAPID aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within the 45 designated RAPID areas. The priorities for each RAPID area are identified locally by each RAPID area implementation team, and are incorporated into a plan for each area. Each Department reports on progress in relation to the proposals from these plans that fall within their remit for the quarterly meetings of the RAPID National Monitoring Committee. These reports can be accessed at [www.pobal.ie](http://www.pobal.ie).

The Deputy will be aware of the RAPID leverage scheme that I introduced in 2004. This scheme has seen total funding in the region of €42 million — €14 million from my Department and €28 million from co-funding Departments and agencies — allocated to RAPID areas under a number of schemes that were co-funded with other Government Departments and agencies in 2004 and 2005. These schemes include local authority housing estate enhancement, traffic measures, playground grants, sports capital top-ups and community based CCTV.

I have secured an increase of 15% in my Department's provision for RAPID in 2006. The amount available from my Department for RAPID leverage schemes will be €8.8 million next year, compared with €7.5 million in 2005.

### Grant Payments.

86. **Mr. Gogarty** asked the Minister for Community, Rural and Gaeltacht Affairs if he has ensured that past grant applications to Údarás na Gaeltachta have been rechecked, in view of the failure of Údarás na Gaeltachta to notice that one such application made in 1998 contained an incorrect address which placed the company in question inside a Gaeltacht area; the steps he has taken to ensure that grant applications to Údarás na Gaeltachta contain the correct details of the entity, including the address; and if he will make a statement on the matter. [36772/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The Deputy will appreciate that matters pertaining to grant applications do not come under my remit as they relate to the day to day operations of Údarás na Gaeltachta and are a matter for the organisation itself, within the statutory framework in which it operates and having regard to national and European regulations and guidelines. My Department's function in such matters relates to ensuring that the appropriate principles and directions in relation to corporate governance are in place and are being implemented by the organisation.

I understand from Údarás na Gaeltachta that no fresh cases have come to light where a grant was incorrectly approved by Údarás for a company outside the Gaeltacht. However, for the sake of completeness, I should mention that such an error did arise in a case originally approved by its predecessor organisation, Gaeltarra Éireann, in 1974, with the last grant payment being made to the company in 1987. The company is no longer in existence.

The Deputy may be aware that on foot of issues that came to light in the case of M & M Cairéal Teo, Údarás has taken appropriate steps to prevent a recurrence of such cases. These steps include the issue of an internal memorandum in 2002 emphasising the importance of identifying the Gaeltacht boundaries and setting down guidelines to deal with cases of uncertainty; ensuring availability of maps within the organisation detailing townlands and local roads, in addition to availability of copies of folios from the legal division or on-line; and updating of the staff handbook in regard to administration of grants.

*Question No. 87 answered with Question No. 52.*

### Drugs in Prisons.

88. **Mr. English** asked the Minister for Community, Rural and Gaeltacht Affairs if he has consulted with the Department of Justice, Equality and Law Reform in relation to changes in prison drugs policy; and if he will make a statement on the matter. [36860/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** An Agreed Programme for Government contains a commitment to introducing mandatory drug testing for prisoners, where necessary, and to make treatment and rehabilitation available for those prisoners who need it. My colleague, the Minister for Justice, Equality and Law Reform, Deputy McDowell, is currently working towards this objective. I can assure the Deputy that, in this context, there is regular and ongoing contact between my Department and the Department of Justice, Equality and Law Reform and the Irish Prison Service.

The Department of Justice, Equality and Law Reform is represented on the National Drugs Strategy Team, NDST, where drugs issues of a cross-sectoral nature are regularly discussed, including the issue of drug use in prisons. In addition, the Department of Justice, Equality and Law Reform and the Irish Prison Service are represented on the Inter-Departmental Group on Drugs, IDG, which I chair. In this regard, Irish prison drugs policy is intended to be the substantive item for discussion on the agenda of the next IDG in December, when a presentation on current and prospective developments will be made by a representative of the Irish Prison Service.

Tackling the problem of drug misuse involves a range of Departments and agencies and the Government remains strongly committed to this multi-agency approach.

*Question No. 89 answered with Question No. 84.*

#### **Drug Abuse Prevalence.**

90. **Mr. Howlin** asked the Minister for Community, Rural and Gaeltacht Affairs the latest information his Department has on the extent of the cocaine crisis nationwide; and if he will make a statement on the matter. [36929/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The NACD-DAIRU drug prevalence survey is generally regarded as the most reliable baseline data on drug prevalence in Ireland. That study, which surveyed 8,442 people aged 15 to 64 years old in Ireland and in Northern Ireland between October 2002 and April 2003, reported that 3% of the respondents had used cocaine, 1.1% had used it in the last 12 months and 0.3% used in the last month. Compared with similar comprehensive population surveys undertaken in other European countries, these figures suggest that Ireland is roughly average in terms of use. This was borne out by last week's European Monitoring Centre for Drugs and Drug Addiction, EMCDDA, 2005 annual report on the state of the drugs problem in Europe which reported that the average lifetime use rate of cocaine in Europe was 3% of the adult population, 15 to 64

year olds, and the various national rates of cocaine use varied between 0.5% and 6%.

The highest rates of cocaine use recorded in the drug prevalence survey were in the three former health board areas in the east of the country, with the East Coast Area Health Board area, ECAHB, having the highest levels of lifetime use among adults at 6.3%, last year use at 2.3% and last month at 0.5%. No use levels were recorded in any age group in the former North Western Health Board, NWHB, area, though I must caution that this does not imply that there is no use of cocaine in that region but it does indicate that any use is at very low levels. The next lowest was the North Eastern Health Board, NEHB, area at 1.2% lifetime use with no usage level recorded over the last year or month by any age group.

The NACD-DAIRU drug prevalence survey was the first such general population survey on drug use so there is no baseline figure against which to compare it. However, the increased frequency and scale of cocaine seizures, and the increase in the numbers presenting for treatment for the drug, can be taken as a reasonable indication of increasing use. A new comprehensive drugs prevalence survey is due to be commissioned in 2006.

#### **Íocaíochtaí Deontais.**

91. D'fhiafraigh **Mr. Sargent** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil a fhios aige go ndearraíonn sé a bheith i bhfad níos deacra deontas a fháil ó Údarás na Gaeltachta le haghaidh tionscadail i gcuid na cathrach den Ghaeltacht ná mar a bhíonn sna codanna tuaithe, agus an ndéanfaidh sé ráiteas ina thaobh. [37001/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Tuigim go bhfuil comhthuiscint agus comhoibriú praiticiúil pragmatach ann ar bhonn leanúnach idir Údarás na Gaeltachta agus na gníomhaireachtaí forbartha eile maidir le tograí gnó agus tionsclaíocha a láimhseáil i mbruachbhailte chathair na Gaillimhe. Mar a thuigfidh an Teachta, níl sé éasca idirdhealú a dhéanamh sna ceantair sin idir tionscail a mheas de réir chritéir Ghaeltachta agus tionscail de chuid an IDA nó Fiontair Éireann, a d'fhéadfadh a bheith lonnaithe in aice láimhe ar shuíomh neamh-Ghaeltachta, a mheas de réir chritéir eile.

Sa chomhthéacs sin, agus ag éirí as cinneadh Rialtais ar 9 Márta 1999, bunaíodh coiste ar a raibh ionadaithe ó mo Roinn féin, mar a bhí, an Roinn Fiontar, Trádála agus Fostaíochta, IDA, Fiontraíocht Éireann agus Údarás na Gaeltachta chun athbhreithniú agus moltaí a dhéanamh maidir le cúrsaí tionscail a fhorbairt laistigh de theorainneacha chathair na Gaillimhe. I gcomhréir le moltaí an choiste sin, tá an tÚdarás ag feidhmiú pholasaí ginearálta faoina gcuirtear cúnaimh ar fáil laistigh de limistéir Ghaeltachta na cathrach



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do mhiontionscail dhúchasacha ó phríomhaithe le Gaeilge, má chomhlíontar coinníollacha teanga agus forbartha an Údaráis. Is ar an IDA-Fiontraíocht Éireann a bhíonn an cúram déileáil le tograí eile sna ceantair chéanna. Ar ndóigh, má tá cás ar leith ar intinn ag an Teachta, bheinn sásta tuilleadh fiosruithe a dhéanamh ina leith.

*Question No. 92 answered with Question No. 79.*

#### Grant Payments.

93. **Ms C. Murphy** asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide a list of the cases in which grants were allocated under the scheme of equipment and refurbishment grants, and the scheme of education, training and research grants for 2003 and 2004; if, in his reply, he will provide the details of instances where funding provided through these grants was not fully used by the benefactors; and if he will make a statement on the matter. [36879/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The programme of grants for locally-based community and voluntary organisations is funded by the Department of Community, Rural and Gaeltacht Affairs and supports the activities of local voluntary and community groups, addressing disadvantage in their community.

The programme consists of two schemes: one makes funds available for the purchase of essential equipment such as office furniture and for small scale refurbishment of premises. This is complemented by a second scheme to provide education, training and research grants.

Grants of up to 90% of the cost are available under this programme. The maximum grant for refurbishment is €40,000; for equipment it is €10,000; and for training, education and research it is also €10,000.

The list of applicants approved for grants under the 2003 and 2004 programmes are available on my Department's website, [www.pobail.ie](http://www.pobail.ie).

With regard to 2003, I am not aware of instances where funding provided through these grants was not fully used. I am aware that a small number of groups which were awarded larger grants under the 2004 programme have not yet completed their projects, however, except in one case, these projects are due for completion by end 2005. My Department is in ongoing correspondence with all these groups. In addition, there are a number of instances involving smaller grants, less than € 10,000, where my Department is not yet completely satisfied that the grant paid has been fully accounted for. My Department is following up with the relevant groups.

Full accounting for such grants is a prerequisite for consideration of any further funding under the programme for the groups concerned.

#### Irish Language.

94. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs if he supports the development of a national strategy for the Irish language; if not, the reason therefor; and if he will make a statement on the matter. [36862/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** As the Deputy is aware, Fóram na Gaeilge, which includes representatives of relevant State and voluntary organisations with expertise on a wide range of language policy and practice issues, was established to advise, *inter alia*, on the advisability of preparing a 20-year strategic plan with realistic goals for the Irish language in the State.

In the context of the general discussions thus far relating to this matter, the need for the provision of a clear statement on the part of the Government in relation to the Irish language and its importance has emerged as a key issue. I hope to be in a position to elaborate further and to make specific proposals on this matter in the near future.

#### Departmental Expenditure.

95. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of grant aid offered directly or indirectly, on a county basis, by his Department to various community groups throughout the country; the range of the services granted aid; and if he will make a statement on the matter. [36963/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The gross expenditure allocation for my Department in 2005 is approximately €354 million. As the Deputy will be aware, details of the allocations to individual programme areas are included in the Revised Estimates Volume 2005, which was published earlier in the year.

Expenditure up to 24 November 2005 across the three main programme areas, including administration, is approximately €278 million, which can be broadly broken down as follows: An Ghaeilge agus an Ghaeltacht, €66 million; community affairs, €126 million; rural affairs, €73 million; and administration, €13 million.

The Deputy will also be aware that expenditure within these programme areas takes place across a wide range of schemes and projects, descriptions of which are available on my Department's website at [www.pobail.ie](http://www.pobail.ie).

It is the practice of both 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. If the Deputy would like information in relation to a particular scheme, I would be glad to provide details to him.

### Public Transport.

96. **Mr. Boyle** asked the Minister for Community, Rural and Gaeltacht Affairs if, in view of the recent closure of the only petrol station on Inis Mór, he would consider the introduction of a public bus service for the inhabitants. [36764/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** In July 2003, I approved a grant of €30,800 to Comharchumann Forbartha Árann Teo towards the purchase of a minibus for use in the provision of a scheduled public transport service on Árainn, Inis Mór. I am informed that the operator of this service, who holds the minibus on a lease from the Comharchumann, currently runs a scheduled service six days per week.

### Community Development.

97. **Mr. Gogarty** asked the Minister for Community, Rural and Gaeltacht Affairs if he will provide a breakdown of projects that were allo-

cated funding in the first six months of 2005 from dormant accounts in the RAPID region Togher-Mahon; and if he will make a statement on the matter. [36771/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The Deputy will be aware that decisions on the disbursement of funds from dormant accounts moneys in the initial round of funding are a matter for the Dormant Accounts Fund Disbursements Board. The board is an independent body established under the Dormant Accounts Acts. The board engaged Area Development Management Ltd., ADM, to administer the initial round of funding on its behalf.

The process of assessing and approving applications has now been completed and the board has approved 521 projects totalling approximately €63 million. I understand that overall funding of €456,324 in respect of eight projects based in the RAPID region of Togher-Mahon were approved by the board. Decisions to approve two of these projects were taken in the first six months of 2005 and in relation to the remaining six projects, decisions were made in the latter part of 2004.

The details of the eight approved projects, including the names of the individual groups, the specific grant amount approved and the month in which the decisions were made by the board, are appended for the Deputy's information.

Appendix 1: Details of Projects Approved in Togher-Mahon Area.

Group/Organisation	Amount	Approval Granted
	€	
Ballyphehane/Togher Community Development Project Ltd	127,639.00	February 2005
Mahon Childcare Network	126,413.00	February 2005
37th Cork Togher Scout Group	14,000.00	December 2004
Mahon Resource Centre Ltd	141,205.00	October 2004
Togher Family Centre After Schools Activity Programme	29,620.00	October 2004
Togher Wednesday Social Group	4,000.00	October 2004
Togher Family Centre	3,447.00	October 2004
Scoil na Croise Naofa, Mahon	10,000.00	August 2004
Overall Total	456,324.00	

*Question No. 98 answered with Question No. 74.*

### Tourism Industry.

99. **Dr. Cowley** asked the Minister for Community, Rural and Gaeltacht Affairs his views on whether the commencement of the Innisbiggle cable car will be an addition to the tourist attraction in view of the recent allocation of funds to Ballycroy national park; and if he will make a statement on the matter. [36842/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I refer the Deputy to

my reply of yesterday to his identical Question No. 306.

### Community Development.

100. **Mr. Stagg** asked the Minister for Community, Rural and Gaeltacht Affairs the improvements which have been brought into effect in regard to the local development social inclusion programme in 2005; and if he will make a statement on the matter. [36946/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The local development and social inclusion programme, LDSIP, aims to counter disadvantage and to promote equality

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and social and economic inclusion through the provision of funding and support to local partnerships. The programme is managed on behalf of my Department by Pobal, which was previously known as Area Development Management, ADM, Ltd. and is delivered at local level by 38 area partnerships, 31 community partnerships and two employment pacts across three sub-measures. (1) Services for the Unemployed: This sub-measure aims to support individuals in accessing suitable employment opportunities through actions in the areas of education, training, work experience, job placement, enterprise, self-employment and the social economy. During the period January to June this year, 10,607 people were supported under this measure. Of those supported, 4,497 participated in education and training programmes, 14% were placed into employment and 5% were supported into self-employment.

In addition, partnerships and employment pacts undertake initiatives that provide progression pathways locally for individuals, in conjunction with strategic partners and mainstream providers. These include the operation of outreach initiatives, job clubs, employment and training, mentoring and enterprise and social economy initiatives. A further 15,668 individuals were supported in this manner during the first six months of this year. (2) Community Development: Actions under the community development sub-measure deal with capacity building work that enables local communities to participate in the development of their areas. The development of community groups and new forms of local organisation to vitalise and strengthen the local community infrastructure in the areas of greatest need is a major element of the work within this sub-measure. During the first six months of 2005, 986 community-based projects focusing on target groups and 101 infrastructural projects were supported. (3) Community-Based Youth Initiatives: Under this sub-measure, actions take place that are aimed at enhancing the social and personal development of young people who have left school early or who are at risk of leaving school early. Many of the actions aim to increase the range of community based education and youth development opportunities available from early years through to early adulthood. During January-June 2005, 26,553 young people and 4,495 adults were supported under this sub-measure.

I have dealt with improvements in service delivery arising from the review of local and community delivery structures in PQs answered earlier today.

#### **Drug Abuse Prevalence.**

101. **Mr. Sherlock** asked the Minister for Community, Rural and Gaeltacht Affairs when the National Advisory Committee on Drugs will next

issue a report; the issues being considered for this report; and if he will make a statement on the matter. [36944/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The National Advisory Committee on Drugs, NACD, was established in July 2000 to advise the Government in relation to the prevalence, prevention, treatment and consequences of problem drug use in Ireland, based on the committee's analysis and interpretation of research findings and information available to it. Its membership reflects statutory, community, voluntary, academic and research interests. In July 2004, the Government extended the mandate of the NACD up until the end of 2008.

To date, the committee has either completed or commissioned research on a range of drugs issues. Among the more high profile research projects are: overview of research in relation to the prevention of drug misuse, published in December 2001; Prevalence Estimate of Opiate Users — results released in May 2003; All-Ireland Drugs Prevalence Survey on Drug Use — 1st bulletin, outline of overall results, released October 2003; 2nd bulletin, regional results, released April 2004; 3rd bulletin, cannabis use, released October 2005; Study on Cocaine use in Ireland, published in December 2003; Review of Harm Reduction Approaches, published in May 2004; Study on Cannabis, published in September 2004; Drug Use and Homelessness, published in April 2005; and the Longitudinal Study on Treatment Outcomes, Research ongoing.

The next publication planned by the NACD will be the fourth bulletin from the drugs prevalence survey, which will focus on cocaine use. No date has been scheduled although it is envisaged that it will be released early in the new year.

#### **Adoption Services.**

102. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if and when Ireland is entering the Hague Convention; the proposed age limits for people making an application to adopt; and if she will make a statement on the matter. [37011/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Heads of Bill on the Adoption (Hague Convention, Adoption Authority and Miscellaneous) Bill, which when enacted will ratify the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, 1993, are currently being drafted into a Bill in the Parliamentary Counsel's office. I hope that the Bill will be published in the earlier part of 2006.

The Bill includes proposals regarding the imposition of an upper age limit for people who wish to be assessed for inter-country adoption. It has been decided to impose a maximum age of

50. This age limit will apply to individuals and to the younger of a couple at the time they apply to be assessed for inter-country adoption.

103. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children her plans to bring in a bilateral agreement on adoption between Ireland and Russia similar to that between Ireland and China; and if she will make a statement on the matter. [37014/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** Further to the meeting between the Minister for Foreign Affairs and the Russian Foreign Minister in July 2005 at which it was decided to follow up at official level the question of pursuing a bilateral agreement between Ireland and Russia on inter-country adoption, the Adoption Board has been in ongoing contact with the Irish Embassy in Moscow. Ambassador Harman met with the director of the Department of Governmental Youth Policy, Upbringing and Social Welfare of Children, on 21 September 2005 to further discuss the matter and follow up action is being taken on foot of that meeting. Copies of Ireland's bilateral adoption agreements were forwarded to the Russian Ministry on 4 October 2005 and the Ministry has indicated that it will forward an official response to the Irish Embassy in Moscow within the next few months. The Ministry has also indicated that it will be pleased to meet a delegation from the Adoption Board early next year. It is important to note, however, that it is not possible at this stage to confirm either a timeframe for the completion of the negotiations or whether or not such negotiations will result in a successful outcome.

#### **Rape Crisis Centres.**

104. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if she intends to increase funding to the Rape Crisis Centres, whose operating budget has been capped since 2002, in view of increased pressure on their services following the publication of the Ferns Report. [37191/05]

**Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Health Services.**

105. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the frustrations of many per-

sons in Dublin south west in respect of orthodontic services; her plans to increase funding in the matter; and if she will make a statement on the matter. [37005/05]

**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 of Health and Children 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.

106. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called for an ear, nose and throat appointment. [37017/05]

**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 of Health and Children 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.

107. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that only half of one community physiotherapist's time is available to serve the needs of persons with a disability among the 104,000 population of the Waterford community care area of the Health Service Executive south east region; her proposals in this regard; and if she will make a statement on the matter. [37018/05]

**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 of Health and Children 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.

#### **Ambulance Service.**

108. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children when the paramedic grade in the ambulance service will be rolled out nationally to provide this essential service; her views on whether sufficient persons are qualified to operate this system; and if she will make a statement on the matter. [37019/05]

**Tánaiste and Minister for Health and Children**

**(Ms Harney):** The funding required to facilitate the development and rollout of the advanced paramedic training programme has been provided in line with proposals set out by the Health Service Executive and Pre-Hospital Emergency Care Council. The National Ambulance Training School, NATS, which operates under the auspices of the HSE, in conjunction with University College Dublin, is providing training for advanced paramedic candidates on behalf of the Pre-Hospital Emergency Care Council. Each course at the moment comprises 16 students and the first cohort completed their training in October 2005. Students from the second course are currently undergoing their field internship and will complete their training in December 2005. It is proposed to train approximately 50 additional advanced paramedics in 2006. The operational element of the programme is to commence in early 2006.

The deployment and utilisation of the advanced paramedics is a matter for the Health Service Executive and accordingly, the Department of Health and Children 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.

109. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children when the helicopter emergency medical service will be introduced to persons here in view of the continuing loss of life and disabilities due to the lack of same; her views on whether this is a necessity (details supplied); and if she will make a statement on the matter. [37020/05]

110. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the progress she had made in the establishment of an all-Ireland helicopter emergency medical service as recommended by the helicopter emergency medical service feasibility study consultants report which was published on 30 April 2004; if she has completed discussions with the relevant Departments on the matter; if recent meetings have been held regarding establishing this service; and if she will make a statement on the matter. [37021/05]

**Tánaiste and Minister for Health and Children**

**(Ms Harney):** I propose to take Questions Nos. 109 and 110 together.

The report referred to by the Deputy is that of a consultancy study jointly commissioned by the Department of Health and Children and the Department of Health, Social Services and Public Safety, DHSSPS, in Northern Ireland on the costs and benefits associated with the introduction of a dedicated helicopter emergency medical services, HEMS, for the island of Ireland. The report was published last year and is available on the Department of Health and Children's website.

The study concluded that the introduction of a dedicated inter-hospital air ambulance service would be appropriate in an all-island context. In considering the report, the DHSSPS advised that its priority at present is the need for further investment to improve the ground ambulance service.

On foot of the report the Department of Health and Children had detailed discussions with the Department of Defence regarding the future provision of air ambulance services by the Air Corps. Arising from these discussions, a detailed service level agreement has recently been prepared and signed. The signatories to the agreement are the Department of Defence, the Department of Health and Children, the Health Service Executive, the Defence Forces and the Air Corps.

The agreement sets out the range services to be provided by the Air Corps, specifically: inter-hospital transfer for spinal and serious injury and illness; air transport of neonates requiring immediate medical intervention in Ireland; air transport of patients requiring emergency organ transplant in the UK; air transport of organ harvest teams within Ireland; and air transport of patients from offshore islands to mainland hospitals where the Coast Guard service is not available.

A steering group comprising representation from each the signatories to the service level agreement has been established. The group will monitor the operation of the agreement and will amend, if necessary, the provisions of the agreement to take account of service developments, including the new fleet replacement programme currently being put in place by the Air Corps. The Department of Communications, Marine and Natural Resources has confirmed that the Irish Coast Guard will continue to provide services on the same basis as currently delivered.

111. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the ambulance response time for persons living in remote areas; the target time for transfer of casualties from a specified remote area to hospital; and if she will make a statement on the matter. [37022/05]

113. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the reason for the continuing delay in establishing an ambulance base in Mulranny, Achill and Ballycroy areas of County Mayo; if her attention has been drawn to the dangerous situation whereby the health of persons residing in these areas is at a serious risk due to the unacceptable time lapse that exists between when an ambulance is called and when it arrives; when this project will be undertaken; her views on this matter; when same will be a priority in practice (details supplied); and if she will make a statement on the matter. [37024/05]

114. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children when the residents of Achill, Mulranny and Ballycroy, County Mayo will see the benefits of advice (details supplied); when this area can realistically expect this essential ambulance base; and if she will make a statement on the matter. [37025/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 111, 113 and 114 together.

The Deputy's questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department of Health and Children has requested the parliamentary affairs division of the executive to arrange to have these matters investigated and to have a reply issued directly to the Deputy.

#### **Cancer Screening Programme.**

112. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if the short-listing, fee negotiations and interviews have been completed for to the BreastCheck extension; if the discussions on the staffing requirements are complete; when in 2007 the national rollout of BreastCheck can be expected; and if she will make a statement on the matter. [37023/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The rollout of the national breast cancer screening programme to the remaining regions in the country is a major priority in the development of cancer services. BreastCheck has advertised for lead consultant radiologists and radiographers for the two new clinical units, one at the South Infirmity-Victoria Hospital, Cork and one at University College Hospital, Galway. The recruitment of other key clinical posts will commence early in 2006. A design team has been appointed to work out detailed plans for the new units. It is anticipated that, subject to obtaining satisfactory planning approval, the design process including the preparation of the tender documentation will be completed by mid-2006.

Approximately 130,000 women in the target population for screening live in the remaining regions. BreastCheck is confident that the target date of 2007 for commencement of the rollout will be met, which will ensure that all women in the 50 to 64 age group in every county have access to breast screening and follow up treatment where appropriate.

*Questions Nos. 113 and 114 answered with Question No. 111.*

#### **Health Services.**

115. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if her Department will release €400,000, required to advance a nurs-

ing home in Ballinrobe, County Mayo to the design and planning stage; her views on whether this is a priority case; when she expects the land involved to be in the hands of the Health Service Executive western region; the commencement date her Department expects for this facility; and if she will make a statement on the matter. [37026/05]

**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.

116. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children the position regarding the case of a person (details supplied) in Dublin 20; and if she will make a statement on the matter. [37028/05]

117. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children the policy which exists in relation to the provision of incontinence pads by the Health Service Executive; the criteria used for assessing same; the position regarding persons who urinate more than the prescribed amount of times; and if she will make a statement on the matter. [37029/05]

118. **Mr. Gogarty** asked the Tánaiste and Minister for Health and Children if she will ensure that a situation regarding a person (details supplied) in Dublin 20, where severely disabled persons primarily cared for in the community by their families and whose medication leads to more frequent urination never have to suffer the indignity of being told there is a quota of pads available, never happens again; and if she will make a statement on the matter. [37030/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 116 to 118, inclusive, together.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department of Health and Children has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

#### **Hospital Services.**

119. **Cecilia Keaveney** asked the Tánaiste and Minister for Health and Children if, in the con-

[Cecilia Keaveney.]

text of the policy decision to put a cancer satellite centre into the north west announced in summer 2005, a defined timescale for the progression of this project exists; and if she will make a statement on the importance of this announcement for the current and future services of Letterkenny General Hospital. [37073/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Government has agreed that the best option in terms of improving geographic access for patients in the north west is to facilitate access for those patients to radiation oncology services as part of North-South co-operation on cancer. Specifically, it was agreed: that the issue of access in the short term to the radiation oncology centre at Belfast City Hospital for patients in the north west would be progressed; and to progress consideration of a joint initiative for the provision of oncology services in the medium term to patients in the north west from a satellite centre linked to Belfast City Hospital.

I have agreed with the Minister for Health for Northern Ireland, Mr. Shaun Woodward MP, that the new Belfast Cancer Centre, which is due to open next March, will treat patients from County Donegal. Details of the arrangements will be finalised in discussions involving the Health Service Executive, Belfast City Hospital and our respective Departments. This will involve assessment of the specific radiotherapy needs of cancer patients in County Donegal and the development of clinical treatment protocols, including appropriate transport arrangements, to ensure best patient care. Discussions will also be necessary on the funding arrangements involving the hospital and the HSE.

The Deputy will appreciate that my first priority was to gain access for cancer patients in the north west to Belfast City Hospital as early as possible. The issue of a satellite centre in the north west will continue to be progressed as a joint initiative involving bilateral discussions at departmental and political levels.

#### Health Services.

120. **Mr. Ó Fearghail** asked the Tánaiste and Minister for Health and Children if her Department proposes to provide funding for a community unit for the elderly at Moore Abbey, Monasterevin, as previously envisaged by South Western Area Health Board; and if she will make a statement on the matter. [37077/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have

this matter investigated and to have a reply issued directly to the Deputy.

#### Grant Payments.

121. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if an application for a lottery grant from her Department by an organisation (details supplied) in Dublin 11 will be examined; and if she will make a statement on the matter. [37088/05]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Department of Health and Children received an application for a grant from the Health and Children allocation of national lottery funds from the organisation referred to in June 2005. The Department of Health and Children has a protocol for processing applications for national lottery grants. When the completed application form is received in the Department of Health and Children it is registered in the finance unit and forwarded to the relevant service division for assessment, evaluation and recommendation. All applications are then considered in the context of the recommendation and the overall level of funds available. The application is one of many under consideration for a grant from the Department of Health and Children and the organisation will be informed as soon as a decision has been made.

#### Nursing Home Subventions.

122. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the position regarding the enhanced subvention that is being awarded; if there is a shortage of funding; the amount which was spent on enhanced subvention in the past year; when funding will be provided again for enhanced subvention; and if she will make a statement on the matter. [37094/05]

**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.

#### Nursing Homes.

123. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the nursing qualifications required to be matron or person in charge of a nursing home, in the case of a nursing home (details supplied) in County Dublin; the number of matrons or persons in charge who have held that position since the nursing home opened; the length of time they held this position; and if all

were fully qualified to hold this position. [37097/05]

**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 of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the matter investigated and for a reply to issue directly to the Deputy.

#### **Domestic Violence.**

124. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children her response to the funding crisis being experienced by agencies providing essential services for the victims of domestic violence; the need for additional women's refuges in the Dublin region; if additional funds will be provided for these services; and if she will make a statement on the matter. [37100/05]

**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 of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the matter investigated and for a reply to issue directly to the Deputy. Responsibility for the provision of women's refuges lies with the Department of the Environment, Heritage and Local Government.

#### **Hospital Accommodation.**

125. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding the provision of new beds at Beaumont Hospital (details supplied). [37107/05]

**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 of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the matter investigated and for a reply to issue directly to the Deputy.

#### **Hospital Waiting Lists.**

126. **Mr. Wall** asked the Tánaiste and Minister for Health and Children if an appointment will be obtained for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [37117/05]

**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 of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the matter investigated and for a reply to issue directly to the Deputy.

127. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in Dublin 10 will receive a long-term stay bed in Cherry Orchard Hospital. [37176/05]

**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 of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the matter investigated and for a reply to issue directly to the Deputy.

#### **Health Services.**

128. **Mr. Aylward** asked the Tánaiste and Minister for Health and Children when a decision will be made on the detailed submission to her Department for a project (details supplied) in County Kilkenny which exemplifies the new proactive approach in the health services. [37192/05]

**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 of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the matter investigated and for a reply to issue directly to the Deputy. The chief executive officer of the HSE has emphasised the importance of developing primary care services as the appropriate means of meeting most people's health and social care needs and to complement the services provided by acute hospitals. It is an important priority of the HSE, which has my full endorsement.

#### **Medical Cards.**

129. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children when a medical card will issue to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [37225/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question relates to



[Ms Harney.]

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 of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the matter investigated and for a reply to issue directly to the Deputy.

#### **Community Employment Schemes.**

130. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children if community employment participants currently employed by the Irish Wheelchair Association will be given an opportunity to apply for permanent positions with the Association in view of the fact that the system of dependance on community employment participants has become extremely difficult due to the fact of the age and time restrictions placed on such participants; if her attention has been drawn to the fact that a great deal of training given to community employment participants is unfortunately lost when places on such employment schemes are given to other participants; and if she will make a statement on the matter. [37237/05]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The 2006 Estimates, which were recently published, provided for significant additional funding for the improvement of services for people with disabilities. Funding is being made available as part of that provision to address core under-funding and staffing issues in services provided by the non-statutory sector. The Health Service Executive will be asked to allocate this funding on an equitable basis, having regard to the needs of people with disabilities. I expect that the HSE's consideration of such needs will take into account services which are staffed through community employment schemes. The Department of Health and Children does not have any involvement in the procedures for recruitment to the Irish Wheelchair Association.

#### **Health Service Staff.**

131. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be replaced at a health centre. [37287/05]

**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 of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the matter

investigated and for a reply to issue directly to the Deputy.

#### **Hospital Charges.**

132. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if a person availing of a private in-patient bed or a day care bed will be charged the public bed night charge of €60 in each case, as well as the proposed charges of €551 and €397 respectively. [37295/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** It has always been the practice to apply the two charges to which the Deputy refers in the cases of private patients who pay a daily charge under section 55 of the Health Act 1970. With effect from 1 January 2006, the charge for private care will be €551 per day in the case of a regional hospital, €460 per day for a county hospital and €197 per day for a district hospital. The corresponding charges for semi-private care are €432, €370 and €168, respectively. Private day case charges will be €397 in the case of a regional hospital, €329 for a county hospital and €146 for a district hospital. Private patients are also liable for the public hospital charge, which will be €60 per day from 1 January 2006, up to a maximum of €600 in any 12-month period.

#### **Departmental Offices.**

133. **Mr. Perry** asked the Tánaiste and Minister for Health and Children the ministerial directive which she has issued to the Health Service Executive in relation to the future role of the former North Western Health Board office in Manorhamilton, County Leitrim, which caters for up to 10,000 staff members; the negotiations and meetings which have taken place with the IMPACT union; if her attention has been drawn to the fact that due to lack of clarity, senior management are unsure about their future role; and if she will make a statement on the matter. [37305/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** Organisational and human resources management issues within the Health Service Executive are a matter for the HSE itself. I have been advised by the HSE that it has identified Manorhamilton as one of the five lead sites for its national shared services directorate and that, in this context, Manorhamilton will be a lead site for human resources within the directorate. Industrial relations issues arising from the health service reform programme are the subject of ongoing engagement between the HSE and IMPACT. A framework agreement was agreed by the HSE and IMPACT in December 2004 to assist co-operation with the new structures and reforms, as well as to provide for a genuine working partnership between IMPACT and the HSE in the interests of the users of services and the staff who ensure their provision. I have been

advised that processes aimed at resolving any emerging difficulties are in place across the range of functional areas which comprise the HSE. The HSE also intends to have a communications and organisational development strategy in place from the start of next year. It will seek to approach the strategy in a participative fashion with IMPACT and other trade unions.

#### **Hospital Services.**

134. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children her views on the extent of under dialysing of patients due to pressure of time and waiting lists; if her attention has been drawn to the extent of consequences for the health of patients arising from insufficient dialysing; if evidence of this kind has been presented; and if she will make a statement on the matter. [37322/05]

135. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the number of renal dialysis units currently in operation here; the number treated each year for the past five years and the estimated cost of each treatment where persons attend at renal dialysis units in hospitals; and if she will make a statement on the matter. [37323/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 134 and 135 together.

In line with the commitment given in the national health strategy, Quality and Fairness — A Health System For You, a national review of renal services is being undertaken by the Health Service Executive. The purpose of the review is to make recommendations for a high quality and patient-centred renal service to meet current and projected demand, having regard to current best practice and the need to obtain the best use of and maximum benefit from the resources available. It is expected that the review will be completed in 2006. Additional revenue of €8 million is being provided to the HSE in 2006 to support the provision of dialysis facilities and the development of a living-related renal donor programme. This brings to €36 million the total additional funding provided since 2000 to meet increasing national demand for renal services. The Department of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the specific matters investigated and for a reply to issue directly to the Deputy.

#### **Health Service Staff.**

136. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the reason for the creation of local health officer positions; if those posts replaced those of general manager in the health board system; the number of local health officers appointed to each region; the reason

positions were changed from being contract positions to permanent posts; and if she will make a statement on the matter. [37324/05]

**Tánaiste and Minister for Health and Children (Ms Harney):** The Deputy's question relates to human resource management issues within the Health Service Executive, which are matters for the HSE under the Health Act 2004. The Department of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the matters investigated and for a reply to issue directly to the Deputy.

#### **Foster Care.**

137. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the context in which the foster care allowance, the property of foster parents, was merged with the orphan's allowance payable to and the property of the child; if this merger took place contrary to legal advice that both payments had different functions; and if she will make a statement on the matter. [37325/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The 1995 child care regulations provide that "A Health Board shall pay foster parents in respect of any child placed with them in accordance with these Regulation an allowance of not less than such amount as may from time to time be specified by the Minister". Sections 109(2) and 151(2) of the Social Welfare Consolidation Act 1993 provide that the orphan's contributory allowance and the orphan's non-contributory pension, respectively, "be paid to some other person for the benefit of the orphan" if the Minister thinks it fit. The orphan's payments are normally paid to the guardian of the orphan. This is usually the person with whom the orphan is normally resident and who is responsible for the care of the orphan. The orphan's payment is therefore considered to be the property of the foster parent and is not considered to be the property of the child.

Paragraph 5.42 of the 2001 report of the working group on foster care recommended that "Orphan's Allowance and Pensions should not be paid in respect of children in respect of whom foster care allowances are being paid". The working group considered it was not appropriate that both the orphan's payment and the foster care allowance be paid in respect of the same child, given that a fundamental feature of the foster care placement is that contact between the child and his or her family is maintained, and also as the group was recommending an increase in the foster care allowance to ensure that the cost of looking after a foster child would be adequately covered. Until 2001, children who were orphaned could receive orphan's payments from the Department of Social and Family Affairs and foster care allowance payments from the health boards if such children had been taken into care

[Mr. B. Lenihan.]

by the health boards and placed in foster care. It became apparent that many foster parents, who were claiming foster care allowance but were unaware of their entitlement to the orphan's payment from the Department of Social and Family Affairs, were not in receipt of their full entitlements. Under new arrangements which were introduced in August 2001, the orphan's payment ceased to be paid directly to foster carers; instead, the Department of Social and Family Affairs transferred the relevant moneys to the former health boards in respect of, and for the benefit of, the foster child. The former health boards combined the orphan's payment with the foster care allowance to make a total payment to the foster carer.

After legal concerns were expressed about the new scheme, the Department of Health and Children referred the matter to the Attorney General for the appointment of senior counsel and the examination of the matter. The legal opinion subsequently received by the Department indicated that the scheme was not in contravention of the statutory or regulatory framework governing foster care allowances or orphan's payment or pension. A working group comprising representatives from the two relevant Departments was established in July 2002 to examine certain difficulties with the scheme and to make recommendations with a view to streamlining arrangements. The group recommended an amendment to the social welfare legislation to disqualify from receipt of orphan's payment children in respect of whom foster care allowance is payable. An amendment effecting the change in operation of the allowance scheme was agreed by the Minister, Deputy Coughlan, and now forms part of the Social Welfare (Miscellaneous Provisions) Act 2003. It should be noted that there is no financial loss to the recipients under the new arrangements.

#### **Child Care Services.**

138. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the cost to the State of a unit (details supplied) in County Limerick under all headings since a manager and assistant manager were appointed in 2002; if a clinical psychologist was appointed and when such appointment took place; when children were first accepted into this unit; the reason the unit was closed in 2004 and opened under review in 2005; the number of extra staff employed and the costs involved; the reason no child was accepted in this unit by October 2005; if she has satisfied herself with this chain of events; and if she will make a statement on the matter. [37326/05]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive

under the Health Act 2004. Accordingly, the Department of Health and Children has asked the parliamentary affairs division of the HSE to arrange to have the matter investigated and for a reply to issue directly to the Deputy.

#### **Drug Seizures.**

139. **Cecilia Keaveney** asked the Minister for Finance his plans to develop the customs division drug sniffer dog team from the current level of 11, particularly in the context of a rise in availability nationally of a variety of drugs and also in the context of the significant services that are being made; and if he will make a statement on the matter. [37074/05]

**Minister for Finance (Mr. Cowen):** I have been advised by the Revenue Commissioners that the Customs and Excise has increased the number of detector dog teams deployed from nine to 11 this year. As part of this expansion, a cash detection dog team has been deployed in recent weeks to fulfil the developing role of the Customs and Excise under the proceeds of crime legislation. The deployment of such resources is in keeping with the Government's 2001-08 national drugs strategy. In this context, it should be pointed out that the Customs and Excise had seven detector dogs teams in 2001. The detector dog teams, which assisted in the detection and seizure of drugs worth €6.4 million in 2004, provide back-up support to the Garda Síochána, on request. The Revenue Commissioners constantly evaluate their drug detection resources and have made provision for the training of two detector dog teams next year.

#### **Tax Code.**

140. **Mr. Carey** asked the Minister for Finance the reason the Revenue Commissioners issues a certificate indicating that the payment of inheritance tax has been deferred in the case of a person (details supplied) in Dublin 11; and if he will make a statement on the matter. [37086/05]

**Minister for Finance (Mr. Cowen):** I have been advised by the Revenue Commissioners that, in accordance with section 108(2) of the Capital Acquisitions Tax Consolidation Act 2003, when an Inland Revenue affidavit is delivered to the Revenue Commissioners and they are satisfied that the payment of inheritance tax in respect of such property may be deferred for the time being, they issue a certificate to this effect. This certificate is required for the High Court in order for letters of administration to issue to the legal personal representative. Letters of administration will not be issued in the absence of such a certificate. In this particular case the beneficiaries are not liable to inheritance tax as they are within the tax free threshold of €466,725.

### Tax Code.

141. **Mr. Gilmore** asked the Minister for Finance the timeframe and planned programme to re-balance vehicle registration tax and motor taxation in order to favour the purchase of more fuel-efficient vehicles by 2010 as required under the national climate change strategy; the steps which have been taken since 2000 to date in 2005 to re-balance vehicle registration tax and motor taxation in order to favour the purchase of more fuel-efficient vehicles; the steps he intends to take to re-balance vehicle registration tax and motor taxation in order to favour the purchase of more fuel-efficient vehicles by the 2012 target date; the target for total reduction of carbon emissions to be achieved by this measure; and if he will make a statement on the matter. [37177/05]

**Minister for Finance (Mr. Cowen):** While no specific measures have been introduced to date in connection with re-balancing the vehicle registration tax and motor tax in order to favour the purchase of more fuel-efficient vehicles, I should point out that in last year's budget, I announced an extension of vehicle registration tax relief for hybrid vehicles, which are highly fuel efficient. With regard to future policies in this area, it would not be appropriate to comment at this time.

142. **Mr. Gilmore** asked the Minister for Finance the forms of taxation which have been levied within the industry and commercial sector since 2000 with the purpose of controlling greenhouse gases as specified under the national climate change strategy and governed by the guiding principles of that strategy; the amount of revenue which has been generated annually to date in 2005 by such taxation measures; the further forms of taxation planned to be levied within the industry and commercial sector by 2012 with the purpose of controlling greenhouse gases as specified under the national climate change strategy and governed by the guiding principles of that strategy; the amount of revenue which will be generated from these taxation measures for each of the years between 2005 and 2012; and if he will make a statement on the matter. [37178/05]

**Minister for Finance (Mr. Cowen):** The climate change strategy states that from 2002 onwards taxes will begin to take into account the amounts of greenhouse gases produced in any activity. It is the Government's policy to take greenhouse gas emission into account when formulating or developing tax policy in any particular area.

In September 2004, the Government decided not to introduce a specific carbon tax, following a thorough examination of the issues involved, including how a carbon tax would be implemented and the associated environmental, economic and social impacts. In addition, the Department of Finance carried out an extensive

consultation process in which 117 written submissions were received. Following this examination, the Government decided that a carbon tax was not an appropriate policy option and that, instead, it would intensify action on the other measures under the national climate change strategy. The carbon energy tax was just one possible element of the Government's approach to meeting Ireland's commitments under the Kyoto Protocol to which the Government remains fully committed.

Taxation can play a part in attaining environment objectives. However, as Minister for Finance, I am concerned to ensure in developing policy on tax measures we take into account any effects on Ireland's international competitiveness, particularly regarding non-EU countries which compete with us and which may have low taxes on energy. Apart from the carbon tax, the national climate change strategy does envisage other initiatives in the tax area with one such example being tax reliefs for green initiatives. This approach uses the tax system to provide incentives for certain behaviour. Examples include capital allowances for corporate investment in renewable energy projects, available since 1998, and a provision for the current pilot scheme for excise tax relief for bio-fuels.

I cannot comment on any plans in this area which may be the subject of a budget provision.

143. **Mr. Gilmore** asked the Minister for Finance the taxation measures initiated since 2000 to date in 2005 in respect of cars with air-conditioning using HFCs and products or processes emitting HFCs, as specified under the national climate change strategy; the further steps he intends to take in respect of the use of HFCs; and if he will make a statement on the matter. [37179/05]

**Minister for Finance (Mr. Cowen):** There have been no specific tax measures introduced in respect of cars with air-conditioning using HFCs and products or processes emitting HFCs. With regard to future policies in this area, it would not be appropriate to comment at this time.

### Office of Public Works.

144. **Mr. Perry** asked the Minister for Finance when the portacabin will be removed from the Abbey graveyard in Dromahair, County Leitrim; and if he will make a statement on the matter. [37308/05]

**Minister of State at the Department of Finance (Mr. Parlon):** The national monuments section of the Office of Public Works is undertaking essential conservation to Creevylea Friary which is located in the Abbey graveyard in Dromahair. The portacabin in question is required to accommodate the workforce engaged on the project. In locating the portacabin, every care was taken to ensure the location chosen was the most discreet

[Mr. Parlon.]

possible. The portacabin will continue to be required for staff accommodation until the end of 2006.

### Tax Relief.

145. **Ms O. Mitchell** asked the Minister for Finance his plans to introduce tax relief, grant support or other financial assistance for persons with physical disabilities; and if he will make a statement on the matter. [37313/05]

**Minister for Finance (Mr. Cowen):** I refer the Deputy to the long-standing practice of Ministers for Finance not to comment on what may or may not be contained in forthcoming budgets. I do not intend to depart from that approach.

### Greenhouse Gas Emissions.

146. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions for the industry, commercial and services sector due to no regrets low cost energy efficiency gains by 2012; the reduction achieved by these measures in the sector to date in 2005; the target for reduction in greenhouse gases due to no regrets low cost energy efficiency gains for each year between now and 2012; the steps he is taking to ensure the 2012 target is achieved; and if he will make a statement on the matter. [37157/05]

147. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the industry or commercial sectors which he has put agreements in place to achieve agreed global energy efficiency benchmarks to date in 2005 under the national climate change strategy; the greenhouse gas reduction targets specified under each of these agreements; the timetable set out in respect of each of the targets that have been set with which industry and commercial sectors he has yet to put such agreements in place; the steps he intends to take to complete such agreements; when each outstanding agreement is planned to be completed. [37162/05]

152. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the target which Ireland has set in the national climate change strategy for the total reduction of greenhouse gas emissions in the energy sector by 2010; the reduction achieved to date in 2005; the target for reduction in greenhouse gases in the energy sector for each year between now and 2010; the estimated annual cost to Ireland if greenhouse gas emissions from the energy sector remain at their current level; the steps he intends to take to ensure the 2010 target is reached; and

if he will make a statement on the matter. [37144/05]

153. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the target which Ireland has set in the national climate change strategy for the total reduction of greenhouse gas emissions by fuel switching to gas by 2010; the total reduction achieved by these measures to date in 2005; the steps he intends to take to ensure the 2010 target is reached; and if he will make a statement on the matter. [37145/05]

154. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions by switching from oil to gas by 2010; the total reduction achieved by these measures to date in 2005; the steps he intends to take to ensure the 2010 target is reached; and if he will make a statement on the matter. [37146/05]

155. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions by substituting for coal by 2010; the total reduction achieved by these measures to date in 2005; the timeframe he has set to close Moneypoint; the timeline set out for the closure of Moneypoint to ensure the 2010 target is reached; and if he will make a statement on the matter. [37147/05]

156. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions by 2010 by using CHP technology; the reduction achieved by these measures to date in 2005 by the use of this technology; the steps he intends to take to ensure the 2010 target is reached; and if he will make a statement on the matter. [37148/05]

157. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions by 2010 by using renewables; the reduction achieved by these measures to date in 2005 by the use of renewables; the steps he intends to take to ensure the 2010 target is reached; and if he will make a statement on the matter. [37149/05]

158. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the target which Ireland has set in the national climate change strategy for the reduction of

greenhouse gas emissions by 2010 by improving energy efficiency; the reduction achieved by these measures to date in 2005 by the improving of efficiencies; the steps he intends to take to ensure the 2010 target is reached; and if he will make a statement on the matter. [37150/05]

159. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions by 2010 by using DSM; the reduction achieved by these measures to date in 2005 by the use of DSM; the steps he intends to take to ensure the 2010 target is reached; and if he will make a statement on the matter. [37151/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 146 and 147, and 152 to 159, inclusive, together.

Overall responsibility for the national climate change strategy rests with the Minister for the Environment, Heritage and Local Government.

With regard to targets, the strategy made a range of proposals and gave indicative quantities of reductions in the emission of greenhouse gases. For the energy sector the strategy set out the indicative sectorial targets business as usual for 2010 as contained in the following table.

Fuel Switching to gas	4.15 Mt CO <sub>2</sub>
Moneypoint	3.4 Mt CO <sub>2</sub>
Oil	0.75 Mt CO <sub>2</sub>
CHP	0.25 Mt CO <sub>2</sub>
Renewables	1.0 Mt CO <sub>2</sub>
Efficiencies	0.1 MtCO <sub>2</sub>
DSM	0.15 Mt CO <sub>2</sub>
Total	5.65 Mt CO <sub>2</sub>

Installations are obliged to report their greenhouse gas emissions to the Environmental Protection Agency which operates under the auspices of the Department of Environment, Heritage and Local Government. The agency makes returns to the United Nations Framework Convention on Climate Change on Ireland's overall greenhouse gas emissions. This data is available on the Environmental Protection Agency website, <http://coe.epa.ie/CRF2005/>.

The information being sought by the Deputy involves a significant amount of analysis which cannot be collated within the timeframe of his parliamentary questions. In addition, in some cases the data may not exist yet. In the circumstances, I propose to have that analysis carried out with the assistance of the Environmental Protection Agency and I will revert to the Deputy at a later stage.

### Post Office Network.

148. **Mr. Penrose** asked the Minister for Communications, Marine and Natural Resources if he is giving due consideration to apply a public service obligation to the post office network to computerise the smaller offices and to guarantee a minimum income or if he is considering other positive measures in this regard; and if he will make a statement on the matter. [37051/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government and An Post share the objective of maintaining a viable nationwide post office network through a strategy of maximising the volume of both public and private sector business handled by the network. Notwithstanding the commercial remit of An Post, the Government recognises 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.

While the Government will support the network in any way it can and has demonstrated its commitment in a tangible fashion, with a €12.7 million capital injection in 2003, the way forward is for An Post to enhance existing services and, building on existing strengths to develop new product offerings. The Government has no plans for a public service obligation in this regard.

The network has a high footfall and to capitalise on these advantages it is essential that existing and new services are developed to meet customer requirements. The network also has the capacity and potential to deliver more private business especially in financial services and opportunities are actively being pursued by An Post in this area.

With regard to computerisation of non-automated offices, the automated network accounts for over 95% of An Post's counter business. This means that the 1,000 automated offices transact 95% of counter business with the remaining non-automated offices undertaking 5% of business. This figure illustrates the level of business transacted by individual non-automated offices. The current level of automated coverage is considered by An Post to be extremely comprehensive by any objective standard and this level of coverage makes it difficult to justify on either customer-service or economic ground the extension of automation to all offices, regardless of their location or business volumes.

Automation of the post office network was completed in 1997. It is, therefore, only in exceptional circumstances, such as an existing automated office closing and its equipment being transferred to a suitable neighbouring location which transacts significant volumes of welfare business, that offices are automated today. Nevertheless, in order to gauge the impact of automation on business generation, I asked the company to initiate a pilot project to automate

[Mr. N. Dempsey.]

ten small post offices. This project is under way and the results of the project will be evaluated after the trial period has come to an end.

I have also asked the company to ensure any strategy for the development of the company should ensure the long-term viability of the post office network and in this light, An Post is working on a new initiative which could see the development and expansion of the range of financial services that it can deliver through its network of post offices. If successful, it could lead to a significant increase in post office business and contribute to the viability of the network. With regard to the income levels of post offices, the remuneration of postmasters is a contractual matter for An Post and postmasters.

#### **Semi-State Bodies.**

149. **Ms F. O'Malley** asked the Minister for Communications, Marine and Natural Resources if the statutory borrowing limit on Bord na Móna plc will be reviewed to enable it to deliver its new strategy. [37063/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I have no proposal from Bord na Móna plc to increase the statutory borrowing limit. Any such proposal would be considered on its merits. I am not aware of any immediate pressure on the existing limit.

#### **Harbour Authorities.**

150. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources his proposals to address the future of fishermen in the south east following the decision of the High Court in the case of a person (details supplied); and if he will make a statement on the matter. [37069/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The High Court decision in question concerned a case taken by the owners of large trawlers that have used the North Wharf and Frank Cassin Wharf, which are owned by the Port of Waterford Company. The case was taken by the fishermen against the company.

The implications of the court judgment for the fishermen, including the location of alternative landing facilities, are primarily a matter for the fishermen concerned to address. There are several fishery harbours around the coast which may be available to them. It is part of the Department's policy to provide fishery harbour facilities for the fishing industry to the extent possible within the resources and funding available. As part of this policy the Department operates five fishery harbour centres and, with funding made available under the national development plan, seeks to enhance the infrastructure and efficiency

at these facilities as well as other key fishery harbours.

The Port of Waterford Company is statutorily responsible, under the Harbours Acts 1996 to 2005, for the control, operation, management and development of its harbour. The company now provides its core facilities for ships and goods at Belview, County Kilkenny. In accordance with its statutory remit, the company has conducted a review of its non-core assets to determine the appropriateness of their retention in present circumstances. The North Quays is one of the company's principal non-core assets, and the company has contracted to sell this property in order to facilitate the ongoing development of the port. Vacant possession is one of the conditions of the contract for sale.

#### **Broadcasting Legislation.**

151. **Mr. Carey** asked the Minister for Communications, Marine and Natural Resources his views on the need to introduce measures to protect children from the marketing of unhealthy goods to children through the Internet and through cable and satellite television as the Broadcasting Commission of Ireland code only covers terrestrial broadcasting; and if he will make a statement on the matter. [37085/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Section 19(1)(c) of the Broadcasting Act 2001, provides that the Broadcasting Commission of Ireland shall prepare a code specifying standards to be complied with and rules and practices to be observed in respect of advertising on both television and radio which relate to matters likely to be of direct or indirect interest to children.

The commission published a children's advertising code, which came into effect on 1 January 2005. The drafting, monitoring and review of the code are functions which the Oireachtas has provided the commission with statutory responsibility for and in respect of which I have no role. The commission's codes apply to all radio and television channels licensed in Ireland. In the case of television channels, the codes and rules apply to such services whether transmitted by terrestrial means or on cable, MMDS or satellite platforms. The codes do not apply to television channels licensed in other EU member states.

In the context of the forthcoming broadcasting Bill, I will consider whether the existing legislative provisions need to be updated to take account of new and emerging delivery platforms for broadcasting services.

*Questions Nos. 152 to 159, inclusive, answered with Question No. 146.*

#### **Greenhouse Gas Emissions.**

160. **Mr. Gilmore** asked the Minister for

Communications, Marine and Natural Resources the details of the economic instruments planned in order to drive the achievement of the targets set under the national climate change strategy for the energy supply sector; the details of these instruments which have been initiated to date in 2005; the timeframe for further economic instruments to be initiated in relation to the energy sector under the national climate change strategy; and if he will make a statement on the matter. [37152/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Details of the key energy drivers in terms of meeting the sector's obligations under the national climate change strategy are set out in chapter 4 of that document. The primary economic instrument for dealing with the NCCS targets is the EU's emissions trading scheme. Since the NCCS was published, the emissions trading scheme has been agreed and commenced operation on a pilot basis. It covers all thermal installations of 20 MW or more and all electricity generating stations.

The scheme involves a cap and trade system under which installations are granted allowances to emit a certain level of greenhouse gases and are required to limit their emissions to that level or purchase additional allowances from other installations to cover any additional emissions of greenhouse gases. The level of allowances granted is set to ensure the installations in question make an appropriate contribution to meeting Ireland's overall obligation under the Kyoto Protocol.

The NCCS, which is the responsibility of my colleague, the Minister for the Environment, Heritage and Local Government, is under review. In addition, the emissions trading scheme proper is to begin in 2008 and the Department of the Environment, Heritage and Local Government is conducting an exercise aimed at producing Ireland's national allocation plan for that period.

#### Electricity Generation.

161. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the planned date for the closure and cessation of coal firing at Moneypoint as required under the national climate change strategy; the steps that have been taken to date in 2005 towards the closure of Moneypoint by the target date of 2008; the planned timeline and strategy for the cessation of coal firing at the plant; the steps he has taken to date in 2005 to establish a modern CCGT plant; the steps he intends to take to provide capacity using a CCGT plant by 2008; and if he will make a statement on the matter. [37153/05]

162. **Mr. Gilmore** asked the Minister for Communications, Marine and Natural Resources the plans he has made to comply with the requirement under the national climate change strategy

to ensure the security of energy and electricity supply in the conversion of the Moneypoint plant output to gas; the steps he has taken to date in 2005 towards this aim; the steps he intends to take by the target date of 2008; and if he will make a statement on the matter. [37154/05]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 161 and 162 together.

The reference to the closure and cessation of coal firing at Moneypoint under the national climate change strategy does not amount to a requirement. Commercial decisions regarding the future of the plant are a matter in the first instance for ESB. On 29 July 2004, my predecessor and current Minister for Foreign Affairs, Deputy Dermot Ahern, gave shareholder approval to the ESB for a €368 million environmental retrofit project at the 900 MW coal fired Moneypoint power station in County Clare. The decision to approve the retrofit was taken in the context of the Government's commitment to maintaining fuel diversity in the interests of ensuring strong levels of security of supply. The Moneypoint project will ensure coal continues to be an important element of our electricity generation fuel mix and that our dependence on natural gas is kept at a sustainable level. It also means we will have gone a significant way to meeting our emissions reduction obligations in regard to sulphur dioxide, SO<sub>x</sub>, and nitrogen oxide, NO<sub>x</sub>, under the large combustion plant directive. The issue of carbon emissions is being dealt with under the emissions trading scheme.

#### Harbours and Piers.

163. **Mr. Sargent** asked the Minister for Communications, Marine and Natural Resources if the proposal from Howth Yacht Club referred to in Parliamentary Question No. 135 of 24 November 2005 has been made available to interested stakeholders; and if he will supply a copy. [37286/05]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** I understand that the proposals of Howth Yacht Club relating to acquisition of additional berthing space in Howth harbour have not yet been finalised. When they finalise their proposals it will be a matter for the yacht club to submit its proposals for planning and other statutory permissions. Interested stakeholders will then have an opportunity to consider the proposals.

#### Foreign Adoptions.

164. **Mr. Kehoe** asked the Minister for Foreign Affairs the efforts which are being made by his Department to liaise with the Adoption Board and Belarus to ensure that it re-opens to foreign



[Mr. Kehoe.]

adoptions; and if he will make a statement on the matter. [37013/05]

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

Responsibility in this area is primarily a matter for the Department of Health and Children and the Adoption Board. The ambassador in Moscow, who is also accredited to Belarus, is available to help in every way possible.

When I visited Minsk on 9 June 2005, in my role as envoy of the United Nations' Secretary General, I took the opportunity to raise with the Belarussian Minister for Foreign Affairs the issue of inter-country adoptions between our two countries. All inter-country adoptions had been suspended by the authorities there in October 2004. It was agreed that Belarus would accept a delegation from Ireland to consider what could be done.

Subsequently, a delegation from the Adoption Board visited Belarus in September and met with the relevant authorities. The delegation was accompanied by a representative of the embassy in Moscow. I am pleased that the Belarussian authorities agreed in principle that adoptions from Belarus by Irish applicants will recommence as soon as a new adoption agreement between the countries is in place. In this regard, the Belarussian authorities handed over a draft agreement and I understand that this is currently being considered by the Attorney General.

My Department will work closely with the Adoption Board in taking this important and sensitive issue forward.

**Undocumented Irish in the USA.**

165. **Mr. Ring** asked the Minister for Foreign Affairs further to his recent visit to America, the progress which has been made on the legislative process in relation to the undocumented Irish in the United States; the persons he met with regarding this matter; and if he will make a statement on the matter. [37053/05]

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

The welfare of undocumented Irish people in the US is a matter of the highest priority for the Government. In all our contacts with US political leaders, including when the Taoiseach and I met with President Bush earlier in the year, we emphasise the importance of addressing the situation of this vulnerable section of our community in a positive and sympathetic way. In doing so, we recognise that immigration is a highly sensitive and divisive issue in the United States, in particular since the tragic events of 11 September 2001.

My recent visit to New York and Boston included meetings with Irish immigration groups and the Irish-American media. I also briefed the editorial board of *The New York Times* and former President Clinton on the situation. The

former president showed a deep understanding of the issue and promised to convey his supportive views, including those on the Kennedy-McCain Bill, to his wide range of contacts.

As the Deputy will be aware from the briefing that I have circulated to all Members of the Oireachtas, the legislative debate in the United States on immigration is entering a critical phase. Various proposals are under consideration at present. The Bill jointly sponsored by Senators McCain and Kennedy, to which I have already referred, is particularly attractive as it would offer the undocumented a path to permanent residency. I was pleased that both Houses of the Oireachtas strongly supported it recently.

I will have an opportunity later this week in Washington, including at a meeting with the Secretary of State, Ms Condoleezza Rice, to put forward the Government's thinking on the need to resolve satisfactorily the position of the undocumented. I will also review the overall prospects for legislative reform with Senator Edward Kennedy, and will express our appreciation of his exceptional efforts on this issue in Congress.

**Foreign Conflicts.**

166. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he will make a statement on the rationale behind the decision to donate €390,000 to the demobilisation process in Colombia; and the way in which he envisaged this money would move the peace process forward. [37133/05]

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

As set out in previous replies to parliamentary questions, most recently on 10 November 2005, the Government, together with its EU partners, is broadly supportive of the efforts of the Colombian Government to develop a peace process in that country. In that context, the European Union has consistently stressed the need for a negotiated peace settlement in Colombia and has called for illegal armed groups to demobilise.

Ireland has committed €390,000 over a three-year period to the Organisation of American States', OAS, peace and verification mission in Colombia. The mandate of the OAS mission in Colombia is to provide comprehensive support to the peace process, with a focus both on demobilisation and on strengthening institutions concerned with the rule of law. The grant was made in response to a request from the OAS to EU member states. It fits in with Ireland's strong commitment to the promotion of human rights and democratisation in Latin America. The EU has also welcomed the involvement of the OAS in supporting the demobilisation of paramilitary groups.

Among our EU colleagues, the Netherlands and Sweden also fund this mission and Ireland will work closely with them, in addition to ensur-

ing that the mission maximises its role in the peace process.

### Human Rights Issues.

167. **Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs if he intends to conduct an investigation along the lines of those being carried out in Sweden, Spain and Iceland to determine whether CIA prisoner flights have used Shannon Airport, as indicated by a map of alleged CIA flight routes published on the BBC website on 22 November 2005; and if he will make a statement on the matter. [37136/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** The situation remains as set out in my replies to several previous questions, most recently Question No. 374 of 22 November 2005.

The Government has on many occasions made clear to the US authorities that it would be illegal to transit prisoners for rendition purposes through Irish territory without the express permission of the Irish authorities, acting in accordance with Irish and international law. The US authorities, for their part, have confirmed that they have not done so and that they would not do so without seeking the permission of the Irish authorities. No request for such authorisation has been received from the US authorities. I will raise this issue again when I meet the US Secretary of State, Ms Condoleezza Rice, in Washington tomorrow.

The Government will continue to follow the long-standing practice whereby details supplied to the Department of Foreign Affairs in this area by the US authorities are accepted in good faith as being accurate. However, if anyone has credible evidence that Shannon Airport, or indeed any other Irish airport, has been used for the purposes described by the Deputy, this should, as has been made clear by my colleague, the Minister for Justice, Equality and Law Reform, be shared with the Garda authorities. I need hardly emphasise that any such development would be viewed with the most serious concern by the Government.

168. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to the report *An Act of Free Choice* commissioned by the Dutch Parliament; if the United Nations will be urged, in view of the findings, that the Act of Free Choice was a sham and if responsibility will be taken up and a timetable set for a UN-supervised referendum to enable the West Papuan persons to exercise their right to self-determination. [37238/05]

169. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if, in view of the recent publication of the report *An Act of Free Choice* commissioned by the Dutch Parliament, the Indonesian authorities will stop the practice of arbitrarily

arresting persons for their non-violent political activities and ensure that all West Papuan persons have the right to freedom of expression and association, without fear of harassment, arbitrary arrest, imprisonment, torture and ill-treatment, and unconditionally release all West Papuan prisoners detained or convicted solely for the non-violent expression of their views. [37239/05]

**Minister for Foreign Affairs (Mr. D. Ahern):** I propose to take Questions Nos. 168 and 169 together.

I am aware of the report entitled *An Act of Free Choice*, published in the Netherlands on 15 November by the Institute of Netherlands History. The overall position is that members of the European Union accept that Papua forms part of Indonesia. The Dutch Government, for instance, in responding to the report in the Netherlands' Parliament, made clear that this is its position.

The EU General Affairs and External Relations Council has adopted conclusions on Indonesia, which reiterated the EU's attachment to a united, democratic, stable and prosperous Indonesia and also reiterated the EU's respect for the territorial integrity of Indonesia. The Council encouraged the Indonesian Government to seek peaceful solutions in conflict and potential conflict areas. It welcomed the statement by President Yudhoyono that he intended to implement a special autonomy law for Papua and Aceh.

The Government, therefore, believes that the most productive approach to dealing with the human rights situation in Papua is through dialogue with the Government of Indonesia. We will continue to urge full implementation of the special autonomy law for Papua which provides for special autonomy while respecting the territorial integrity of Indonesia. Under the law, a Papuan provincial government would have control over all matters other than international relations, defence, monetary policy, religion and the supreme court. Papua would be able to conduct international relations in so far as they related to trade, investment, technology and culture. Papua would also have its own flag, coat-of-arms and anthem, but as cultural symbols rather than as symbols of sovereignty.

Ireland and our EU partners continue to monitor the political situation in Indonesia and human rights issues are regularly raised in discussions with the Indonesian authorities. Together with our EU partners, the Government will continue to take every opportunity to raise concerns regarding Papua in contacts with the Indonesian authorities.

### Sports Capital Programme.

170. **Dr. Cowley** asked the Minister for Arts, Sport and Tourism the position of an application (details supplied); if his attention has been drawn to the amount of work carried out by this community in association with his Department; when

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funding can be expected by this group to enable the community to plan the completion of the project; and if he will make a statement on the matter. [37054/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The national lottery-funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. The programme is advertised on an annual basis.

The organisation in question was allocated a grant of €250,000 under the 2002 sports capital programme towards the cost of developing their facilities. This allocation was increased by the extra allocation of €5,000 as a “top-up” grant under the CLÁR programme by my colleague the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív. All of this grant aid has already been paid to the organisation. The organisation's application for funding under the 2005 programme was unsuccessful and it was advised accordingly on 2 August 2005.

Applications for funding under the 2006 programme were invited through advertisements in the press on 27 and 28 November 2005. The closing date for receipt of applications is 20 January 2006. It is open to the organisation in question, should it wish to do so and should it have a project which satisfies the terms and conditions of the programme, to submit an application for funding under the 2006 programme.

#### Departmental Correspondence.

171. **Mr. Gormley** asked the Minister for Arts, Sport and Tourism if he has received correspondence regarding the future of a studio (details supplied) Dublin 4; if his Department will support efforts to secure a suitable central location for the valuable cultural facilities currently provided at the studio; and if he will make a statement on the matter. [37240/05]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** I have only recently received correspondence from this studio. State assistance towards current or revenue funding for arts facilities is channelled via the Arts Council, which is independent of my Department in the disbursement of its funds.

From time to time, my Department does run programmes of capital grants for arts and cultural facilities such as the ACCESS grant scheme, which is currently nearing completion. The introduction of a successor scheme to ACCESS is under consideration at present. Were a new scheme to be introduced, any project submitted for consideration would be assessed on the basis of its potential contribution to the arts and in light of applications from other projects for fund-

ing. Should such a scheme be approved, applications would be invited by public advertisement.

#### Disposal of Property.

172. **Mr. Ó Fearghail** asked the Minister for Enterprise, Trade and Employment the amount of land disposed of by the IDA; the amounts raised by the disposal of this property in County Kildare in the years 2000 to 2005; and if he will make a statement on the matter. [37027/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The management of IDA Ireland's industrial property portfolio is a day to day operational matter for the agency, as part of the statutory responsibility assigned to it by the Oireachtas for the attraction of foreign direct investment to the State and its regions. While I may give general policy directives to IDA Ireland, I am precluded under the Acts from giving directives regarding individual undertakings.

All IDA Ireland lands are sold on the basis of commercial valuation in line with public sector guidelines and subject to IDA board approval. In the period 2000 to 2005, the IDA disposed of a total of 5.2199 hectares in County Kildare, details of which are set out in the following tabular statement.

It would not be appropriate for me to divulge details of the amounts raised by these sales, as to do so could compromise the IDA's negotiating position and breach client confidentiality.

Details of IDA land in County Kildare sold in each of the years 2000 to 2005.

Year	Location in Co. Kildare	Size of site sold in Hectares
2000	Naas	0.4047
	Newbridge	0.8057
2001	Monasterevin	0.0631
	Newbridge	0.325
2002	Athy	0.7284
	Newbridge	0.8696
2003	—	—
2004	—	—
2005	Newbridge	2.0234

#### Job Creation.

173. **Mr. J. Breen** asked the Minister for Enterprise, Trade and Employment the number of new foreign companies brought by the IDA to Ennis, Scariff, Kilrush and Miltown Malbay in County Clare since 2000; the number of jobs in those companies; the number of jobs originally projected in those companies; and if he will make a statement on the matter. [37055/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Under the Industrial Development Acts, IDA Ireland is the agency

charged with the attraction of foreign direct investment to this country, its regions and its areas, with the exception of the Shannon free zone which is the responsibility of Shannon Development. The latter is also responsible for providing industrial property solutions in the four towns cited in the question to assist IDA in attracting FDI to the region. Since 2000, there has been one start-up and one expansion of IDA assisted companies in County Clare.

In March 2004, it was announced that Monster Cable Products Incorporated of the United States, the world's leading manufacturer of high-performance cables used to connect audio, video and computer systems, would establish a shared services centre in Ennis that would create 50 new high quality jobs over five years. These jobs would be in finance, order administration, technical support, engineering, merchandising services and supply chain management. At present, the company employs seven people.

In September 2004, Organic Lens Manufacturing began a €6.5 million investment for the development of its manufacturing operation in Ennis to create 100 additional jobs, of which all are now on stream.

A central goal for IDA Ireland is the achievement of balanced regional development. IDA Ireland's regional strategy reflects the NSS, with an emphasis on the gateway and hub locations. In Clare, Ennis is designated as a hub location. The attractiveness of Clare, including Ennis, for inward investment has to be seen within a regional context and particularly by reference to Shannon airport and to their location on the Limerick-Galway corridor.

At the end of 2004, there were 917 people in permanent employment in eight IDA supported companies in County Clare, five of which are located in Ennis. Over the last three years employment trends have remained broadly constant in IDA supported companies. Industry sectors such as pharmaceuticals, engineering-consumer products, ICT and health care are well represented in County Clare.

IDA Ireland's sectoral emphasis in the mid-west region is on attracting new knowledge intensive projects in information communications and technology, international services, medical technologies and life sciences.

Between 2001 and 2004, IDA Ireland companies in the mid west committed to research and development projects worth €37 million. IDA Ireland works closely with the local educational infrastructure — the University of Limerick and Limerick Institute of Technology — to foster collaboration between industry and academia with a focus on R&D and emerging new business sectors, such as digital media and eLearning.

### **Economic Competitiveness.**

174. **Dr. Cowley** asked the Minister for Enterprise, Trade and Employment, in view of

the fact that IDA factories in County Mayo are being sold off as car showrooms and that west of Ireland manufacturing companies are being encouraged to move their business as far away as China, his views on whether manufacturing, fishing and agriculture are all in decline in the west; his plans to improve this constantly deteriorating situation in the western region (details supplied); and if he will make a statement on the matter. [37062/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I can comment only on that part of the question relating to my remit. The Government facilitates the creation of an environment attractive to businesses and business creation. Government policies in this regard have helped propel economic growth and employment expansion and these have encouraged deeper and stronger links to both international and enlarging EU markets. Clearly, having an open economy has greatly assisted Ireland's economic development and has benefited the country. However, an open economy also presents threats, in particular where the country no longer operates as a low cost location for investment. Our strengths and competitive advantages have inexorably changed.

High output and productivity together with high returns to labour in the form of wages, salaries and better living standards now typify Ireland's economy. The low technology production that characterised our economic output in the past is being replaced by higher technology and services enterprises. A more attractive cost environment abroad will inevitably entice some firms that are unable to generate the required return from the modern enterprise economy into which we are transforming ourselves. A continuing structural evolution of our economy is both unavoidable and necessary to maintain present levels of growth and low unemployment.

Part of this evolution entails some inevitable plant transfers and other adjustments but, where relocation has occurred to date, it has largely been limited to relatively low technology, labour intensive activities. It is imperative that our companies survive and grow. If high value functions such as research and development, design, marketing and management are retained in Ireland then outsourcing a low value activity, which has no hope of being profitable, is a viable business decision.

That is not say that we can do nothing. In fact, the opposite is true. To counterbalance the competitive threat from lower wage competitor economies, our policy is to encourage a move to higher levels of productivity and value added products and services. We are continuing to develop those infrastructures, both physical and intellectual, to create and maintain an attractive environment for investment and expansion in Ireland. Such investment will be sourced by a combination of developing existing clients and

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new investors in existing or new activities or sectors.

Given the critical mass of foreign direct investment in Ireland and its linkages with indigenous companies, one of the greatest potential contributions will come from developing companies already operating here. The enterprise development agencies have a clear mandate to align their operations around this policy objective and are continuing to encourage companies into more sophisticated activities, reducing the likelihood of our competitive advantage being eroded by cost based competition.

Enterprise Ireland will continue to work and co-operate with all agencies in the region on any initiatives that are deemed appropriate for the area. Enterprise Ireland has approved funding support of over €22.3 million and paid over €16.8 million to companies in the western region in the period 2003 to date. Of this, EI client companies in County Mayo have been approved funding of €2.6 million and received payments of €2.4 million. This financial support will enable the companies to fund their plans for innovation and new product development. As further support to client companies, Enterprise Ireland has arranged for staff from each of its 33 overseas offices to be available both in Galway and Dublin in January 2006 to meet clients who wish to develop their exports.

The campus incubator units at the Galway-Mayo Institute of Technology in both Castlebar and Galway, together with the units at National University Ireland, Galway, received approval for capital grants of €5.45 million from EI, together with grants of €314,000 towards the cost of centre managers. The centres will serve the needs of the west, with companies starting at these centres moving out in time to locate in other areas.

I am advised by IDA Ireland that it has not disposed of any factory buildings that are, or have been, used as car showrooms. IDA owned buildings are normally sold to clients on a freehold basis with a restricted use covenant attached. However, there are instances in County Mayo where IDA clients have, as part of their restructuring, sold their building which then been used as car showrooms, such as the Volex building at Castlebar. This was constructed by Volex itself on a site it acquired from a third party and as such could be disposed of as it wished. The enterprise development agencies are focusing attention on the elements of investment that now best fit Ireland's competitive characteristics and which will provide the maximum positive sustainable benefit to the economy at both a national and regional level.

#### Planning Issues.

175. **Cecilia Keaveney** asked the Minister for Enterprise, Trade and Employment the date on which planning permission was given for the

20,000 square foot factory at Lisfannon, Fahan; the efforts which have been made to market that opportunity; and if he will make a statement on the matter. [37071/05]

176. **Cecilia Keaveney** asked the Minister for Enterprise, Trade and Employment if the State agencies will purchase a premises for job creation in an area of unemployment (details supplied); and if he will make a statement on the matter. [37072/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 175 and 176 together.

I understand from the Industrial Development Authority, IDA, that planning permission was granted on 5 April 2001 for a 20,000 sq. ft. factory at Lisfannon, Fahan, Co Donegal. The planning permission and plans are available to any potential client who wishes to commence construction and to facilitate an early start up of a project.

However, since the planning permission was granted, a local developer approached IDA with plans to build a 12,000 sq. ft. factory and a 10,000 sq. ft. office in Lisfannon. The factory is now complete and the office is nearing completion. Both of these facilities are available for any new project considering the location for investment and are being prioritised by IDA for investment purposes, particularly as the premises are available for early occupation.

I am also advised that IDA Ireland does not intend to proceed with the 20,000 sq. ft. building until progress has been made in respect of the occupation of the facilities currently on the ground in Lisfannon. IDA Ireland has informed the owners of the Clubman factory that the agency will not be purchasing the facility given existing property availability. However, the IDA will include this facility, along with the newly developed office and factory facilities in Buncrana, in its promotional programme for overseas mobile investment.

#### Work Permits.

177. **Mr. Sargent** asked the Minister for Enterprise, Trade and Employment if he will report on the different permits allowing migrants to engage in economic activity issued or intended to be issued by his Department to different categories of workers; what distinguishes the different schemes from each other and what are, or will be, the distinctive rights and entitlements of the various categories of workers with particular regard to employment permits, work permits, spousal work permits and green cards; and if he will make a statement on the matter. [37116/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I refer the Deputy to my Second Stage speech on the Employment Permits Bill 2005 on 12 October when I gave the House

a detailed account of the present and proposed employment permit arrangements. Under the present system a work permit is granted to an employer to recruit a specific employee to fill a specific vacancy where the employer has been unable to find a suitable employee within the European Economic Area.

The working visas-work authorisations scheme introduced in 2000 is designed to facilitate the employment of individuals from outside the EEA who are highly skilled in particular economic sectors where labour shortages exist. Principally, these are health professionals, information computing technology professionals, and construction professionals, such as architects, engineers and town planners. In these instances the would-be employee is granted the authorisation or visa at an Irish Embassy or Consulate abroad on the basis of a job offer in these sectors by an employer in Ireland. Spouses of work permit holders require a work permit in order to enter the labour market, whereas employers of spouses of authorisation or visa holders are granted permits without having to undertake a labour market test. All of the above information is available on my Department's website at [www.entemp.ie](http://www.entemp.ie).

An intracompany transfer facility is available on a case-by-case basis, without an economic needs test, for international companies located here to enable them to transfer senior managers or exceptionally skilled staff to Ireland for a fixed duration. When enacted, the Employment Permits Bill 2005 will put the existing administrative arrangements on a sound legislative footing. It will also facilitate the issue of employment permits of extended or indefinite duration and provide additional protections for migrant workers.

The new arrangements being introduced as part of an active managed economic migration policy comprise a green card for occupations where there are skills shortages, which will be for a restricted list of occupations in the annual salary range from €30,000 to €60,000 and for a more extensive list of occupations in the annual salary range above €60,000. Green cards will be issued for two years initially, with the possibility of permanent or long-term residence after that. For other sectors, work permits will only be granted where it can be demonstrated following a rigorous labour market test that suitable employees are not available within the EEA. Third, a re-established intracompany transfer scheme for temporary transnational management transfers.

A key feature of the Bill is the provision of a number of new important protections for migrant workers. These include the granting of both the employment permit, whether the work permit or the green card, to the employee rather than the employer. The new employment permit will also contain a statement of the rights and entitlements of the migrant worker. In addition, the Bill prohibits employers from deducting expenses associ-

ated with recruitment from remuneration and from retaining personal documents belonging to the employee.

### Greenhouse Gas Emissions.

178. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the target that Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions for the industry, commercial and services sector; the reduction achieved in the sector to date in 2005; the target for reduction in greenhouse gases attributable to the industry, commercial and services sector for each year between now and 2012; the estimated annual cost to Ireland if greenhouse gas emissions from this sector remain at their current level; the steps he is taking to ensure the target is achieved; and if he will make a statement on the matter. [37156/05]

179. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the target that Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions for the industry, commercial and services sector due to up to £75 tonne CO<sub>2</sub> efficiency measures by 2012; the reduction achieved by these measures in the sector to date in 2005; the target for reduction in greenhouse gases due to up to £75 tonne CO<sub>2</sub> efficiency measures for each year between now and 2012; the steps he is taking to ensure the 2012 target is achieved; and if he will make a statement on the matter. [37159/05]

180. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the target that Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions for the industry, commercial and services sector due to process substitution for cement by 2012; the reduction achieved by these measures in the sector to date in 2005; the target for reduction in greenhouse gases due to process substitution for cement for each year between now and 2012; the steps he is taking to ensure the 2012 target is achieved; and if he will make a statement on the matter. [37160/05]

181. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the target that Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions for the industry, commercial and services sector due to measures relating to industrial gases such as PFCs, HFCs and SF<sub>6</sub> by 2012; the reduction achieved by these measures in the sector to date in 2005; the target for reduction in greenhouse gases due to process substitution for cement for each year between now and 2012; the steps he is taking to ensure the 2012 target is achieved; and if he will make a statement on the matter. [37161/05]

182. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the progress that has been made to date in 2005 in respect of the planned agreement regarding the reduction of greenhouse gases under the national climate change strategy between his Department, the Department of the Environment, Heritage and Local Government and the cement industry to ensure that the reductions in emissions achieved are at the global benchmark for industry best practice; and if he will make a statement on the matter. [37163/05]

183. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the progress that has been made to date in 2005 in respect of the planned agreement regarding the reduction of greenhouse gases under the national climate change strategy between his Department, the Department of Agriculture and Food and the fertiliser manufacturing sector to ensure that the reductions in emissions achieved are at the global benchmark for industry best practice; and if he will make a statement on the matter. [37164/05]

184. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the progress that has been made to date in 2005 in respect of the planned agreement regarding the reduction of greenhouse gases under the national climate change strategy between his Department and the semi-conductor industry to control the emissions of PFCs and other industrial gases (details supplied); and if he will make a statement on the matter. [37165/05]

185. **Mr. Gilmore** asked the Minister for Enterprise, Trade and Employment the details of an agreement that has been negotiated under the national climate change strategy as between his Department and the relevant industry sectors in respect of HFC use; the target date set by such agreements for the elimination of the use of HFCs; the progress which has been made to date in 2005 to eliminate HFC use; the steps he intends to take between now and the target date set to ensure the elimination of the use of HFCs; the percentage reduction in HFC use he expects to achieve by 2008; and if he will make a statement on the matter. [37166/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I propose to take Questions Nos. 178 to 185, inclusive, together.

The national climate change strategy, NCCS, published in 2000, sets out Ireland's approach to meeting its target for the purposes of the Kyoto Protocol, which is to limit growth in greenhouse gas emissions to 13% above 1990 levels in the 2008-12 commitment period. In respect of the industry, commercial and services sector, the NCCS stated that total emissions in 1990 were 9.65 metric tonnes of CO<sub>2</sub> and were projected to

rise to 15 metric tonnes of CO<sub>2</sub> by 2010. The NCCS set a target of a reduction of 2.175 metric tonnes of CO<sub>2</sub> equivalent per annum on projected emissions in that sector for the period 2008-12.

The most up to date figures available on emissions are those in the National Inventory Report 2005, prepared by the EPA, which provides data up to 2003. That shows that, in 2003, emissions of CO<sub>2</sub> from the industrial, commercial and services sector amounted to 11.180 metric tonnes of CO<sub>2</sub>. The target in the NCCS relates to the average for the Kyoto Protocol period and is not defined on an annual basis.

There have been a number of policy developments since the publication of the NCCS in 2000, the most significant of which is the establishment of the EU emissions trading scheme, EU ETS. Over 80% of Irish industry CO<sub>2</sub> emissions come within the scope of the EU ETS. A market based mechanism, works on a cap and trade basis. It is a very important instrument in achieving our Kyoto Protocol targets in the industry sector because it requires the Government to set an overall cap on CO<sub>2</sub> emissions for industry participants in the trading sector.

In terms of the cost to Ireland if greenhouse gas emissions remain at their current level, it is for individual installations to ensure compliance with the scheme and they may do so in the most cost effective manner available to them. If emission reductions cannot be achieved through their own action, installations may meet their individual targets through emissions trading, which permits access to least cost emissions reduction opportunities throughout the EU and internationally. The cost of the actions taken is a matter for participating installations.

The target set in the NCCS for emission reductions due to process substitution for cement is 0.5 metric tonnes of CO<sub>2</sub> per annum over the period 2008-12. However, since the publication of the NCCS in 2000, the EU ETS has been developed and it commenced operation on 1 January of this year. The cement sector comes within the scope of the EU ETS and each individual installation has been given a cap on its emissions, which includes process emissions. As stated above, it is for individual installations to ensure compliance with the scheme and they may do so in the most cost effective manner available to them, including process substitution. The cement sector is currently engaged with the Department of the Environment, Heritage and Local Government on possible measures to facilitate the more widespread use of lower clinker content cement in the Irish market.

Regarding emission reductions from up to £75 tonne CO<sub>2</sub> efficiency measures, the target set in the NCCS is 0.25 metric tonnes of CO<sub>2</sub> per annum in the period 2008-12. At this stage, disaggregated figures are not available. Therefore, it is not possible to identify reductions attributable to such measures. Regarding industrial gases, such as

HFCs, PFCs and SF<sub>6</sub>, the target set in the NCCS for emission reductions is 0.5 metric tonnes of CO<sub>2</sub> equivalent per annum over the period 2008-12. The EPA is currently undertaking an updated inventory study on industrial gases and its results are expected shortly. As noted in the 2005 national inventory report prepared by the EPA, the compilation of emissions estimates for industrial gases present major new challenges for inventory agencies because they emanate from diverse sources that are entirely different to those traditionally covered by atmospheric emissions inventories and the uses of many of the substances concerned are changing very rapidly in the marketplace.

The 2005 national inventory report shows that, in 2003, the latest year for which figures were available, emissions from industrial gases accounted for less than 1% of total greenhouse gas emissions in Ireland. It also shows that emissions of industrial gases from the semi-conductor sector were approximately 20% lower in 2003 than in 2000. There are two major companies involved in semi-conductor manufacture in Ireland that utilise industrial gases in their processes. Information on the use and losses of these compounds are reported by the individual companies in their annual environmental reports to the EPA. The Irish semi-conductor manufacture sector is party to a voluntary agreement to reduce global warming gas emissions to 10% below 1995 levels by 2010.

Regarding HFCs, the European Commission put forward a proposal in 2003 to regulate emissions of fluoridated gases, including HFCs. The proposal is divided into a directive dealing with HFCs in vehicle air conditioning and a regulation dealing with containment, use, recovery and destruction of fluoridated greenhouse gases and the placing on the market, labelling and disposal of products and equipment containing those gases. Foam blowing, which is specifically mentioned in the NCCS, comes within the scope of the proposed regulation. The regulation, when adopted, will facilitate the achievement of our reduction targets. Concerning the proposed agreement on the reduction of greenhouse gases from the fertiliser manufacturing sector proposed in the NCCS, the position is that the only fertiliser manufacturing plants in the country, Irish Fertiliser Industries, closed in June 2002.

I believe that good progress is being made towards achieving the NCCS target for the industrial, commercial and services sector. In fact, the third national review of Ireland under the United Nations Framework Convention on Climate Change states that there has been a notable degree of decoupling between GDP and greenhouse gas emissions. None the less, my Department is very conscious of the significant challenges involved in meeting our Kyoto Protocol targets and my officials are continuing to work with industry and with the Department of the

Environment, Heritage and Local Government to ensure that our commitments will be met and as cost effectively as possible.

As indicated earlier, 80% of industry emissions come within the scope of the EU ET, and my Department is currently engaged with the Department of the Environment, Heritage and Local Government and other Departments on the preparation of Ireland's national allocation plan for the period 2008-12. My Department is also engaged with the Department of the Environment, Heritage and Local Government on the review of the national climate change strategy. I understand that a review document will be published shortly, which will assess progress in implementing the strategy, assess emission trends across each sector and propose additional measures for Ireland to cost effectively meet its target for the purposes of the Kyoto Protocol.

#### **Job Losses.**

186. **Mr. Perry** asked the Minister for Enterprise, Trade and Employment the position regarding the recent announcement of a company (details supplied) in County Sligo in relation to the future closure of their plant where an employee has been offered employment elsewhere if they will be entitled to their redundancy package; and if he will make a statement on the matter. [37306/05]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The company in question has announced that it intends to close its Sligo operation by the end of 2006. I understand that the company has commenced a staff consultation process and the outcome of this process will be a phased transfer of the operation outside of Ireland in 2006. The company expects to make all 120 employees in Sligo redundant.

I understand that it is the company's intention to enter into consultations, in accordance with the Protection of Employment Act 1977, with the employee council who will represent employee interests in relation to the proposed redundancies and the company is proposing that the consultation period lasts for an extended timeframe of 60 days. These consultations will include detailed discussions as to the redundancy terms available and the proposed timeframe. Following this process, the company proposes fulfilling all its contractual and statutory notice requirements and is planning to provide redundancy terms over and above the statutory requirements to all employees who are made redundant. The consultation process will be completed before notice of termination of employment is given to any employee.

With regard to an employee who has been offered employment elsewhere, the position in relation to statutory redundancy is as follows: (a) if the employee is transferred to a subsidiary or sister company of his-her present company within



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this jurisdiction, then he/she would not be entitled to statutory redundancy at this point in time but would carry his/her service with him/her from the old company to the new one and if he/she were subsequently made redundant, then all his/her service from the time he/she commenced employment with the old company would be reckonable for the calculation of his/her statutory redundancy payment; (b) if the employee is offered employment abroad with his/her present company and is subsequently made redundant abroad, then the redundancy scheme of that country would apply. In both of the above circumstances, if the location of the new job or the wages are unacceptable to the employee he/she is entitled to statutory redundancy. Disputes in this regard are resolved by the Employment Appeals Tribunal; and (c) if, on the other hand, the offer of employment within this jurisdiction and the new employment has no legal relationship to the company concerned, then the employee would be entitled to receive redundancy terms from the company concerned and he/she would start afresh with the new company.

#### Social Welfare Benefits.

187. **Mr. Timmins** asked the Minister for Social and Family Affairs the position in relation to persons who collect their social welfare payments from the post office if there is a strike in An Post; his plans for the delivery of same; and if he will make a statement on the matter. [37045/05]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department has developed a range of contingency plans to address interruption in payments through the postal or post office counter services. These plans are kept under review to ensure that they offer the best response to any disruption to payments.

Among the approaches available to my Department is the option of changing the payment method used by the customer, changing the location where customers receive their payments or using my Department's nationwide network of offices to distribute payments.

My Department has arrangements with An Post for the delivery of social welfare payments. Where a disruption of the payment service takes place it is the responsibility of An Post to ensure that customers receive their payment. In these circumstances my Department maintains ongoing contact and communication with An Post management to ensure that any disruption of services has minimal impact on our customers. In the past, where a number of post offices have closed, arrangements were made to transfer payments to nearby post offices which continued to operate.

In situations where the postal services were disrupted arrangements were made to distribute cheques through the local and branch office network of my Department. This arrangement was

most recently used when during a two week dispute in March 2004 affecting postal services in the Dublin area, when my Department's existing resources and services were used to implement a contingency plan by using social welfare local and branch offices as cheque collection centres.

188. **Dr. Cowley** asked the Minister for Social and Family Affairs if his Department will increase the fuel allowance rates as they are not sufficient and are becoming less so in view of the ever increasing fuel prices; and if he will make a statement on the matter. [37057/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Fuel allowances are a supplementary entitlement payable over the winter heating season to eligible people in receipt of pensions and other qualifying social welfare schemes. Some 274,000 people receive this allowance, at an aggregate cost of €85.4 million this year. Fuel allowances are incorporated in the recipient's weekly payment and are not intended to meet heating costs in full. The Government's objective is to ensure that the recipient's total weekly income, including the fuel allowance, is sufficient to meet all of their income needs, including heating costs.

The Government has concentrated budget resources on providing significant real increases over and above inflation each year in all primary social welfare pension, benefit and assistance rates. This is a more costly approach than increasing fuel allowances because the increase is paid for the full year and not just for the 29 weeks of winter heating season. This approach delivers a better outcome for pensioners and others by substantially increasing their income in real terms over the whole year, to better assist them in meeting their normal basic living costs, including heating.

For example, inflation including fuel price inflation has amounted to 12.8% since January 2002 when the value of fuel allowance was last increased. Total weekly social welfare rates incorporating fuel allowance have increased by between 33% and 37% in that period. Other related schemes, particularly the household benefits of electricity and gas allowances payable all year round, are also available to assist with heating costs.

Increases in the rate or duration of the fuel allowance would have significant cost implications. For example, increasing the fuel allowance by €1 per week would cost €8 million per annum. Increasing the duration of the fuel allowance by one week would cost just under €3 million per annum.

I am keeping the adequacy of the fuel allowance scheme under close review. Given these significant potential extra scheme costs, any increase in fuel allowance rates or duration are matters to

be considered in the context of the forthcoming budget.

### Social Welfare Appeals.

189. **Mr. Ring** asked the Minister for Social and Family Affairs the outcome of an appeal for the disability allowance for a person (details supplied) in County Mayo. [37093/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The person's claim for disability allowance was disallowed by a deciding officer on the grounds that they did not satisfy the statutory condition that a person must be habitually resident in this State. The person appealed this decision to the social welfare appeals office and an oral hearing was held on 8 November 2005. Having considered all the available evidence, including that adduced at the oral hearing, the appeals officer determined that the person did not satisfy the conditions as to habitual residence for receipt of disability allowance and disallowed his appeal. The person was notified of the decision of the appeals officer on 23 November 2005. Under social welfare legislation decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

### Social Welfare Benefits.

190. **Mr. F. McGrath** asked the Minister for Social and Family Affairs the practical schemes to assist people with disabilities living in poverty and hardship. [37105/05]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department operates a number of schemes which provide income support for people with disability or illness: disability benefit which is a payment made to insured people who are unable to work due to illness; invalidity pension which is paid to people who are permanently incapable of work because of illness or incapacity and who satisfy contribution conditions; disability allowance, a means-tested payment, which is paid to people with a disability who are substantially handicapped in undertaking work which would otherwise be suitable for a person of their age, experience and qualifications; blind pension, also a means-tested payment, payable to persons who are blind or with low vision; and a number of payments under the occupational injuries scheme for people who are unable to work due to an accident at work or a disease contracted due to the type of work undertaken. These payments include injury benefit, disablement benefit, medical care and unemployability supplement.

In addition to these primary payments, extra benefits may also be payable, depending on a person's circumstances and these include the free travel pass; fuel allowance; household benefits

package; assistance under the supplementary welfare scheme and medical card, from the Health Service Executive.

Facilitating return to work or participation in the active labour force is one of the main objectives of the social welfare system. There are a number of specific employment and training incentives available within the system to encourage and facilitate people with illness and disability to take up available work or training options. These include exemptions from the general "no work" conditions of the disability benefit and invalidity pension schemes to facilitate people to undertake employment of a rehabilitative nature and income disregards on the means-tested payments.

Access to the back to work allowance scheme, designed to assist people to return to employment, is also available, subject to certain conditions, to people in receipt of disability benefit, invalidity pension, disability allowance, blind pension and unemployability supplement. This is a weekly payment which allows people to take up approved employment while retaining a percentage of their social welfare payment for three years, four years in the case of self-employment, and to retain any secondary benefits to which they have been entitled for that period.

Access to the back to education scheme, subject to qualifying conditions, is similarly available for people in receipt of the aforementioned schemes. This is an allowance paid at a standard rate, for the duration of the educational course which the person undertakes, at either second or third level. Any secondary benefits to which the person had entitlement are also retained for the duration of the payment. In addition, an annual cost of education allowance is payable at the commencement of each academic year to assist with the purchase of books and other relevant materials. It is clear that the barriers faced by people with disabilities and indeed other groups who are vulnerable to poverty and social exclusion are multifaceted and require a multi-agency response. The National Action Plan against Poverty and Social Exclusion 2003-2005, sets out the framework for the Government's response to these problems. The current plan sets out the range of policies and programmes, such as income and employment supports, health and education, which are being undertaken by relevant Departments aimed at reducing or eliminating poverty and social exclusion.

The national action plan specifically targets people with disabilities as one of a number of groups who are particularly vulnerable to poverty and social exclusion, the overall aim being to increase their participation in work and society generally and to assist them and their families to lead full and independent lives. The plan details specific targets and actions which include: rehabilitative training provision and skills development; increased participation in third

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level education; specific employment supports for people with disabilities and employers; access to health care; and care of people with disabilities.

The office for social inclusion, OSI, which is based in my Department, has overall responsibility for developing, co-ordinating and driving the national action plan. Consultation seminars are currently being held around the country on the development of the new national action plan, 2006-2008, offering an opportunity to obtain views and feedback at regional level specifically on the priorities set for each region.

This Government remains committed to continuing efforts to alleviate poverty, especially for those who have not been in a position to benefit from the employment opportunities afforded by higher economic growth.

During the period 2001 to 2005, there were substantial real increases in social welfare rates, with the lowest rates increasing by 40% while the consumer price index increased by just over 13%. As a result of budget 2005, social welfare payments have increased by three times the expected rate of inflation. It is Government policy to increase the rates of social welfare payments over the period to 2007 and this commitment will be delivered. This will benefit all social welfare recipients, including those in receipt of disability payments.

191. **Mr. Wall** asked the Minister for Social and Family Affairs the funding a person in need of clothing can obtain under the clothing allowance scheme as operated by the CWO on behalf of his Department; his plans to increase the allowance; if he will publish the guidelines attached to obtaining the allowance; and if he will make a statement on the matter. [37120/05]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department has no specific clothing assistance scheme for adults, though there is a back-to-school clothing and footwear allowance scheme administered on my behalf by the community welfare division of the Health Service Executive, HSE, in respect of school-going children. In general, people are expected to meet normal clothing and footwear requirements as they arise from their household income.

The supplementary welfare allowance scheme, which is also administered by the HSE, provides for an exceptional needs payment to be made to assist with essential, once-off costs which the applicant is unable to meet from his-her own resources. There is no automatic entitlement to this payment. Each application is determined by the executive based on the particular circumstances of the case.

#### Tax and Social Welfare Codes.

192. **Mr. O'Connor** asked the Minister for Social and Family Affairs the changes that have

been approved in respect of PRSI contributions which will affect job share and part-time workers; and if he will make a statement on the matter. [37242/05]

**Minister for Social and Family Affairs (Mr. Brennan):** There have been no recent changes to PRSI which could impact of work-sharing and part-time workers. The most significant changes benefiting these workers were implemented in 1991 when part-time workers were brought into full social insurance coverage subject to a minimum earnings threshold. In 1997, changes were made to the home-maker's scheme to allow for the award of credited contributions where a person who is job-sharing and the week off coincides with the PRSI "contribution week". These credits maintain entitlement to old age contributory pension. The contribution requirements for unemployment, disability and maternity benefit were relaxed in 2001, providing an alternative test to the usual requirement, that is, 39 contributions paid or credited in the relevant tax year. The alternative test requires 26 contributions paid in both the relevant tax year and 26 paid in the previous year also. This easing of the contribution requirements benefited all those work-sharing, working part-time, seasonally or intermittently. The Deputy may be referring to the impact on the liability for and award of PRSI contributions for job-sharers in particular years when the workers pattern of work is aligned with the PRSI "contribution week", that is, each successive seven day period beginning on the first day of the year, as defined in social welfare legislation. This alignment will affect the number of PRSI contributions amassed in any contribution year and may in turn affect entitlement to social welfare benefits. Starting in 2005 and for three years to 2007, the contribution week is aligned to the working week. When this occurs, a person who is job-sharing may accumulate fewer PRSI contributions. Work-sharers who work a split week, for example, Wednesday to Tuesday, can similarly be affected during the years when the contributions year commences on a Wednesday. Depending on the exact work pattern, work-sharers may work 26, 39 or 52 weeks in a year. However, additional contributions may be due on the basis of entitlement to public holiday pay as provided for under the Organisation of Working Time Act 1997.

193. **Mr. Bruton** asked the Minister for Social and Family Affairs if provision has been made in Estimates 2006 for change in the maximum rent payment which can be considered for supplement for households of different sizes. [37297/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Rent supplements are subject to a limit on the amount of rent that an applicant for rent supplement may incur. The limits vary according to geographic location and household size.

My Department completed a review of the rent limits earlier this year in order to determine if the existing maximum rent limits required any adjustments in the light of the market situation in the sector. Following this review, I introduced regulations on 26 July 2005 specifying new maximum rent limits to be applied to the scheme for the period from then to 31 December 2006. These regulations provided for moderate increases in certain rent limits, with no change in others. No rent limit was reduced. Setting maximum rent limits higher than are justified by the open market would have a distorting effect on the rental market, leading to a more general rise in rent levels and in landlord income. This in turn would worsen the affordability of rental accommodation, with particular negative impact for those tenants on lower incomes. The 2006 Abridged Estimates for my Department are based on a continuation of the current statutory position, and contain no provision for further changes in the rent supplement rent limits.

#### Social Welfare Benefits.

194. **Mr. Perry** asked the Minister for Social and Family Affairs the reason elderly persons who are not living alone are not entitled to the fuel allowance of €9 or €12 as the carers who are looking after elderly parents; the reason the Government are discriminating against a small minority of the elderly by refusing them the fuel allowance due to the fact that they do not meet the criteria, for example living alone and so on; and if he will make a statement on the matter. [37310/05]

**Minister for Social and Family Affairs (Mr. Brennan):** The aim of the national fuel scheme is to assist householders on long-term social welfare or health board payments towards the cost of their additional heating needs during the winter season. Fuel allowances are paid for 29 weeks from end-September to mid-April and are not intended to meet the full cost of heating. Some 274,000, 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. The main conditions that applies to the scheme are that a person must be in receipt of a qualifying payment, satisfy a means test and must either be living alone or only with: a dependent spouse or partner; a dependent child; a person who gives full-time care and attention where the applicant requires constant care and attention; a person who is in receipt of a qualifying payment from the Department; a person in receipt of a short-term unemployment assistance payment; a person in receipt of a carer's allowance. The purpose of the household composition and means test rules for fuel allowance scheme qualifying purposes is to ascertain the ability of applicant households to meet their normal heating requirements out of their own resources and to ensure

the maximum amount of support is targeted at those most in need of the fuel allowance support. The scheme is not intended for households that include a person in full-time employment.

If an elderly person in the situation outlined by the Deputy is not eligible for a fuel allowance on these grounds, but has an exceptional heating cost by virtue of a particular infirmity or medical condition which he-she is unable to meet out of household income, it is open to him-her to apply to the local community welfare officer for a special heating supplement under the supplementary welfare allowance scheme.

#### Tax and Social Welfare Code.

195. **Dr. Cowley** asked the Minister for Social and Family Affairs his plans to recognise the role of farm spouses by permitting spouse 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. [34118/05]

**Minister for Social and Family Affairs (Mr. Brennan):** Spouses of an employed or self-employed contributor are specifically exempted from social insurance contributions. 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, i.e., 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 and are thus liable to social insurance contributions. These contributions — made under PRSI class S — enable them to build up an insurance record in their own right and to receive accruing benefits. 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 is 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

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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: 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 FISIM 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. There are currently no plans to change the existing provisions.

#### **Rural Transport Services.**

196. **Mr. Durkan** asked the Minister for Transport the extent to which he can facilitate travel facilities for the elderly in rural communities; and if he will make a statement on the matter. [37228/05]

198. **Mr. J. Breen** asked the Minister for Transport if funding will be provided in the 2006 rural transport initiative to provide transport from west Clare; and if he will make a statement on the matter. [37037/05]

**Minister for Transport (Mr. Cullen):** I propose to take Questions Nos. 198 and 196 together.

The provision of transport services for older people in rural areas is a core feature of the rural transport initiative, RTI, which has been operated by my Department on a pilot basis since 2002. All 34 RTI pilot projects throughout the country provide transport services for older people as part of their public transport remit. Indeed, the RTI arose as a response to the needs of specific categories of people in rural Ireland, such as older people, who did not have access to transport.

Area Development Management Limited, ADM, administers the initiative on behalf of my Department and makes specific allocations to individual project groups from funding provided by my Department. Neither I nor my Department has any role in the specific allocations. Similarly, ADM together with the individual RTI project groups are solely responsible for all the operational aspects of the initiative, including the specific services to be provided. Neither I nor my Department has any role in these matters.

Earlier this year I announced the extension of the pilot phase of the initiative to the end of 2006. In this regard, I was taking account of the principal recommendation of the appraisal of the RTI, carried out in 2004. I also announced that from 2007 onwards I intend to put the scheme on a permanent footing.

I will be providing some €5 million for the initiative in 2006 and I have already announced that, in parallel with the implementation of Transport 21, I will double the cash funding available to the scheme by 2007. Thereafter, I will steadily increase the funding available for rural transport services; ultimately to a cash level about four times what it is this year.

#### **Parking Regulations.**

197. **Dr. Cowley** asked the Minister for Transport when all disabled parking bays in County Mayo and nationwide will be painted blue as directed; and if he will make a statement on the matter. [37031/05]

**Minister for Transport (Mr. Cullen):** The design and specifications for disabled persons' parking bays are prescribed in the Road Traffic (Signs) Regulations 1997 — SI 181 of 1997. The regulations provide that a roadway marking consisting of the symbol of a wheelchair user be provided in a disabled person's parking bay and that the symbol and bay markings are white. There are no requirements set down on the colour of the road surface in such bays.

My Department is currently engaged in a consultation process with groups representing the interests of disabled persons who are engaged in the issue of the disabled person's parking permits, the Garda, local authorities and the Department of the Environment, Heritage and Local Government on the regulatory provisions made under the Road Traffic Acts that relate to the operation of disabled person's parking permits and the use of disabled persons' parking bays. The issue of the future designation of disabled persons' parking bays is being considered in the context of that process.

*Question No. 198 answered with Question No. 196.*

### State Airports.

199. **Mr. Connaughton** asked the Minister for Transport if he will instigate a full economic impact study on the western region as a result of the new changed circumstances at Shannon Airport; if his attention has been drawn to the despondency and anger that is shown by community leaders in the mid-west area; and if he will make a statement on the matter. [37038/05]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my answer to a priority question dealing with Ireland-US aviation relations on 24 November 2005, and to subsequent answers to similar questions.

The conclusion that open skies will be good for Irish tourism, aviation, business links and the economy generally is clear, therefore I do not intend to delay those benefits further by commissioning another study on the impact of open skies.

The transitional arrangement for Shannon has now been finalised, and the period of time for Shannon to prepare is now known. It is now a matter for the management and staff of Shannon Airport to use that transitional period in the best way possible, and to look forwards and grasp the undoubted opportunities that open skies offers.

It has been known for many years that open skies between the EU and US was inevitable. The European Commission received its mandate and began negotiations on an open skies deal over two years ago, and that deal, now recently finalised, will enter into force next November, following approval by EU Transport Ministers at a forthcoming Transport Council. In addition to all of that time, I have negotiated a further transitional period of one and a half years starting from next November, extending Shannon stop arrangements until April 2008. All of this extra time will allow Shannon to plan the move to open skies in an orderly way.

I do not accept that there are any grounds for despondency or anger in the Shannon region. What the transitional arrangement does is give the airport extra time to prepare. It does not bring the Shannon stop to a premature end — in fact, it is exactly the opposite. No doubt that the Deputy will share my view that the qualities and abilities of the management and staff of Shannon Airport, and of the local businessmen and community leaders in the Shannon region, means that they are well positioned to exploit all of the opportunities that an independent airport can take from open skies.

### Road Safety.

200. **Dr. Cowley** asked the Minister for Transport, in view of the high number of road traffic accidents, his views on whether a greater than recognised number of road traffic accidents are

due to road conditions; the steps he is taking to ensure that public safety is protected through proper observance of recommendations that already exist and may not be complied with or may not be enforced; and if he will make a statement on the matter. [37039/05]

**Minister for Transport (Mr. Cullen):** The latest available analysis from the National Roads Authority, NRA, of the factors contributing to fatal and injury accidents, as published in Road Collision Facts — Ireland 2003, indicates that behaviour of drivers, at 86%, and pedestrians, at 10%, are the key contributory factors, whereas road factors were identified as contributory factors in only 2.8% of fatal and serious injury collisions. The corresponding figures for 1998 were 79% for driver behaviour, 12% for pedestrians and 5% for road conditions.

Despite the fact that the level of injuries and fatalities that can be directly attributed to road-related issues is relatively small and decreasing, it is still vitally important that any risk posed by the road is minimised. In recognition of this the NRA funds an extensive programme of engineering works with the aim of improving road safety and dealing with accident black spots on national roads.

The NRA has an extensive high risk accident black spot remedial programme that aims to reduce the number and severity of accidents occurring on the existing network of national roads. An average of 80 such locations are treated each year. In addition the NRA has introduced a new initiative this year, the high cost remedial measures programme, where more expensive works are required to solve the accident problems at particular locations. A total of 12 sites have been targeted this year, at a cost of nearly €2 million.

Furthermore, the major investment in the upgrade of the national roads network, in excess of €18 billion over the lifetime of Transport 21, is also delivering a major road safety dividend. New roads, constructed to best practice standards, help to reduce road accidents and fatalities.

The safe management of road improvement works is a matter for the road authorities involved and their contractors. I understand that requirements and standards on pavement improvement works and resurfacing and the signage of such works are set out in the NRA Specification for Road Works and two circular letters issued by the NRA in March and May 2002. I understand that the NRA has since consolidated and re-issued these circulars supplementing, where appropriate, the previous guidance.

The timely completion of road improvement works in accordance with these requirements is a matter for the local authority concerned and, as part of its overall supervision of the national roads programme, the NRA.

### Greenhouse Gas Emissions.

201. **Mr. Gilmore** asked the Minister for Transport the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions in the transport sector by 2010; the reduction achieved in the sector to date in 2005; the target for reduction in greenhouse gases attributable to the transport sector for each year between now and 2010; the estimated annual cost to Ireland if greenhouse gas emissions from the transport sector remain at their current level; the steps he is taking to ensure the 2010 target is achieved; and if he will make a statement on the matter. [37180/05]

202. **Mr. Gilmore** asked the Minister for Transport the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions in the transport sector by means of vehicle efficiency improvements by 2010; the reduction achieved by these measures to date in 2005; the target for reduction in greenhouse gases by these means for each year between now and 2010; the steps he is taking to ensure the 2010 target is achieved; and if he will make a statement on the matter. [37181/05]

203. **Mr. Gilmore** asked the Minister for Transport the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions in the transport sector by the use of fuel measures by 2010; the reduction achieved by these measures to date in 2005; the target for reduction in greenhouse gases by these measures for each year between now and 2010; the steps he is taking to ensure the 2010 target is achieved; and if he will make a statement on the matter. [37182/05]

204. **Mr. Gilmore** asked the Minister for Transport the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions in the transport sector by the use of public transport measures by 2010; the reduction achieved by these measures to date in 2005; the target for reduction in greenhouse gases attributable to the public transport sector for each year between now and 2010; the steps he is taking to ensure the 2010 target is achieved; and if he will make a statement on the matter. [37184/05]

205. **Mr. Gilmore** asked the Minister for Transport the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions in the transport sector by traffic management measures by 2010; the reduction achieved by these measures to date in 2005; the target for reduction in greenhouse gases attributable to traffic management measures for each year between now and 2010; the steps he is

taking to ensure the 2010 target is achieved; and if he will make a statement on the matter. [37185/05]

206. **Mr. Gilmore** asked the Minister for Transport the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions from the freight sector by 2010; the reduction achieved by these measures to date in 2005; the target for reduction in greenhouse gases from the freight sector for each year between now and 2010; the steps he is taking to ensure the 2010 target is achieved; and if he will make a statement on the matter. [37186/05]

207. **Mr. Gilmore** asked the Minister for Transport the overall target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions from the new car fleet by 2012; the total reduction achieved by these measures to date in 2005; the target for reduction in greenhouse gases from the new car fleet for each year between now and 2012; the steps he is taking to ensure the 2012 target is achieved; and if he will make a statement on the matter. [37187/05]

208. **Mr. Gilmore** asked the Minister for Transport if the target estimates for the transport sector under the national climate change strategy have been adjusted according to the CO<sub>2</sub> savings made to date in 2005, as was specified would be the case under the strategy; the adjustments which have been made to date in 2005; the resultant new targets; and if he will make a statement on the matter. [37188/05]

**Minister for Transport (Mr. Cullen):** I propose to answer Questions Nos. 201 to 208, inclusive, together.

The national climate change strategy, NCCS, published by the then Department of the Environment and Local Government in 2000, sets out Ireland's approach to meeting its Kyoto Protocol target, which is to limit growth in national greenhouse gas, GHG, emissions to an average of 13% above 1990 levels in the 2008-12 period. The NCCS identifies a range of policies and measures to control the growth of national GHGs across various sectors, including transport. The Department of the Environment, Heritage and Local Government, DEHLG, has overall responsibility for the implementation of the NCCS and in this context one of their functions is to ensure that CO<sub>2</sub> savings are monitored and estimates adjusted accordingly.

Addressing national GHG emissions requires action to be taken across the economy in a cost efficient and equitable manner. A cross-departmental approach is therefore essential to addressing emission reductions, particularly in view of

the fact that a number of the policies in the NCCS aimed at tackling one particular sector's emissions are implemented by more than one Department or agency.

According to the latest national inventory data compiled by the Environmental Protection Agency — 2003 — the transport sector is the fastest growing contributor to national GHG emissions. Accounting for 17.7% of the national total, transport is the third largest contributor to national emissions, after agriculture's 28.9% and energy's 24.5%. However, the data show that the transport emission growth rate has slowed from +8.4% in the period 2000 to 2001, to +1.3% in 2001 to 2002 and +1% in 2002 to 2003. It should be noted that Kyoto Protocol reporting requires emissions from the transport sector to be based on fuel sales in the State, rather than on fuel consumption; it is estimated that cross-Border fuel trade increases Ireland's reportable CO<sub>2</sub> emissions from the transport sector by up to 18%.

In addition to the sectoral policies and measures set out in the NCCS, Ireland's Kyoto target will also be achieved through emission reductions by installations participating in the EU emissions trading scheme, which excludes transport, and through the purchase by Government of carbon credits to address any shortfall. The ultimate financial cost to the Exchequer in this regard will depend on the final purchasing requirement and the prevailing price of carbon. The cost-effectiveness of potential measures in the non-trading part of the economy varies from sector to sector. It therefore makes sense to consider the costs of addressing emissions from the non-trading area as a whole rather than on a sectoral basis, thereby ensuring that the cost to the economy as a whole of compliance with our Kyoto commitments is minimised.

Transport's contribution to national emissions must be considered in the context of its pivotal role in supporting economic prosperity, regional development and social inclusion. Increasing transport emissions are driven by strong transport demand associated with our sustained economic growth. In the context of strong population and household growth, high employment rates and increased passenger and freight movements, reducing or slowing the growth of transport emissions represents a considerable challenge. In recognition of this challenge, my Department identifies sustainability as a key objective in the Statement of Strategy 2005-2007, and is seeking to incorporate the economic, social and environmental dimensions of sustainability into the development and delivery of transport policy. Additional resources have been devoted to this area in my Department, including the appointment of an environmental economist in April 2005.

The Deputy has inquired about the GHG reductions associated with various measures

under the NCCS transport chapter. The document Determining the Share of National Greenhouse Gas Emissions for Emissions Trading in Ireland, prepared by ICF-Byrne Ó Cléirigh consultants, which was published in early 2004, sets out Ireland's progress to date in the achievement of our national Kyoto target, including a sectoral analysis. A copy is available on DEHLG's website. The DEHLG has commissioned further work from the consultants on the updating of emission projections and I understand that this work is due to be completed shortly.

Table 1, which follows, provides a summary of the NCCS targets for transport emission reductions and the estimates in the 2004 consultancy study of the extent to which those targets will be achieved. The table also sets out the range of Departments and also identifies the agencies with responsibility for the various transport measures included in the NCCS.

On the areas within my remit, a range of policies and measures are being progressed which will facilitate progress towards improving sustainability and addressing the transport emissions issue. Transport 21 will provide unprecedented levels of funding for public transport. However, significant investment in public transport has already been made since the NCCS was published, much of it paving the way for Transport 21. In the period 2000 to date, there has been substantial investment in upgrading the public transport system and particularly in increasing the capacity of urban public transport. There has also been significant investment in improved traffic management, particularly bus priority measures.

Road freight accounts for the bulk of Irish freight transport. Analysis of the DEHLG's 2004 Bulletin of Vehicle and Driver Statistics shows that 41% of goods vehicles are less than four years old. This is positive from an emissions viewpoint, as newer vehicles are more fuel efficient and have reduced emission levels. The road haulage sector is predisposed to maintaining fuel efficient operations, since fuel represents a significant cost for the sector.

On rail freight, Iarnród Éireann has held consultations with business interests to identify those freight activities best suited to rail transport and has developed a business plan which includes the targeting of trainload traffic, increasing the existing profitable business but withdrawing from those businesses that are heavily loss-making. They have made significant progress in growing the rail freight business in areas where it holds a competitive advantage over road haulage.

Emission reductions from the new vehicle fleet can be achieved through vehicle efficiency improvements undertaken by vehicle manufacturers and Ireland supports the EU voluntary agreements negotiated between the Commission and the motor industry. Vehicle taxation and



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vehicle labelling measures are outside of my remit, as indicated in Table 1. My Department has responsibility for implementing EU vehicle standards and ensures that each new vehicle entering into use in Ireland conforms with the relevant standards, including CO<sub>2</sub> emissions. Complementary to this, optimal vehicle operation enhances fuel efficiency. The national car test, which was introduced in 2000, facilitates vehicle optimisation and is operated by NCTS on behalf of my Department.

Improved spatial planning is also part of the solution to tackling emissions in terms of integrating land use and transport planning. My Department has participated in the preparation of regional planning guidelines. These guidelines, which will be implemented by local authorities, will be of benefit in this regard.

Transport 21 points the way forward. It provides for total capital funding of over €34 billion in transport over the next ten years and represents a major rebalancing of investment in favour of public transport, which will facilitate modal shift to public transport. It will see public transport capacity almost double over the period of this investment programme.

Transport 21 also provides funding for a range of sustainable transport initiatives. The purpose of these initiatives is to facilitate the main-stream-

ing of sustainability criteria into transport investment decision-making and to make cleaner, more environmentally-friendly vehicles available, embracing public transport, the haulage industry and taxis. These initiatives include pilot projects for biofuel and hybrid-electric technologies, and eco-driving. My Department will be engaging with the relevant sectors to progress these initiatives.

I understand that the DEHLG is currently reviewing the NCCS in light of developments at national, European and international levels since its publication five years ago. I understand that the DEHLG intends to publish a review document shortly which will assess progress in implementing the strategy and assess emission trends across each sector for Ireland to meet its national Kyoto target in a cost-effective way. It is anticipated that adjusted targets and additional measures, where appropriate, will be considered in the context of this review. I am aware of the clear link between GHG emissions and climate change and I consider it to be a key cross-departmental issue. My Department will continue to play its part in ensuring that the transport sector makes an appropriate contribution to this important task, having regard to the objective of minimising the impact to the Irish economy by implementing those measures across all sectors in a way which involves least economic cost.

Table 1: Transport GHG annual emission reduction targets 2008-2012 (Mt CO<sub>2</sub>e).

Emission Reduction Measure	Responsibility	NCCS Target	ICF/BÓC Estimate of achievable reduction
Vehicle efficiency improvements	EU Commission and vehicle manufacturers (Voluntary Agreements)	0.77	0.77
Fuel measures (displace bunkering)	Department of Finance	0.90	0.00
VRT, Taxes	DEHLG (motor tax) Department of Finance (VRT)	0.50	0.06 (combined)
Vehicle labelling	DEHLG	0.10	
Public transport	Department of Transport (and public transport operators)	0.15	0.27 (combined)
Traffic management	Department of Transport (and Dublin Transportation Office; local authorities)	0.20	
Freight	Department of Transport (and road haulage industry; Iarnród Éireann)	0.05	0.05
Total		2.67	1.15

### Care of the Elderly.

209. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the reason grants under the scheme of support for older people have not been paid out in 2005; the further reason a lot of the applications were sent back to applicants in 2005; if there is a particular reason for same; and if he will make a statement on the matter. [37096/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** To date, 175 applicant organisations have been approved for funding under the 2005 scheme of community support for older people. Payments have been made to 100 of those groups and I expect the payments to issue to the remaining groups over the coming days. I expect to approve funding to a further 80 organisations shortly and those payments will also issue over

the coming days. A number of applications received under the scheme could not be processed on receipt, as the Department did not receive all the information necessary for processing the application. In most of these cases a letter issued from the Department requesting the necessary information from the applicant groups. In a small number of cases this required that the application form be returned to the applicant organisation for completion.

As requested information from groups concerned is received in the Department, their applications are processed as soon as possible.

### Community Development.

210. **Mr. Gilmore** asked the Minister for Community, Rural and Gaeltacht Affairs the amount of money spent under the young people's facilities and services fund in Counties, Carlow, Waterford, Limerick and Galway; if he will

Carlow	€ 385,000	Waterford	€1,024,000	Limerick	€1,036,000	Galway	€1,066,000
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A breakdown of this funding is as set out below.

The monitoring and evaluation of the projects is undertaken by the relevant funding agency — VEC or HSE — with annual reports submitted to my Department. I am satisfied that the provision of high quality services and facilities in areas where they are most needed has a direct positive

provide a breakdown of the projects in each county; the systems in place to monitor and evaluate such expenditure; if he has satisfied that moneys spent have a direct impact on young people; and if he will make a statement on the matter. [37135/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The young people's facilities and services fund, YPFSF, was established in 1998 to assist in the development of facilities, including sport and recreational facilities, and services in disadvantaged areas where a significant drug problem exists or has the potential to develop. To date, approximately €90 million has been allocated to support in the region of 450 projects, primarily in local drugs task force, LDTF, areas. The combined current and capital allocations made from 1998 to date, in Carlow, Waterford, Limerick and Galway are as follows:

impact on young people. The projects being supported have the potential to provide positive alternatives to drugs for our young people. Details of projects funded under the YPFSF in Carlow, Waterford, Limerick and Galway are as follows:

#### Carlow.

Carlow Drugs Education Worker	€325,092
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#### Waterford.

	€
Ferrybank Drugs Prevention Project	149,481
Farranmore Park Community Youth Project	149,481
Innecity Community Youth Project	149,481
Frontline Project	149,481
Small Grants Fund	95,395
Waterford Young Adults Programme/Bridge Project	44,441
Peer Education Preventative Project	12,697
Youth/Drug Preventative Officer	38,092
Outdoor Preventative Proj-Manor St John	15,237
Waterford Area Schools Project	11,428
Art Project Groups	69,836

#### Limerick.

	€
Northside We're OK Youth Initiative 04/05	128,664
Southill Youth Drugs Awareness Prog.	97,538
St. Mary's Partnership	127,492

[Mr. N. Ahern.]

	€
St. John's Partnership	42,363
Our Lady of Lourdes Services Group	97,538
Limerick Travellers Development Group	68,075
Educare	26,347
Project Co-ordination	131,129
Training and Development of Volunteers and Project Workers	164,487
Moyross Drugs Awareness	76,184
St. Munchin's Focused Youth Activity Prog.	76,184

(Moyross Drugs Awareness and St. Munchin's Focused Youth Activity Programme amalgamated into Northside We're OK Youth Initiative in 2004).

## Galway.

	€
Bohermore Comm. Activities	252,649
Ballybane Adv. Programme	266,789
CAPE Project	234,322
Le Cheile / Ragoon	248,609
GTSG Drug Awareness	16,506
Bishops Field Traveller Project	17,141

## Capital Allocations.

Carlow	
Central Youth Facility	€60,000

## Waterford.

	€
Spraoui Development Project	40,000
Children's Group Link	15,000
Lisduggan Youth Resource Centre	64,000
15th Water (Sacred Heart) Scout Troop	20,000

## Galway.

Bohermore Community Hall	€30,000
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211. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if broadening or extending the eligibility for applicants for assistance under the RAPID programme will be considered; and if he will make a statement on the matter. [37226/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I refer the Deputy to Question No. 121 of 19 May 2005.

**Irish Language.**

212. **Mr. Durkan** asked the Minister for Com-

munity, Rural and Gaeltacht Affairs his plans to promote the use of the Irish language in the future; and if he will make a statement on the matter. [37227/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** As the Deputy is aware, Fóram na Gaeilge, which includes representatives of relevant State and voluntary organisations with expertise on a wide range of language policy and practice issues, was established to advise, *inter alia*, on the advisability of preparing a 20-year

strategic plan with realistic goals for the Irish language in the State.

As regards my plans for the promotion of use of the Irish language in the future, the Deputy will be aware that this is part of the ongoing remit of my Department. This remit is carried out through a broad range of policies including implementation of the Official Languages Act and the funding of agencies, including Foras na Gaeilge, Údarás na Gaeltachta and Bord na Leabhar Gaeilge, which are directly involved in promoting the Irish language.

#### **National Drugs Strategy.**

213. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he can offer financial assistance to community groups involved in combating the drugs problem throughout the greater Dublin area; and if he will make a statement on the matter. [37229/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** As the Deputy is aware, my Department has overall responsibility for co-ordinating the implementation of the National Drugs Strategy 2001-08. It also has responsibility for the work of the local and regional drugs task forces as well as the Young People's Facilities and Services Fund. Through these initiatives, a range of community and voluntary groups are funded to tackle drug misuse throughout local drugs task force areas across the Dublin area. To date: approximately €95 million has been allocated to implement in the region of 440 projects contained in the two rounds of plans of the local drugs task forces; a further €13.66 million has been allocated to projects under the premises initiative which is designed to meet the accommodation needs of community based drugs projects; and approximately €90 million has been allocated under the Young Peoples Facilities and Services Fund to support in the region of 450 facilities and services.

Initiatives this year include: a third round of capital funding under the Young Peoples Facilities and Services Fund, YPF SF, in LDTF areas; a further round of funding through the premises initiative for community based drugs projects in LDTF areas; a new fund to tackle emerging needs in LDTF areas; and pilot projects to specifically tackle problems of cocaine.

The Deputy might also note that, in addition to the above, over the past couple of years a significant number of projects — initially developed through the LDTFs and the YPF SF — have been mainstreamed to operate under various Departments and agencies. It is estimated that these account for further annual expenditure in the region of €20 million.

#### **Community Development.**

214. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the monies at his disposal in 2005 for the promotion of areas of responsibility within the ambit of his Department; the expenditure to date in 2005; his plans for the remainder of 2005; and if he will make a statement on the matter. [37230/05]

216. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which he proposes to support community based organisations in County Kildare in the future; and if he will make a statement on the matter. [37232/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I propose to take Questions Nos. 214 and 216 together.

I refer the Deputy to my previous replies to Questions Nos. 221 of 26 October 2005, 114 of 19 May 2005 and 116 and 117 of 14 April 2005. I can inform the Deputy that my Department provides significant support for community based organisations in County Kildare, and in all other counties. Expenditure up to 24 November 2005 in the community affairs programme area is €125.93 million. I envisage maintaining that level of support for the future.

The gross expenditure allocation in 2005 for the promotion of areas of responsibility within the ambit of my Department is approximately €354 million. Expenditure up to 24 November 2005 across the three main programme areas, including administration, is approximately €278 million.

#### **Dormant Accounts Fund.**

215. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs his plans for the spending of funds likely to accrue to his Department from the dormant insurance accounts; and if he will make a statement on the matter. [37231/05]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I refer the Deputy to my reply to Priority Question No. 48 earlier today where I have dealt with this issue.

*Question No. 216 answered with Question No. 214.*

#### **Departmental Programmes.**

217. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if he intends to introduce new schemes or initiatives with a view to addressing rural or urban economic blight or deprivation throughout the country; and if he will make a statement on the matter. [37233/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The Deputy will be aware that my Department operates, either directly or through bodies under its aegis, a wide range of schemes and projects which address rural and urban disadvantage throughout the country. The descriptions of these schemes are available on my Department's website at [www.pobail.ie](http://www.pobail.ie). I also refer the Deputy to my replies to Questions Nos. 420 of 15 November 2005, 3 of 19 May 2005, 118 and 119 of 14 April 2005 and 40 of 22 February 2005.

The foregoing is concrete and comprehensive evidence that my Department is committed to supporting communities as they tackle difficulties caused by disadvantage, exclusion and isolation. My Department will continue to make a sustained and strong, positive contribution to alleviating rural and urban disadvantage. Only this week, I announced the establishment of a new enterprise scheme for non-Gaeltacht islands. The purpose of the scheme is to encourage entrepreneurs to develop and set up a varied range of enterprises thus promoting the long-term sustainable development of the islands. Details of the scheme can be obtained from the relevant county enterprise boards and my Department's website.

#### Rural Depopulation.

218. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs if he proposes to address the issue of depopulation by way of specifically funded projects; and if he will make a statement on the matter. [37234/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Through the CLÁR programme, my Department has continued in 2005 to address depopulation, as well as the decline and lack of services in rural areas. The programme covers areas in 18 counties, with a population of 362,000, including areas I announced in January 2003 in light of the 2002 population census data. The average population loss in the selected areas is 50%. The exception is the Cooley Peninsula, which was included on the basis of the serious difficulties caused there by foot and mouth disease. CLÁR funds or co-funds, together with other Departments, State agencies and local authorities, investment in selected priority developments. These investments support physical, economic and social infrastructure across a wide range of measures and reflect the priorities identified by the communities in the selected areas whom I consulted at the start of the programme. This funding helps rural communities overcome local difficulties and achieve access to a range of essential services such as water supply, sewerage disposal, road access, broadband communication, community and economic infrastructure and so on. I intend to continue these procedures for any new

measures introduced, depending on needs identified. I will keep the operation of existing measures under review.

CLÁR funds of €35 million were spent on the various measures from 2002-2004 with related public and private expenditure of approximately €36.5 million. The financial provision for 2005 is €13.7 million and a comprehensive work programme will be completed this year. The Estimates provision for 2006 is €13.95 million and this funding will again be targeted at disadvantaged rural areas experiencing low or declining populations. I am satisfied that the needs of the people in the CLÁR areas are being met through the efficient and effective delivery of the programme and that CLÁR is making a sustained and strong positive contribution to rural communities. My Department also funds a range of other programmes such as the Leader programme, the rural social scheme, Gaeltacht and island schemes etc. which address rural depopulation in a general way through a number of supports. Information on these programmes is available on my Department's website at [www.pobail.ie](http://www.pobail.ie).

#### Grant Payments.

219. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the number of applications for grant aid under the various schemes administered by his Department from bodies, groups or individuals from County Kildare in the past 12 months; the number that were successful or otherwise; and if he will make a statement on the matter. [37235/05]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The number of applications for grant aid under the various schemes administered by my Department from bodies, groups or individuals from County Kildare in the past 12 months are given in the following appendix. My Department has received 31 applications from groups in County Kildare under the 2005 programme of grants for locally-based community and voluntary organisations. I expect to be deciding on qualifying applications shortly. Four applications were received from groups in County Kildare under the 2005 scheme of community support for older people. Two of these applications have been approved and the other two are currently being processed. Kildare County Development Board applied on 10 November 2005 for a grant of €330,970 for cohesion measures and €84,500 for volunteering measures. A decision on this application will be made shortly.

There are Leader programmes delivered in County Kildare through Kildare European Leader Teoranta. Full details of all Leader projects funded in County Kildare are available on its website at [www.kelt.ie](http://www.kelt.ie). Under the initial round of funding, administered on behalf of the dormant accounts fund disbursements board by Area

Development Management Ltd., a total of 22 were received from organisations based in County Kildare. Twelve of these applications

were successful and were approved for funding of over €2.7 million. A breakdown of these approved projects is provided in the table below.

Dormant Accounts Board Approvals (Co. Kildare).

Group/Organisation	Grant (€)
KARE, Co Kildare	194,000.00
Hospitaller Order of St John of God, Celbridge, Co Kildare	167,336.00
Board of Management, Scoil Phadraig Naofa, Athy, Co Kildare	41,000.00
Sisters of Charity of Jesus and Mary, Co Kildare	300,000.00
Kildare Youth Services (Curragh Youth Project)	81,226.00
Camphill Communities of Ireland, Kilcullen, Co Kildare	360,000.00
Athy Youth Project, Co Kildare	58,775.00
Athy Travellers' Club, Co Kildare	50,420.00
Athy Town Council	70,838.00
ASSET, Athy, Co Kildare	100,000.00
Cheshire Ireland, Newbridge, Co. Kildare	1,272,273.00
Dyspraxia Association of Ireland	50,500.00
Overall Total	2,746,368.00

There were two applications for community development programme grant and both were

successful. The balance relates to core funding.

Funding from 1 October 2004 to 1 December 2005.

Name	Final Quarter 2004 Funding	2005 Total Funding
The Bridge CDP Newbridge	Core-funding — €13,900 CDP Grant — €4,000	Annual core-funding — €62,400 CDP Grant — €8,000
Athy CDP	Core-funding — €29,143 CDP Grant — €2,000	Annual core-funding — €105,400 CDP Grant — €4,000
North West Kildare Allenwood, Naas	Not funded	Annual core-funding — €60,000. (As the Group was admitted to the Programme in Sept 2005 they will receive core funding of €15,000 and Start-up €11,270 in 2005)
Total	€49,043	€206,070

The local development social inclusion programme allocation to Kildare for 2005 is as follows. Action south Kildare received €638,294, OAK partnership received €389,960. The RAPID programme in Kildare is confined to Athy under strand II of the programme. Allocations for 2005 from my Department are as follows. Local authority estate enhancement for 2005-06 totalled €45,000. Sports capital top-ups totalled €63,600. RAPID playgrounds totalled €33,000. Traffic measures totalled €22,500. The health and children co-fund totalled €38,500.

### Greenhouse Gas Emissions.

220. **Mr. Gilmore** asked the Minister for Agriculture and Food the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions for the agriculture sector; the reduction achieved in the sector to date in 2005; the target for reduction in greenhouse gases attributable to the agriculture

sector for each year between now and 2010; the estimated annual cost to Ireland if greenhouse gas emissions from this sector remain at their current level; the steps he is taking to ensure the 2010 target is achieved; and if she will make a statement on the matter. [37137/05]

221. **Mr. Gilmore** asked the Minister for Agriculture and Food the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions for the agriculture sector by the total reduction of CH<sub>4</sub> from the national herd by 2012; the reduction achieved by these measures in the sector to date in 2005; the target for reduction in greenhouse gases due to the total reduction of CH<sub>4</sub> from the national herd for each year between now and 2012; the steps she is taking to ensure the 2012 target is achieved; and if she will make a statement on the matter. [37138/05]

222. **Mr. Gilmore** asked the Minister for Agriculture and Food the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions for the agriculture sector by the reduction of CH<sub>4</sub> from the national herd by the use of lower emissions feeding regimes by 2012; the reduction achieved by these measures in the sector to date in 2005; the target for reduction in greenhouse gases due to the reduction of CH<sub>4</sub> from the national herd by the use of lower emissions feeding regimes for each year between now and 2012; the steps she is taking to ensure the 2012 target is achieved; and if she will make a statement on the matter. [37139/05]

223. **Mr. Gilmore** asked the Minister for Agriculture and Food the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions for the agriculture sector by the reduction of fertiliser use by 2010; the reduction achieved by these measures in the sector to date in 2005; the target for reduction in greenhouse gases due to the reduction of fertiliser use for each year between now and 2010; the steps she is taking to ensure the 2010 target is achieved; and if she will make a statement on the matter. [37140/05]

225. **Mr. Gilmore** asked the Minister for Agriculture and Food the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions for the agriculture sector by reducing the national herd by 2010; the reduction achieved to date in 2005; the target for reduction in greenhouse gases due to the reduction of the national herd between now and 2010; the steps she intends to take to ensure that the 2010 target is achieved; and if she will make a statement on the matter. [37142/05]

226. **Mr. Gilmore** asked the Minister for Agriculture and Food the target which Ireland has set in the national climate change strategy by which the national herd is to be reduced by 2010; the reduction in the national herd achieved to date in 2005; the target for reduction of the national herd between now and 2010; the steps he is taking to ensure the 2010 target is achieved; the proportion of the total reduction of the herd which will be achieved by direct reductions in stock numbers; the proportion which will be achieved by other measures through existing REP schemes and so on; and if she will make a statement on the matter. [37143/05]

**Minister for Agriculture and Food (Mary Coughlan):** I propose to take Questions Nos. 220 to 223, inclusive, 225 and 226 together.

The national climate change strategy sets out Ireland's approach to meeting its target under the Kyoto Protocol to the United Nations Frame-

work Convention on Climate Change. Ireland's target is to limit growth in greenhouse gas emissions to 13% above 1990 levels in the 2008-12 commitment period. The target is not set on an annual basis but relates to the average for that period.

Overall responsibility for the strategy lies with the Minister for the Environment, Heritage and Local Government. It sets targets for various sectors of the economy including agriculture. The target for the agriculture sector is to reduce annual greenhouse gas emissions by 2.41 million tonnes of carbon dioxide equivalent below business-as-usual projections by the end of the commitment period. The target for the sector includes a reduction of 1.2 million tonnes of carbon dioxide equivalent for methane, corresponding to a reduction in livestock numbers of 10% below business-as-usual projections. However, around 0.5 million tonnes of the methane target is allocated to reductions arising from changes in feeding regimes in a longer term perspective, depending on the outcome of a research programme. This research programme is scheduled for completion shortly. Current indications are that voluntary reductions in stocking levels, arising mainly from the effects of decoupling and decisions taken by farmers in response to the market for livestock, will enable the target to be reached.

The target for the agricultural sector also includes a reduction of 0.9 million tonnes carbon dioxide equivalent for nitrous oxide, which equates to a reduction in nitrogenous fertiliser use of 10% below business-as-usual projections for the commitment period. The strategy provides that Ireland will support appropriate proposals at EU level seeking necessary adjustments to CAP mechanisms to pursue climate change abatement action through further integration of environmental considerations into agricultural policy. Following the Luxembourg agreement on CAP reform, Ireland chose the option to decouple aid fully from production and introduced from 1 January 2005 the single payment scheme with its requirements for farmers to observe cross-compliance with various environmental regulations.

The Environmental Protection Agency is responsible for the compilation and submission of inventory data, in the form of the national inventory report, to the UN on an annual basis. The latest year in which information is available from this source is 2003. These reports show that from 2000 to 2003, greenhouse gas emissions from the agriculture sector fell from 20.22 million tonnes of carbon dioxide equivalent to 18.75 million tonnes of carbon dioxide equivalent, a fall of 1.47 million tonnes. During the 2000 to 2003 period, methane emissions fell from 11.35 million tonnes of carbon dioxide equivalent to 10.64 million tonnes of carbon dioxide equivalent, a fall of 0.71 million tonnes. Nitrous oxide emissions fell in the

2000-03 period from 8.17 million tonnes of carbon dioxide equivalent to 7.44 million tonnes of carbon dioxide equivalent, a fall of 0.73 million tonnes. The figures for sales of nitrogenous fertilisers in the 2004-05 fertiliser year — the latest figures available to my Department — fell by 55,433 tonnes from 1999-2000 to 2004-05, a drop of 13.6 % and were lower than the sales figures for the 1989-1990 fertiliser year. REPS is an acknowledged major contributory factor to fertiliser usage. A significant increase in funding to a level of €323 million has been provided for this scheme in 2006 and the measure will be continued under the new rural development regulation from 2007.

The compilation of the national inventory by the EPA used UN default values, known as tier 1 methodology, to calculate emissions of methane from livestock. However, based on the results of a dedicated research programmed on methane emissions in Ireland, the EPA will use tier 2 methodology, which is country specific to Ireland, for calculating methane emissions from cattle in all future data sets.

The FAPRI-Ireland partnership, which produces and publishes objective analysis of agricultural policy options, conducted an analysis of the Luxembourg CAP reform agreement in October 2003, which included projections for greenhouse gas emissions from the agriculture sector for each year up to 2012. These projections show emissions from the sector falling by 2.7 million tonnes of carbon dioxide equivalent to 15.1 million tonnes between 2004 and 2012. Nitrous oxide emissions are projected to fall by over 1 million tonnes during the 2004-12 period while methane emissions are projected to fall by almost 1.6 million tonnes carbon dioxide equivalent in that period. The projected reduction in methane emissions is underpinned by predicted reductions in livestock numbers during the 2004-2012 period. During that period cattle numbers are projected to fall from 8.37 million to 7.22 million in 2010 and 7.06 million in 2012. Sheep numbers are projected to fall from 8.5 million in 2004 to 7.17 million in 2010 and 6.88 million in 2012. The analysis was based on the assumption that all EU 15 countries would opt for full decoupling. However some EU 15 countries opted for partial decoupling instead and ten new countries have since joined the European Union. The FAPRI-Ireland partnership is currently revising its projections to take account of these factors, but significant changes to the projections are not expected.

224. **Mr. Gilmore** asked the Minister for Agriculture and Food the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions for the agriculture sector by on-farm forestry sequestration by 2010; the reduction achieved by these measures in the sector to date in 2005; the target

for reduction in greenhouse gases due to on-farm forestry sequestration between now and 2010; the steps he is taking to ensure the 2010 target is achieved; and if she will make a statement on the matter. [37141/05]

**Minister for Agriculture and Food (Mary Coughlan):** The target set out in the national climate change strategy for carbon sequestration by on-farm forestry is 0.25 million tonnes of carbon dioxide, per annum, by 2010. The strategy also indicated that an additional 0.76 million tonnes of carbon dioxide could be contributed within the national forestry programme, giving a possible total of 1.01 million tonnes of carbon dioxide sequestered per annum by 2010. Estimates of carbon sequestration are based on current knowledge and practice and are continually updated as new information becomes available. The latest estimates indicate that the level of sequestration in Kyoto-eligible forests, which are mainly those newly established since 1990, will actually reach 1.3 million tonnes of carbon dioxide in 2005 and is anticipated to rise to 2.13 million tonnes of carbon dioxide in 2010. The anticipated level of sequestration by 2010 is based on the unprecedented levels of afforestation achieved since 1990, as a direct result of grant aid and premium support by successive governments and the EU. The Government is committed to supporting an active afforestation programme and the required supports will continue to be available to ensure that Ireland maximises the potential of its forestry programme for carbon sequestration.

*Questions Nos. 225 and 226 answered with Question No. 220.*

#### **Grant Payments.**

227. **Mr. Crawford** asked the Minister for Agriculture and Food when a person (details supplied) in County Monaghan will be granted their area aid entitlements; and if she will make a statement on the matter. [37292/05]

**Minister for Agriculture and Food (Mary Coughlan):** Payments under the 2005 single payment scheme are scheduled to commence on 1 December 2005 and a payment amounting to €8,664.06 under this scheme will be issued by my Department to the person named on that date.

228. **Mr. Crawford** asked the Minister for Agriculture and Food when a person (details supplied) in County Monaghan will be granted their area aid entitlements; and if she will make a statement on the matter. [37293/05]

**Minister for Agriculture and Food (Mary Coughlan):** Payments under the 2005 single payment scheme are scheduled to commence on 1



[Mary Coughlan.]

December 2005 and a payment amounting to €7,101.58 under this scheme will be issued by my Department to the person named on that date.

#### Grant Payments.

229. **Mr. Timmins** asked the Minister for Agriculture and Food the compensation available for beet suppliers who supplied to a company (details supplied) in County Carlow; and if she will make a statement on the matter. [37311/05]

**Minister for Agriculture and Food (Mary Coughlan):** Following the closure of its Carlow sugar plant last March, Irish Sugar Limited made arrangements to have the full Irish sugar quota processed at its Mallow plant. Accordingly, beet growers who formerly supplied the Carlow plant are now sending their beet to Mallow.

Under the reformed EU sugar regime agreed by the Council of Agriculture Ministers last week, all beet producers will receive compensation at the rate of up to 64% for the reduction in the minimum beet price. This compensation will be incorporated in the single farm payment. In the event that sugar production ceases in Ireland, beet growers will also be able to avail of a special once-off payment and they will also be taken into account in the distribution of the restructuring fund. The sugar reform package will be formally adopted by the Council of Ministers early next year and the Commission will then come forward with detailed implementation rules.

#### Departmental Programmes.

230. **Mr. Timmins** asked the Minister for Agriculture and Food the policy in place to assist pig farmers; and if she will make a statement on the matter. [37327/05]

**Minister for Agriculture and Food (Mary Coughlan):** The pig sector is an important part of Ireland's agricultural industry. It contributes 6% of gross agricultural output and exports of pork and bacon contribute €270 million to our export earnings. The current pigmeat market situation is satisfactory and the outlook for the sector over the next few years is positive.

The EU market support regime for the pig industry is very modest compared to some other sectors, with the result that pig producers are normally competing on world markets without financial supports. However, market support mechanisms in the form of export refunds and aids to private storage are still available and may be called into play by the EU in exceptionally difficult market situations.

The nitrates directive is the subject of most immediate concern for pig farmers. To assist farmers in meeting the requirements of the nitrates action programme, I have announced details of a proposed revised farm waste manage-

ment scheme for which EU approval is now awaited.

The proposed new arrangements will see the extension of the farm waste management scheme to the pig sector for the first time. The scheme will introduce a standard grant-rate of 60%, with 70% being available for zone C counties, namely, counties Cavan, Donegal, Leitrim and Monaghan, in place of the current grant-rate of 40%, with additional aid available for young farmers at rates of 10% in less-favoured areas and 5% in other areas. It will 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. It will also raise the maximum eligible investment from €75,000 to €120,000 and remove minimum income requirements from farming from the scheme so that all small farmers can benefit. A new 40% grant rate is proposed 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. The scheme will 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 the proposed new scheme will provide a very satisfactory platform for Irish pig farmers who must carry out additional investment works to meet the requirements of the nitrates directive.

Teagasc's programme of activities includes a significant element of research in the area of pig nutrition, health and welfare. The main objectives of the advisory function in regard to the pig sector are better profitability and competitiveness based on improved growth rates and this is delivered to producers through farm visits, conferences and newsletters. In the context of the nitrates programme, I will ask Teagasc to undertake a promotion campaign to encourage the use of organic manure on farms in preference to chemical fertilisers.

The health status of the pig herd is vital to maintaining the good image of Irish pigmeat and ensuring access to all our export markets. To this end, my Department is working with the pig industry in the ongoing monitoring and control of a wide range of diseases such as Aujeszky's disease, salmonella and PRRS.

With regard to market access, it is my aim that Irish producers have access to as many markets as possible worldwide. Significant veterinary resources are assigned to the monitoring of pigmeat production in slaughtering and manufacturing plants in order to ensure food safety and to facilitate the certification of products for our many export destinations. Bord Bia has a programme to promote Irish pigmeat on foreign markets and my officials and I are continually

engaged with the board for the purpose of identifying and developing these markets.

### Visa Applications.

231. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the reason Chernobyl children visiting Ireland on holidays require a visa; if efforts can be made to remove or simplify this process; and if he will make a statement on the matter. [37015/05]

### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** A number of years ago my Department introduced a scheme whereby the requirement to hold a valid visa prior to entering the State was waived for certain persons travelling from Belarus with the Chernobyl Children's Organisation for the purposes of visiting Ireland for a period of rest, recuperation or both. At the time, the groups involved were limited in number and were well known to my Department. The number of groups seeking such visa exemptions has increased significantly and there are now between 35 and 40 such groups.

This practice worked well in the past but we found it necessary to re-evaluate the system for a number of reasons. First, the introduction of the Children's Act 2001 has placed extra obligations on all parties involved in the establishment of private foster care arrangements. Some, but not necessarily all, of the arrangements entered into between host families, the Chernobyl groups and the parents of the children involved, fall into the category "private foster care arrangements" as defined by the Department of Health and Children. Indeed officials of my Department met officials of the Department of Health and Children on this matter to ensure consistency and agreement on the revised practices.

Second, the introduction of carrier's liability under section 2(1) of the Immigration Act 2003 means that visa waiver letters are no longer an acceptable alternative to visa endorsements on passports. Third, unfortunately there are indications that in certain cases, children have not returned to Belarus on the agreed date.

While my Department may not be directly responsible for the welfare of these children as such, we have an obligation to put into place a system that guarantees their safety insofar as possible. Were the Department to continue the practice of issuing visa waiver letters, it could be in breach of the relevant legislation.

We now have a dedicated visa office in the Irish Embassy in Moscow which can process these applications and officials of my Department have informed the Chernobyl groups that such applications will be prioritised by that office. Ultimately, our aim is to ensure the safety and welfare of the children who arrive into the care of this State and we are satisfied that the "one person, one visa" system for all is the best way forward in this regard.

My Department has had consultations and discussions with the various groups involved to ensure a smooth transition from the previous procedures and I am satisfied that the new procedures and the management of such procedures by staff assigned to our visa office in Moscow will work very well.

I emphasise that the safety of the children concerned is the primary reason for the introduction of these revised practices and I am sure the Deputy and the House will support any such measures.

### Asylum Support Services.

232. **Mr. Healy-Rae** asked the Minister for Justice, Equality and Law Reform the position regarding the parents of the children attending a school (details supplied) in County Kerry for their children's safety with the proposal to house 80 all male refugees in Linden House, Killarney which is across the road from this school; and if he will make a statement on the matter. [37112/05]

233. **Mr. Healy-Rae** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that it is proposed to house 80 all male refugees in Linden House, Killarney, County Kerry which is across the road from a school (details supplied); and if he will make a statement on the matter. [37113/05]

249. **Mr. Healy-Rae** asked the Minister for Justice, Equality and Law Reform the steps he intends to take to ensure that the proposed 80 all male refugees proposed to be housed in Linden House, Killarney, County Kerry are investigated before they are housed there (details supplied); and if he will make a statement on the matter. [37110/05]

250. **Mr. Healy-Rae** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that the refugee families staying in Linden House, Killarney, County Kerry are to be moved to make room available for 80 all male refugees; and if he will make a statement on the matter. [37111/05]

### Minister for Justice, Equality and Law Reform

**(Mr. McDowell):** I propose to take Questions Nos. 232, 233, 249 and 250 together.

The reception and integration agency, RIA, is charged with providing accommodation to asylum seekers under the Government policy of direct provision and dispersal. Decisions regarding the opening, reclassification or closing of centres are made in the context of the overall demand for accommodation and the need to achieve value for money in the context of managing a large portfolio.

Such management requires responses to changing numbers of asylum seekers in RIA centres

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and the Deputy will be aware that a considerable number of asylum seekers have left accommodation having been granted leave to remain in the State on the basis of having an Irish born child. The RIA is, therefore, engaged in a major review of its accommodation needs. As well as seeing value for money in this review, it is incumbent on the RIA to optimise overall service provision, make the best use of its accommodation resources and provide accommodation in a sensitive, balanced and proportionate way.

In this overall context, the RIA decided to move families from the accommodation centre at Linden House, Killarney to centres which are more suitable for accommodating families with young children. The families were moved to centres at Millstreet accommodation centre, County Cork and Johnston Marina accommodation centre, Tralee, County Kerry. Both of these centres have excellent links with local support services, such as public health nurses, VECs and so on. In addition, Millstreet accommodation centre has a dedicated pre-school service for children, while the two pre-school children who moved to Tralee attend the local, community-based pre-school service. Both centres have ample outdoor space for children to play in.

Despite the need for rationalising the accommodation portfolio, the RIA is cognisant of the disruption that can be caused to school-going children when a family is moved to another centre. In this specific case, the RIA was aware that a small number of children were attending the nearby school and every effort was made to relocate school-going children in alternative centres where they could access schools nearby, thus providing the least disruption to the children's schooling. I might add that Linden House is on a main road and has no outdoor play facilities and is thus more suitable for a single male population.

I can assure the Deputy that every step will be taken to ensure that there are no issues arising from the proximity of the centre to the local school. The centre will be monitored on a regular basis by the inspections unit of the RIA and an independent inspectorate in accordance with standard RIA practice. I should add that the male asylum seekers moving to the centre are accustomed to adhering to the house rules and procedures imposed by centres, having been accommodated at the Shannonside accommodation centre in Limerick city for some time before its closure.

The RIA has contractual on-site management and security at centres on a 24-hour basis and has also recently introduced a child protection policy at accommodation centres. The manager at Linden House has undergone the Health Service Executive's "Keeping Safe" training and plans are in train to extend this training to all remaining staff at centres throughout the State.

The RIA will continue to liaise with management and staff at the centre, local support groups, local gardaí and other service providers to ensure that the centre is operated in accordance with the standards expected by the agency. The RIA currently operates 18 other accommodation centres for single males, some of which are located close to schools, at locations in counties Clare, Cork, Donegal, Dublin, Galway, Kerry, Kilkenny, Limerick, Longford, Waterford and Wicklow. These centres have been operating successfully for up to six years.

The RIA is very much aware of the disruption caused by the inevitable movements brought about by the need to manage the accommodation portfolio. It is also aware of the enormous efforts made by teachers, support groups and the local community in supporting asylum seekers. Movements are, however, sometimes necessary and a balance is needed to minimise disruption on the one hand but to optimise overall service provision and get value for money on the other. The RIA will show as much flexibility and sensitivity as possible in securing this balance.

#### **Garda Stations.**

234. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if progress is being made towards reaching a decision in respect of the redevelopment of Tallaght Garda station and a second Garda station for the Tallaght west area; and if he will make a statement on the matter. [37006/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy is aware, there are plans to build a new Garda divisional headquarters station in Tallaght on part of the site of the existing Garda station. I understand from the Garda authorities that the details of their accommodation requirements are being finalised and I expect to have sight of them shortly.

#### **Garda Transport.**

235. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform if patrol cars are fitted with the vehicle recognition system; when the system will be rolled out here (details supplied); and if he will make a statement on the matter. [37033/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that none of the vehicles in the Garda fleet are fitted with automatic vehicle recognition systems. I am further informed that the use of such systems is currently being examined by the Garda authorities.

#### **Child Care Services.**

236. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the reason an

application for a grant lodged in April 2003 in respect of a child care crèche (details supplied) in County Galway was refused; the reason a grant was not approved in view of the fact that the potential number of children that need such a facility in the area could not be facilitated by one crèche; if an appeal of the original decision will be considered; and if he will make a statement on the matter. [37034/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy may be aware, the private provider in question was not recommended for funding under the capital measure of the Equal Opportunities Childcare Programme 2000-06, EOCP. In this case it was considered that, as the project is located in close proximity to a child care project that has already received EOCP funding, there was a consequential potential for duplication and displacement between the two child care services.

Where funding is not recommended, it is open to an applicant to submit an appeal to my Department. Appeals are assessed, in the first instance, by Pobal, formerly known as Area Development Management Limited, which is engaged by my Department to administer the day to day operation of the programme. When the assessment of an appeal has been completed, it is forwarded to the programme appraisal committee, chaired by my Department, before a final decision is made. I understand from inquiries I have made that, to date, no appeal of the decision made has been received from the private provider in question.

#### Northern Ireland Issues.

237. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the estimated number of “on-the-runs” here; his views on granting them an amnesty; and if he will make a statement on the matter. [37058/05]

238. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform if “on-the-runs” will be requested to outline the crimes that they were involved in; and if he will make a statement on the matter. [37059/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 237 and 238 together.

It is not possible to quantify in advance the number of persons who might be appropriate to avail of a pre-trial pardon in this jurisdiction to deal with so-called “on-the-runs”, although it is expected that numbers will be small.

The proposal can be seen as a logical follow through of the early release provisions of the Good Friday Agreement. This does not mitigate in any way, however, the distress which the operation of the scheme is likely to cause people, particularly those who had been the victims of outrages perpetrated by paramilitary organis-

ations. Nevertheless, in the context of bringing about an end to the conflict in Northern Ireland, both Governments have indicated for some years their belief that this issue had to be addressed.

The Deputy will already be aware that I have made it clear publicly that there is absolutely no question of this scheme benefiting persons wanted in connection with the killing of Detective Garda Jerry McCabe or the wounding of Detective Garda Ben O’Sullivan.

#### Garda Investigations.

239. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform if any person is under investigation for the murder of persons (details supplied) in County Leitrim December 1983; and if he will make a statement on the matter. [37060/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that, at the time, a full-scale investigation was immediately launched, which involved the arrest of persons in connection with the kidnapping, false imprisonment and subsequent murders.

In 1998, a person was charged with false imprisonment and firearms offences. This person was subsequently successful in his application to the High Court to prohibit his trial proceeding. The order of the High Court is currently under appeal by the State to the Supreme Court. I am further informed by the Garda authorities that the investigation file remains open.

#### Garda Strength.

240. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of serving gardaí in each Garda district in the Dublin metropolitan region south division and the population in each such Garda district. [37070/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the information sought by the Deputy was, as at 29 November 2005, as set out in the table. Corresponding figures sourced from the 2002 census of population are also included.

Garda District	Garda Strength	Population
Crumlin	157	59,513
Rathmines	170	55,273
Tallaght	250	128,412

It should be noted that the allocation of Garda personnel both on a national basis and within each division is determined by a number of factors including demographics, administrative

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functions, crime trends and other operational policing needs.

The numbers of Garda personnel assigned throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and that the best possible policing service is provided to the general public.

On 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 gardaí and recruits in training, of 14,000 by the end of 2006.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources and, in this context, the needs of the Dublin metropolitan region south division will be fully considered.

#### **Drug Seizures.**

241. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform if, in view of the high level of access to drugs nationally and the success that drugs teams are having, the reason there is not a higher investment in sniffer dogs in all regions of the country rather than four nationally at present and a pilot programme in one geographical area planned; and if he will make a statement on the matter. [37075/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that two dog handlers from Cork and a further two dog handlers from Limerick have commenced training with a view to establishing a Garda dog unit in the southern region as a pilot initiative.

I am further informed that an evaluation of this initiative will be carried out at the end of the pilot period and consideration will then be given to extending the initiative nationwide.

#### **Garda Disciplinary Proceedings.**

242. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform, further to the payment of over €1.3 million to 27 suspended gardaí when he sought and received the report; the steps he proposes to take to ensure that significant delays are avoided in the future regarding Garda disciplinary cases in respect of the report from the Garda Commissioner. [37076/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have previously expressed my concerns regarding the lengthy suspension of certain members of the Garda Síochána. I am very concerned that lengthy court proceedings lie behind particular cases of lengthy suspension, and I am examining whether strict maximum time

limits for suspension can be introduced in statutory regulations.

In my reply to Question No. 28 of 20 October 2005, I mentioned that I had asked the Garda Commissioner to furnish me with a report outlining what steps have been taken in the management of these cases to resolve, one way or another, the legal proceedings which have prevented the completion of the disciplinary process. I also asked the Commissioner for his views on how best to ensure, as far as possible, that significant delays are avoided in future disciplinary cases.

I have now received a report from the Garda Commissioner in the above matter. I am studying the report carefully to consider what steps need to be taken to address this issue of concern, and I will shortly be consulting further with the Garda Commissioner on these steps.

#### **Proposed Legislation.**

243. **Mr. Blaney** asked the Minister for Justice, Equality and Law Reform if he will introduce legislation as part of the Registration of Deeds and Title Bill 2004, whereby rogue claims of title on land parcels can be dealt with in the courts; and if he will make a statement on the matter. [37082/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** It would appear that the Deputy is referring to claims of title to land based on adverse possession of the land.

The position is that applications for title based on adverse possession of land are made to the Land Registry under section 49 of the Registration of Title Act 1964. In such cases, the applicant claims that the rights of the registered owner have been extinguished under the Statute of Limitations and that the applicant is now entitled to be registered as owner.

The Land Registry considers all applications for registration based on adverse possession with particular care and attention. In each case, the facts and circumstances are examined in great detail by the Registrar of Titles. It is also usual for notices to be served on the parties whose rights, according to the application, have been extinguished by the passage of time. Some applications are withdrawn by the applicant on receipt of correspondence from the Land Registry outlining the legal conditions that are necessary in order to acquire title by means of adverse possession.

Where it appears to the Registrar of Titles that an application in any particular case is vexatious or frivolous or does not meet the stringent requirements of section 49, the application will be refused. It is open to any party to a section 49 application to appeal a decision of the Registrar of Titles to the courts but in practice such appeals are rare.

Section 119 of the 1964 Act also provides that a person who makes false claims under the Act

commits an offence and is liable to the penalties contained in that section. I am increasing these penalties by means of an appropriate amendment of the 1964 Act to be included in the Registration of Deeds and Title Bill 2004.

The Law Reform Commission, LRC, and my Department have been engaged in a joint project with a view to modernising our land and conveyancing law, including provisions relating to adverse possession of land. This project culminated in publication of an LRC report containing a draft land and conveyancing Bill in July last. The Government legislation programme, which was published on 27 September, provides for publication in 2006 of a land and conveyancing Bill based on the LRC report.

#### Citizenship Applications.

244. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform the number of applications for naturalisation received each month since 2002, in tabular form; the number of applications processed for which a decision was made in each month; the number of applications granted in each month; the number of applications denied in each month; the date of applications being examined in each month; the expected time in months for applications received in each month to be processed; the number of staff employed in that section each month; and if he will make a statement on the matter. [37083/05]

245. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if, in respect of the number of applications for naturalisation received in his Department that are taking 24 months to be processed, he plans to reduce these delays and the target time in weeks in which he intends to reduce same; when he intends to reach this target; his plans to increase the number of staff employed in that section; and if he will make a statement on the matter. [37084/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 244 and 245 together.

Statistical information available in the citizenship section of my Department has always been based on the number of applications received, certificates issued and applications refused. It is not possible, therefore, to provide details of the level of processing, where such processing has not yet resulted either in the issuance of a certificate or in the refusal of a certificate.

Details of the number of applications received, certificates issued and applications refused for the period 2002 to 2005, to the end of October, are set out in tables A to D as follows. It should be noted that the numbers of certificates issued or applications refused in a given period do not necessarily refer to the applications received during that the same period.

TABLE A.

2002	New applications	Certificates issued	Applics. refused
January	208	67	0
February	138	132	0
March	139	96	0
April	235	80	2
May	216	226	2
June	177	130	3
July	374	95	26
August	402	99	31
September	279	149	24
October	318	173	3
November	451	83	0
December	637	2	18
Totals	3,574	1,332	109

TABLE B.

2003	New applications	Certificates issued	Applics. refused
January	271	90	29
February	256	179	4
March	321	178	60
April	312	238	35
May	283	177	1
June	319	174	0
July	351	114	1
August	236	89	4
September	354	142	7
October	298	90	0
November	304	122	18
December	275	71	20
Totals	3,580	1,664	179

TABLE C.

2004	New applications	Certificates issued	Applics. refused
January	334	162	8
February	326	155	49
March	380	144	137
April	155	107	20
May	515	82	20
June	413	115	9
July	388	146	43
August	266	23	57
September	361	183	9
October	311	110	192
November	341	63	227
December	284	45	8
Totals	4,074	1,335	779

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TABLE D.

2005	New applications	Certificates issued	Applics. refused/deemed ineligible**
January	224	36	88
February	347	82	511
March	330	103	187
April	518	205	424
May	341	151	285
June	344	121	200
July	311	171	177
August	393	97	154
September	490	132	41
October	488	134	233
Totals	3,786	1,232	2,300

\*\* Since 1 April 2005, applications are examined shortly after receipt for compliance with statutory residency criteria. Those which do not have the necessary period of residency are deemed to be ineligible and are returned to the applicants. Just over 950 applications have been deemed ineligible in the period 1 April to the end of October.

There were 20 staff assigned to the citizenship section of my Department in November 2004. The major reduction in the number of asylum applications has given me an opportunity to re-focus resources on areas of service provision for non-nationals which have been under-resourced. In the past 12 months, the number of staff working exclusively on citizenship matters has doubled to 41. However, it is important to bear in mind that the citizenship area of the Irish Naturalisation and Immigration Service cannot be considered in isolation. Other sections within that area, such as the section involved in processing of visas, have also seen a significant increase in work volumes in recent time and the distribution of any additional resources has to be undertaken with that in mind.

The average processing time for an application for naturalisation has fluctuated between 12/15 months and 24 months in the period 1997 to date. It is approximately 24 months at present. This is primarily due to the increase in the volume of applications being received, from 1,431 in 2001 to more than likely over 4,500 in 2005. This trend is likely to continue and it is not possible, therefore, to be definitive about future processing times for such applications.

246. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that a person (details supplied) in County Wexford has been informed, in relation to her application for naturalisation on the basis of marriage to an Irish citizen, that her declaration and the affidavit of her spouse are required to be signed on the same date and that

her naturalisation application is not acceptable due to the fact that her declaration was signed on 13 November 2005 whereas her spouse's affidavit was sworn on 14 November 2005; the precise basis on which synchronisation of declarations is demanded by his Department in regard to such applications for naturalisation. [37092/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Section 8 of the Irish Nationality and Citizenship Act, 1956, as amended, provides that a non-national may make a declaration of post-nuptial citizenship following three years' marriage to an Irish citizen, provided that the marriage is subsisting at the date of lodgement of the declaration, and the couple are living together as husband and wife and the spouse who is an Irish citizen submits an affidavit to that effect when the declaration is being lodged.

When a person makes a declaration of post-nuptial citizenship, he or she is effectively declaring that his or her marriage is subsisting on a particular day, that is, the date of lodgement. The date of lodgement is regarded as the date the declaration is completed and witnessed.

Consequently, since the husband of the person concerned completed his declaration on 13 November 2005, he is declaring that the marriage is subsisting on 13 November only, and not that it was subsisting before that day or will be subsisting after it.

Similarly, the wording, "the couple are living together as husband and wife and the spouse who is an Irish citizen submits an affidavit to that effect when the declaration is being lodged", clearly refers only to the time when the affidavit is being sworn. An affidavit sworn on 14 November 2005 does not meet the requirements outlined in this wording since it does not aver that the couple were living together as husband and wife on the date of lodgement, in this case 13 November 2005.

Section 8 of the Irish Nationality and Citizenship Act was repealed on 30 November 2002 and a transition period to facilitate those persons who married before that date ends on 29 November 2005. As matters stand, the husband of the person concerned has not lodged a valid declaration and I understand that, in view of the impending deadline, officials in the citizenship section of my Department were in contact with the Deputy some days ago to make him aware of the substance of this reply. I further understand that the person concerned has indicated to my officials that she and her husband have taken steps to have a new declaration completed in advance of the deadline.

#### Drugs Legislation.

247. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if the sale of the drug known as "magic mushrooms" is legal

and if not the steps which have been taken to ensure it is not for sale openly. [37095/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The scheduling of substances as controlled substances under misuse of drugs legislation is the responsibility of the Department of Health and Children. I am informed by the Department of Health and Children that “magic mushrooms” contain as one of their natural constituents the drug psilocin and that the phosphate salt of psilocin, namely psilocybin, may also be present. I am further informed that these two substances and any preparation or other product containing any proportion of any such substances are controlled drugs under the Misuse of Drugs Acts.

As I indicated to the Deputy in my reply to Question No. 481 on 22 November 2005, outlets suspected of having “magic mushrooms” for sale are regularly monitored by local gardaí and district drugs units.

#### Grant Payments.

248. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform if he will provide an adequate staffing grant to a crèche (details supplied) in County Limerick; if he will ensure that this grant is sufficient to meet the needs of the crèche and the staffing levels required under Health Service Executive regulations; and if he will make a statement on the matter. [37108/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The community-based group in question was approved for a grant of €266,645 over three years, as a contribution towards the staffing costs of the project, in September 2002. The group was subsequently approved for a further grant of €194,100 towards staffing costs for a 27-month period to the end of December 2007. The funding currently allocated to the group is based on €225,000 over three years *pro rata* and is inclusive of a 15% increase from 1 September 2007.

The reason the second grant allocation is at a lower rate than that originally approved is because the group has not met the projected number of child care places agreed in the contract governing the initial grant.

I understand from inquiries I have made that the group has requested a review of the level of staffing funding allocated to the end of 2007 and that this review is currently in the final stages of the appraisal process. The group will be informed of the outcome in due course and I am not in a position to comment further on the matter at this point.

The Deputy may wish to note that the group in question was approved for a €1.2 million capital grant in December 2004 for the construction of a new building and the renovation of its existing premises. Should this work, when completed,

result in a material change to the project, it will be open to the group to re-apply for a review of its staffing grant at that time.

*Questions Nos. 249 and 250 answered with Question No. 232.*

#### Work Permits.

251. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform the arrangements his Department is putting in place to facilitate family reunification for holders of green cards issued by the Department of Enterprise, Trade and Employment under the terms of the employment permits legislation that has been brought forward by the Government; and if he will make a statement on the matter. [37115/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** There is currently in operation in the State a scheme of family reunification for migrant workers. However, a revision of this scheme is being considered and the issue of family reunification, in general, will be examined fully in the context of the development of the proposed Immigration and Residence Bill. With regard to arrangements for holders of the proposed “green card” announced by the Minister for Enterprise, Trade and Employment, this matter will be discussed fully and agreed by myself and Minister, Deputy Martin, prior to the introduction of the “green card” scheme.

#### Departmental Reports.

252. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of the report drafted by a person (details supplied) on an international review of the policy and legislation on expunging criminal convictions; and if he will give a date as to when it will be published. [37158/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I presume the Deputy is referring to the report commissioned by my Department from UCC law department and entitled, “Extending the scope of Employment Equality Legislation: Comparative Perspectives on the Prohibited Grounds of Discrimination”. This report focused on the various grounds of discrimination used in other jurisdictions, and included the use of trade union membership, socio-economic status or social origin, political opinion and criminal conviction or ex-prisoner or ex-offender as grounds of discrimination. This report was published on 3 September 2004. It is available from the Government Publications Office and my Department’s website: [www.justice.ie](http://www.justice.ie).

#### Crime Prevention.

253. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the way in which his



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Department promotes the national community development organisation active in rural Ireland, for example, community alert through Muintir na Tíre and the Garda Síochána available to address community issues; the budget he has in place to call on all community members nationwide to actively support the ethos of community alert in an effort to diffuse the sense of fear being created by media coverage for persons isolated and vulnerable in remote communities; and if he will make a statement on the matter. [37309/05]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The community alert programme is a community based crime prevention initiative in rural communities similar to neighbourhood watch which was set up by Muintir na Tíre in association with the Garda Síochána in 1985. It is a national movement with its network comprising approximately 1,285 local community alert groups dedicated to improving the quality of life of people in rural communities who are vulnerable, in particular the elderly, by: crime prevention; neighbourliness and self reliance; general community safety and well-being; accident prevention; promotion of personal safety; and having an anti-poverty focus and awareness of social inclusion.

I am strongly of the view that community organisations have, through their support and co-operation with the Garda Síochána, an important role to play in crime prevention and the promotion of community safety and I very much support the work in this area being carried out by Muintir na Tíre through the community alert programme. The programme is operated by Muintir na Tíre in partnership with the Garda Síochána and this relationship is formalised in a memorandum of understanding between both organisations for the development and operation of the programme.

My Department assists the operation of the programme and has provided €120,000 this year. This funding provides assistance towards the cost of the programme's national co-ordinator, based at Muintir na Tíre's headquarters in Tipperary town, and three local development officers. The community alert development officers are assigned on a regional basis and travel extensively to promote the establishment of new groups and contribute to increasing the effectiveness and level of activity of existing groups. They also liaise with the gardaí and other relevant statutory and voluntary agencies working in the local areas.

Funding for two additional local development officers is provided by the South Eastern Health Board. A national conference on the topic "Enhancing Community Safety and Crime Prevention through Partnerships" was held jointly by Muintir na Tíre and the Garda Síochána on 12 November 2005 in Mullingar, with financial assistance from the Garda Síochána.

The Commission for the Support of Victims of Crime, which I established earlier this year, has agreed in principle to provide funding to Muintir na Tíre for the development of follow-up supports for elderly rural crime victims, through the community alert programme. Discussions are ongoing on this project and an announcement will be made in due course.

### Road Safety.

254. **Mr. Penrose** asked the Minister for Education and Science the number of schools in County Westmeath who have applied to her Department for the installation of traffic calming and safety measures at primary and secondary schools; the number of such schools that have been granted financial aid to enable them to put in place such safety measures; and if she will make a statement on the matter. [37040/05]

**Minister for Education and Science (Ms Hanafin):** The issue of road safety measures outside the vested site areas of primary and secondary schools would be a matter that should be raised in the first instance with the relevant local authority. Local authorities have the power to decide on road safety measures outside schools and should ensure that measures are in place to protect the safety of local school children.

It is open to the boards of management of individual schools to make an application for funding under my Department's summer works scheme, SWS, for any works that are required within school boundaries. Details of the schools in County Westmeath that have been approved for funding under the SWS since the scheme commenced will be forwarded to the Deputy.

### School Accommodation.

255. **Mr. Penrose** asked the Minister for Education and Science if, in view of recent correspondence from a school (details supplied), she will take steps to ensure that the necessary additional funding is provided to the board of management to enable it to complete the much needed building and avoid the situation whereby the project as it currently stands is half built; and if she will make a statement on the matter. [37041/05]

**Minister for Education and Science (Ms Hanafin):** As part of the expansion of the devolved scheme for primary school building works, a grant of €350,000 was sanctioned to enable the management authorities of the school in question to provide additional accommodation. The initiative allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and gives boards of management control of the building project.

The intention of the scheme is to provide funding to schools to enable them to undertake

wanted building projects. The scheme is not intended to leave schools with significant fund-raising needs but for the school to tailor the scope of capital works commissioned to the available funding. The decision on whether to continue participating in the scheme or to drop out, if the scope of build is more than the funding envelope permits, is a matter for each school authority.

An appeal by the school in question was considered by the appeals board and it is satisfied that, under the terms of the scheme, the school does not warrant additional funding. The board has been informed of the position.

#### **Vocational Education Committees.**

256. **Ms Enright** asked the Minister for Education and Science the number of boards in place at all vocational education committees; the composition of these boards; the name of the persons sitting on each board; the VEC to which each board is attached; the home town, city or area of residence of all those who sit on VEC boards; and if she will make a statement on the matter. [37042/05]

**Minister for Education and Science (Ms Hanafin):** Individual VECs are not required to provide details of their various boards and committees to my Department. Therefore, the information requested by the Deputy is not readily available.

#### **School Staffing.**

257. **Mr. Timmins** asked the Minister for Education and Science the position relating to the one teacher schools support group which is anxious to have another adult employed in each one teacher school to safeguard the health and safety of all members of the school community; if this request will be sanctioned; and if she will make a statement on the matter. [37043/05]

**Minister for Education and Science (Ms Hanafin):** Under the current staffing schedule for primary schools, an enrolment of 12 recognised pupils at the end of September 2004 is required for the employment of a principal and one mainstream classroom teacher. However, the provisional enrolment figures, which have been submitted to my Department, indicate that a minimum of 12 recognised pupils were enrolled in a number of schools which currently have one teacher and, on this basis, the schools concerned would qualify for the appointment of a mainstream teacher in 2006.

Following detailed consideration of the position of these schools, I am pleased to inform you the Deputy that, as an entirely exceptional matter, I have decided that a mainstream class teacher may be appointed in those schools immediately rather than with effect from 1

September 2006, which is the position which would normally apply in these circumstances. The boards of management of the schools concerned are being notified accordingly. A detailed review of the position of the schools with less than 12 pupils is being undertaken and will be completed as speedily as possible.

In accordance with the Safety, Health and Welfare at Work Act 1989, it is the responsibility of individual school management authorities to have a safety statement in place in their schools. The statement should identify potential hazards, assess the risks to health and safety and put appropriate provision in place to safeguard the safety and health of employees and pupils. The safety statement should be reviewed on a regular basis.

#### **Schools Building Projects.**

258. **Mr. Hogan** asked the Minister for Education and Science when finance will be available for the purpose of building a new school (details supplied) in County Kilkenny; and if she will make a statement on the matter. [37044/05]

**Minister for Education and Science (Ms Hanafin):** The school planning section of my Department is in receipt of an application for a new building from the management authority of the school to which the Deputy refers. 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.

#### **Summer Works Scheme.**

259. **Mr. Naughten** asked the Minister for Education and Science if summer works for a college (details supplied) in County Longford will be approved; and if she will make a statement on the matter. [37066/05]

**Minister for Education and Science (Ms Hanafin):** I can confirm to the Deputy that the authority of the school to which he refers has submitted an application for funding under the summer works scheme for 2006. The school planning section of my Department is in the process of assessing all applications received. Details of the successful applicants will be published when the assessment process has been completed.

#### **Special Educational Needs.**

260. **Mr. Ó Fearghail** asked the Minister for Education and Science the number of learning resource teachers in County Kildare in the years 2002 to 2005; and if she will make a statement on the matter. [37078/05]

261. **Mr. Ó Fearghail** asked the Minister for Education and Science the number of special needs assistants employed in County Kildare schools in each of the years 2002 to 2005; and if she will make a statement on the matter. [37079/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 260 and 261 together.

The information regarding the number of special education teachers for County Kildare in the years 2002 to 2005 is not readily available within my Department. I can confirm, however, that at primary level there are now approximately 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to fewer than 1,500 in 1998. Indeed, one out of every five primary school teachers is now working 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 in our second level schools.

I can also confirm to the Deputy that there are currently approximately 309 whole time special needs assistants, SNAs, in our primary and second level schools in County Kildare supporting children with special needs. My Department is not in a position to provide details of SNAs employed since 2002. However, since 1998, the number of SNAs has increased from under 300 to nearly 6,000 nationally.

#### **Schools Recognition.**

262. **Mr. Ó Fearghail** asked the Minister for Education and Science the progress that has been achieved towards permanent recognition of a school (details supplied) in County Kildare; and if she will make a statement on the matter. [37080/05]

**Minister for Education and Science (Ms Hanafin):** The school to which the Deputy refers opened with provisional recognition from my Department in September 2004. The school is required to complete a minimum period of three years in this mode, during which time it must demonstrate its viability and that it is operating in accordance with the rules and programme for secondary schools. The matter of permanent recognition can be considered when this period has expired.

#### **School Accommodation.**

263. **Mr. Ó Fearghail** asked the Minister for

Education and Science the number of schools in County Kildare that have applied for funding under the 2006 summer work scheme; and if she will make a statement on the matter. [37081/05]

**Minister for Education and Science (Ms Hanafin):** A total of 33 schools in County Kildare have applied for funding under the summer works scheme for 2006. All applications are currently being assessed and a list of successful applicants will be published when the assessment process has been completed.

#### **School Staffing.**

264. **Ms Enright** asked the Minister for Education and Science the recourse which is open to a person who is of the opinion that they were more qualified for a post (details supplied) than the person who was appointed to the post; if there is an appeals process that can be accessed in a situation such as this; and if she will make a statement on the matter. [37090/05]

**Minister for Education and Science (Ms Hanafin):** Appointments to posts of the kind indicated are a matter for the vocational education committee as the employer. My Department prescribes qualifications for appointment but does not sanction individual appointments. It is open to interested parties who are dissatisfied with such an appointment to present a complaint to the VEC. If no satisfaction is obtained, the matter may be brought to my attention for investigation. Appointments made by VECs are covered by the Vocational Education Acts.

The case in question has been the subject of correspondence between the VEC, the unsuccessful applicants and my Department. I am satisfied the appointment is in conformity with the relevant regulations.

#### **Pension Provisions.**

265. **Mr. Allen** asked the Minister for Education and Science the pension entitlements of a person (details supplied) in County Cork. [37091/05]

**Minister for Education and Science (Ms Hanafin):** The person in question gave four years and 21 days of pensionable service as a primary teacher between September 1981 and 13 March 1987. The teacher also gave some intermittent service as a substitute teacher between 1986 and 1990 but substitute service was at that time not reckonable for pension purposes.

As matters stand, the person in question does not retain any entitlement to pension and lump sum under the national school teachers' superannuation scheme as, at the time her pensionable service ended in 1987, she had not completed the minimum service of five years which was then the

required threshold for preservation of superannuation benefits. The threshold has been reduced to two years in the case of teachers, and public servants generally, who have given pensionable service on or after 2 June 2002.

It is open to the person referred to by the Deputy to return to teaching at any time in the future. Under the Public Service Superannuation (Miscellaneous Provisions) Act 2004, she would, on such return, be treated as a new entrant to the public service. The upper age limit for retirement on pension, 65 in the case of teachers, has been abolished in the case of new entrants. Similarly, a new entrant may not retire voluntarily on full pension before age 65. It is, however, open to new entrants to retire on pension between age 55 and 65, with actuarially-reduced benefits, under the cost-neutral early retirement scheme.

Any teaching service given following return would be aggregated with the teacher's earlier service. In this connection, and in line with the Protection of Employees (Part-time) Act 2001, service as a substitute teacher is now pensionable on an ongoing basis.

#### Schools Building Projects.

266. **Mr. Bruton** asked the Minister for Education and Science the stage at which the proposal to construct a new school at a location (details supplied) in Dublin 5 has reached; the system which is being used by her Department for prioritising applications for rebuilding; and the prospective starting date for this school. [37098/05]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. The school in question was listed in my announcement of April this year as a project to progress through architectural planning up to pre-tender stage, that is, up to and including advanced architectural planning. My Department's officials are in the process of examining a recently received revised stage 1,2,3 submission — for site suitability, briefing and site report, outline sketch scheme and developed sketch scheme — and when this examination is completed will be in contact with the school authorities with regard to the next steps involved in progressing this building project.

Details of the published criteria for prioritising applications for funding of large scale primary and post-primary school capital building projects will be forwarded to the Deputy. Progression of projects to construction will be considered in the context of the school building and modernisation programme for 2006 to 2009.

#### Higher Education Grants.

267. **Mr. Kehoe** asked the Minister for Edu-

cation and Science if funds for the higher education grant are to be made available to a group (details supplied) when they have been deemed eligible for a higher education grant by the relevant county council; and if she will make a statement on the matter. [37104/05]

**Minister for Education and Science (Ms Hanafin):** My Department has received correspondence from the Incorporated Law Society of Ireland seeking approval for the inclusion of the winter streams of the professional practice course 1 under the higher education grant scheme for 2005 and 2006. The application for course approval is currently under active consideration within my Department.

#### School Accommodation.

268. **Mr. F. McGrath** asked the Minister for Education and Science the priority with regard to funding classrooms that are rat infested, old and without toilets or new physical education halls and gyms. [37106/05]

**Minister for Education and Science (Ms Hanafin):** In accordance with the Safety, Health and Welfare at Work Act, individual school authorities are responsible in the first instance for ensuring the safety and welfare of children and others in their care. Provision is built into the annual school building programme to enable schools to address urgent health and safety issues as identified by the school authority by way of an annual allocation, currently amounting to €3,809 plus €12.70 per pupil, under the devolved grant scheme for minor works. This allocation can be used entirely at the discretion of the school authority to address basic health and safety issues as they arise.

Where schools are unable to address all issues arising on an incremental basis it is further open to the school authority to apply for funding from my Department under the appropriate scheme, that is, the summer works scheme, which provides capital grants for small scale improvement works at primary and post-primary schools during the summer holidays. The scheme is advertised annually.

With regard to physical education facilities in schools, it is open to each management authority to apply for capital funding on form FLE — application for grant aid for major capital works for national schools. Each application is assessed against the published prioritisation criteria.

#### Third Level Fees.

269. **Mr. Wall** asked the Minister for Education and Science the reason a person (details supplied) in County Kildare is being asked to pay fees for a course; the effect the stated payment would have in regard to the person graduating; and if

[Mr. Wall.]

she will make a statement on the matter.  
[37119/05]

**Minister for Education and Science (Ms Hanafin):** The criteria for eligibility for the free fees initiative includes the provision that students who have pursued a course of third level study which has attracted Exchequer funding, for example, free fees, and who have not secured a terminal qualification and subsequently resume third level studies are not eligible for free fees for the equivalent period of time spent on the first course.

The operation of the free fees initiative is a matter for each third level institution in accordance with the guidelines issued by my Department. I understand that the student in question pursued first year of a course at the Institute of Technology Carlow and then entered first year of a course at the University of Limerick. As the student did not complete the course at the Institute of Technology Carlow, the student is liable to pay tuition fees for her first year at the University of Limerick.

#### State Examinations.

270. **Mr. Kenny** asked the Minister for Education and Science the proportion of marks allocated for spoken Irish in the leaving certificate for Irish at lower level; if she intends to restructure this system with a clean bias towards spoken competency; when she intends to do same; and if she will make a statement on the matter.  
[37318/05]

272. **Mr. Kenny** asked the Minister for Education and Science the structure and category allocation of points marking for Irish in the leaving certificate for both lower and higher grade; the educational purpose of Irish in the lower grade; if she has satisfied herself that this purpose is being achieved with specific reference to spoken Irish; and if she will make a statement on the matter. [37320/05]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 270 and 272 together.

Irish is examined at higher, ordinary and foundation levels in the leaving certificate examination. All candidates take an oral examination where the productive skills of the candidate in spoken Irish are tested in an interview format. They also take an aural test where a candidate listens to a recording of native speakers representing the three main dialects and where the candidate's receptive skills regarding spoken Irish are tested.

At each of the three levels, the oral component accounts for 25% of the total marks for the exam-

ination. The aural component accounts for 16.6% of the total marks at higher level, 20% of the total marks at ordinary level and 30% of total marks at foundation level. The syllabuses in Irish at all levels are built around the communicative approach to the learning of the language and require that the four language skills of listening, speaking, reading and writing are developed in an integrated way. As to the extent to which the aims of the syllabuses are being achieved by our students, my view is that we need to work towards improvements in area of spoken Irish and that placing more emphasis on oral Irish in the leaving certificate examinations should be considered.

As the Deputy knows, I have already asked the National Council for Curriculum and Assessment to make recommendations to me in this regard as one of their next steps in developing their proposals for senior cycle reform.

#### Teacher Training.

271. **Mr. Kenny** asked the Minister for Education and Science the cost accrued by the State in training a primary teacher in each official teacher training college; the cost of training a primary teacher by a recognised on-line facility for graduates; and if she will make a statement on the matter. [37319/05]

**Minister for Education and Science (Ms Hanafin):** There are three different methods of providing funding to the five colleges of education, reflecting the historical context within which the colleges were established and developed over time.

Coláiste Mhuire Marino and the Froebel College of Education are funded on a capitation basis with funding linked to a payment per student registered in these colleges which is certified by the college president. My Department is not prescriptive in how this funding is spent by the colleges, only that in accordance with regulations governing all public expenditure, the monies are spent in accordance with the purposes for which they are allocated. For Coláiste Mhuire Marino and the Froebel College of Education, this purpose is teacher training.

The Church of Ireland College is funded on a budget basis: this involves that college submitting annual returns and financial projections for agreement by my Department. St. Patrick's College, Drumcondra, and Mary Immaculate College, Limerick, are funded through the Higher Education Authority, HEA.

The amount of current funding provided by my Department for the 1999-2004 period is set out in the following table. Finally, I assume the on-line facility referred to by the Deputy is the Hibernia College. As this is a privately-owned and operated college, my Department does not provide it with any funding.

Funds Allocated to the Colleges of Education 1999-2004.

College	1999	2000	2001	2002	2003	2004
	€	€	€	€	€	€
Froebel College	1,028,352	1,292,369	1,745,624	2,124,431	2,357,985	2,254,133
Mary Immaculate College	9,060,366	9,907,969	11,417,415	12,790,423	14,234,001	14,168,420
St Patrick's College, Drumcondra	9,410,547	10,144,927	12,191,310	14,273,448	15,725,886	15,326,610
Colaiste Mhuire	1,449,010	2,027,097	2,836,506	3,534,125	4,025,096	4,159,172
Church of Ireland College	1,040,426	1,302,972	1,406,616	1,486,466	1,184,316	1,476,705

Mary Immaculate College, Limerick and St. Patrick's College, Drumcondra are funded by the HEA.

*Question No. 272 answered with Question No. 270.*

### School Curriculum.

273. **Mr. Timmins** asked the Minister for Education and Science the number of hours in the primary teacher training curriculum; the number of hours spent on dyslexia; the way in which same is monitored; and if she will make a statement on the matter. [37321/05]

**Minister for Education and Science (Ms Hanafin):** The position is that the number of student or lecture contact hours in the colleges of education, on average, amounts to 1,650. I would like to inform the Deputy that the existing pre-service teacher training programmes provided by the colleges of education include specific elements aimed at enabling all primary teachers to recognise and deal appropriately with the particular needs of all children who have learning disabilities, including those associated with dyslexia. For example, in St. Patrick's College, dyslexia is treated in the context of other causes of reading failure within the curriculum course in reading in first and second years and in the special education course in the final year of the B Ed course. There are also a number of elective courses in the final year. The reading course is 22 hours in first year 22 hours in second year. In the third year, the special education course is 27 hours and the elective course is 40 hours.

The teacher education section of my Department met recently with representatives from all the publicly funded primary teacher training colleges. A working group has been established to consider a range of issues pertaining to the B Ed programme including, *inter alia*, the range of special educational needs including dyslexia.

I would like to take the opportunity to refer again to the continuum involved in the development of teaching as a profession and to say that in order to further enhance the relevant preparation that teachers will have received at pre-service

level in the colleges, my Department, in co-operation with colleges of education and universities, also provides a nationwide programme, on an annual basis, of additional specialist training at post-graduate level for learning support teachers and resource teachers.

As the Deputy is aware, learning support teachers are available to all primary schools as additional support for children with learning difficulties, including dyslexia. Resource teachers are available to primary schools, as required, as an additional support for children with special educational needs, including children with dyslexia.

In addition, my Department has completed a major programme of professional development for all teachers in primary schools, with particular emphasis on whole-school and classroom-based strategies for responding effectively to the learning needs of children with reading difficulties, including those associated with dyslexia. The programme is based on the learning support guidelines which have been made available to all schools by my Department. Support is continuing to be provided to schools by the support team.

This specialist training is supported and directly funded by the teacher education section of my Department, which is responsible for the education, training and continuing professional development of teachers across the continuum from initial pre-entry education to continuous professional development. The course syllabi include training in the diagnosis and identification of reading difficulties including the appropriate techniques for remediation. In particular, there is a focus on the problem of specific learning disabilities, including dyslexia, in relation to diagnosis and pedagogy.

Through the special education support service, which was established in September 2003, my Department also supports many other relevant short-term intensive courses, including some on-line courses, for primary teachers. In its current programme of support and professional development, the special education support service has identified dyslexia as a priority which, with other similar courses, are provided through the network of education centres, teachers' organisations and

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through the programme of summer courses for primary teachers.

#### **Defence Forces Recruitment.**

274. **Mr. Timmins** asked the Minister for Defence the position is in relation to a person who is interested in joining the cadets and who is a diabetic; the present policy; his views regarding same; and if he will make a statement on the matter. [37035/05]

**Minister for Defence (Mr. O’Dea):** All applicants for a cadetship in the Permanent Defence Force are required to be in good mental and bodily health and free from any physical defect, abnormality, physiological condition or past history of serious illness likely to interfere with the efficient performance of his-her duties. The professional advice of the medical military authority is that a person who is a diabetic is below the medical standards for enlistment, which includes becoming a cadet, to the Permanent Defence Force.

As regards serving military personnel who have been diagnosed with diabetes, members of the Defence Forces are medically classified in accordance with Defence Forces Regulations A12. Guidance in the practical application of these regulations is contained in instructions issued to medical officers by the director, Medical Corps. The director’s instructions recognise that each case must be decided on its merits. The regulations and instructions are framed in the context of the unique and demanding nature of the physical requirements of operational military life.

The military authorities advise that, in general terms, personnel of the Defence Forces who develop diabetes during service are reclassified to an appropriate medical classification code in accordance with Defence Forces Regulations A12 and may be restricted to appropriate limited duties in accordance with their condition. I am advised that a diagnosis of diabetes may not necessarily, of itself, result in a member of the Defence Forces being reclassified “Below Defence Forces Medical Standards”. Each case is treated individually on its merits and it is solely a matter for the appropriate military medical authorities to determine the appropriate medical classification code of any member of the Defence Forces and their suitability for continued service in the Defence Forces.

Non-commissioned personnel of the Defence Forces are required to retain specified minimum medical classifications to be eligible for consideration for extension of service, re-engagement or continuance in service, as appropriate, beyond their specific service engagements. A diagnosis of diabetes could result in a medical classification code below the required minimum for extension, re-engagement or continuation in service. However, such a diagnosis does not automatically

render a member of the Defence Forces medically ineligible for extension, re-engagement or continuation in service.

#### **Air Ambulance Services.**

275. **Dr. Cowley** asked the Minister for Defence his views on whether the air ambulance service provided by the Air Corps should be on more than an “as is” basis as these new helicopter types will have the capacity of being configured for the ambulance role and in view of the fact that parts of west Mayo have no ambulance base; if his Department has formalised the arrangements for the provision of the air ambulance service with the Department of Health and Children; and if he will make a statement on the matter. [37036/05]

**Minister for Defence (Mr. O’Dea):** The Department of Health and Children is responsible for policy formation in respect of pre-hospital emergency care, and the Health Service Executive has statutory responsibility for the provision of ambulance services throughout the state. A detailed service level agreement for the provision of an air ambulance service by the Air Corps, prepared by my Department and the Department of Health and Children, in consultation with the Health Service Executive and the Defence Forces, which are all signatories to the agreement, has recently been finalised and signed. The agreement sets out the range of the service to be provided by the Air Corps, specifically inter-hospital transfers for spinal and serious injuries and illnesses, air transport of neonates requiring immediate medical intervention within Ireland, air transport of patients requiring organ transplants in the UK, air transport of organ harvest teams within Ireland and air transport of patients from offshore islands to mainland hospitals where the Irish Coast Guard service is not available.

Both of the new helicopter types will have the capacity of being configured for the air ambulance role and an air ambulance kit is part of the additional equipment ordered with the helicopters. Both kits will be fully certified for airborne use and will enable the transfer of one patient along with up to two medical personnel in the helicopter cabin. Both systems will incorporate basic medical facilities such as electrical power, oxygen supply and suction.

#### **Courts-Martial.**

276. **Mr. Timmins** asked the Minister for Defence the number of Defence Forces personnel that were in detention or confined to barracks, during the week ending 27 November 2005; the exact details of the detention or confinement; the offence or offences which were involved; his plans to change the disciplinary process in the

Defence Forces; and if he will make a statement on the matter. [37312/05]

**Minister for Defence (Mr. O’Dea):** The Defence Forces policy is that commanders are advised to exercise their quasi-judicial statutory discretion by way of the award of confinement to barracks, or the award of a monetary fine, rather than detention, when considering punishment.

During the week ending 27 November 2005 the number of Defence Forces personnel confined to barracks was eight: 4th Western Brigade, one person under sections 137 and 168 of the Defence Act 1954, as amended — awarded three days confined to barracks; Naval Service, two personnel under sections 131 and 168 of the Defence Act 1954, as amended — one was awarded seven days stoppage of shore leave and one was awarded three days stoppage of shore leave; Air Corps, five personnel under sections 137, 157 and 168 of the Defence Act 1954, as amended — four were awarded two nights confined to barracks and one was awarded three nights confined to barracks.

The Government’s legislative programme for the current Dáil session, which commenced on 28 September 2005, as announced by my colleague, Deputy Kitt, Chief Whip and Minister for State at the Department of the Taoiseach, lists in section B the Defence (Amendment) Bill which will amend Part V (Discipline) of the Defence Act 1954, as amended, and certain other provisions of the Act. Since its enactment over fifty years ago, Part V (Discipline) of the Defence Act 1954 has been subject to relatively minor revisions, including the establishment in 1983 of the Courts-Martial Appeals Court, CMAC, the introduction of a special legal aid scheme, and some subsequent updating of the punishments available for breaches of military law.

There have been relevant developments in the intervening period. The military legal authorities have had regard to various decisions of the Courts-Martial Appeals Court since 1983, to developments in the ordinary criminal courts of the State and to developments in the administration of military law in other common law jurisdictions. They have been especially aware of the need for the Irish military legal system to be fully compliant with all of the requirements of the European Convention on Human Rights which was incorporated into Irish law through the European Convention on Human Rights Act 2003. In this regard, the military authorities are entirely cognisant of recent decisions of the European Court of Human Rights in the area of military law.

In July 2001 the Deputy Chief of Staff, Support, convened a military law review board to review the current provisions of the Defence Act 1954, as amended, to ensure that the military law justice system is both expeditious and fair to the individual and contributes significantly to the maintenance of discipline within the Defence

Forces and complies with the Constitution and the European Convention on Human Rights. The board report, together with legal advice from the Attorney General’s Office, have been considered within my Department with a view to deciding upon the most suitable approach to be taken to the recommendations, in light of the general legislative programme of the Government. Accordingly, on 14 June 2005 the Government approved the urgent drafting of the Defence (Amendment) (No.2) Bill which is currently being drafted by the Office of Parliamentary Counsel, in consultation with officials from my Department, for publication by mid 2006.

#### **Greenhouse Gas Emissions.**

277. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions due to the altering of the fuel mix for the purposes of heating in the built environment and residential sector by 2012 (details supplied); the reduction achieved by these measures to date in 2005; the target for reduction in greenhouse gases by altering of the fuel mix for the purposes of heating in the built environment and residential sector for each year between now and 2012; the steps he is taking to ensure the 2012 target is achieved; and if he will make a statement on the matter. [37155/05]

284. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions in the built environment and residential sector by 2012; the reduction achieved in the sector to date in 2005; the target for reduction in greenhouse gases attributable to the built environment and residential sector for each year between now and 2012; the estimated annual cost to Ireland if greenhouse gas emissions from this sector remain at their current level; the steps he is taking to ensure the target is achieved; and if he will make a statement on the matter. [37167/05]

287. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas achieved by energy efficiency measures for existing buildings by 2012; the reduction achieved by these measures in this sector to date in 2005; the target for reduction in greenhouse gases achieved by energy efficiency measures for existing buildings for each year between now and 2012; the steps he is taking to ensure the 2012 target is achieved; and if he will make a statement on the matter. [37170/05]



288. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions due to the altering of the fuel mix for the purposes of heating in the built environment and residential sector by 2012; the reduction achieved by these measures to date in 2005; the target for reduction in greenhouse gases by altering of the fuel mix for the purposes of heating in the built environment and residential sector for each year between now and 2012; the steps he is taking to ensure the 2012 target is achieved; and if he will make a statement on the matter. [37171/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 277, 284, 287 and 288 together.

I refer to the reply to Question No. 7 of 29 November 2005. The national climate change strategy sets out Ireland's approach to meeting its target for the propose of the Kyoto Protocol, which is to limit growth in greenhouse gas emissions to 13% above 1990 levels in the 2008-12 commitment period. The strategy projected greenhouse gas emissions from the built environment and residential sector to decrease from 7,018 million tonnes of carbon dioxide equivalent in 1990 to 6,789 million tonnes in 2010, with proposed reduction targets for the entire sector of 0.9 million tonnes. In 2003, the latest year for which figures are available, total emissions from the sector were 6.6 million tonnes carbon dioxide equivalent.

The strategy proposed that measures to change the mix of fuels which are used for space and water heating would result in a reduction of 0.25 million tonnes of carbon dioxide equivalent by 2010 while improved energy efficiency of existing buildings would result in savings of 0.4 million tonnes over the same period. Figures published by Sustainable Energy Ireland in Energy in Ireland 1990-2003 indicate that for the residential, commercial and public services sectors there has been a significant shift from the more carbon intensive fuels to less carbon intensive fuels for space and water heating. As a result, unit carbon dioxide emissions associated with space and water heating in the residential sector have fallen by 25.1 % over the period 1990-2003, though there has been an increase of 0.7% between 2000-03. In the commercial and public services sector, however, there has been a growth in carbon dioxide emissions of 31.5% between 1990 and 2003

associated with space and water heating in this sector though between 2000-03 there has been an average annual decrease of 1.2%.

278. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions in the transport sector by the introduction of a labelling system for vehicles by 2010; the reduction achieved by these measures to date in 2005; the target for reduction in greenhouse gases attributable to the use of labelling for each year between now and 2010; the steps he is taking to ensure the 2010 target is achieved; and if he will make a statement on the matter. [37183/05]

291. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the planned timeframe and agenda set out to implement the EU initiative for fuel economy labelling of all new cars as specified under the national climate change strategy; the steps which have been taken since 2000 to establish this system; the steps he intends to take to implement this system by 2010; the target for total reduction of carbon emissions to be achieved by this measure; the reduction of carbon emissions achieved to date in 2005 by this measure. [37175/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 278 and 291 together.

I refer to the reply to Question No. 105 of 29 November 2005.

#### Capital Expenditure.

279. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the amount of funding allocated to the mid-east and other regions for the years 2000, 2001, 2003 and 2004 from his Department; the payment this represented per head of population; and if he will make a statement on the matter. [37003/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The mid-east region comprises counties Kildare, Meath and Wicklow. The funding for capital purposes allocated by my Department to the mid-east region, together with allocations to the remainder of the southern and eastern region and the Border, midlands and western, BMW, region for the years 2000 to 2004 is set out in the following table:

	2000	2001	2002	2003	2004
	(€million)	(€million)	(€million)	(€million)	(€million)
Mid-East	114.061	151.702	170.689	165.286	173.094
Remainder of S&E	782.050	1,121.114	1,228.999	1,123.417	1,118.604
BMW	407.981	522.268	609.887	601.388	590.046

These allocations are for the provision of the following services: housing, water and waste-water services, waste management, non-national roads, urban and village renewal and habitats and heritage conservation.

	2000	2001	2002	2003	2004
	€	€	€	€	€
Mid-East	295	381	414	389	396
Remainder of S&E	326	462	498	450	443
BMW	408	516	587	569	547

It should be noted that the remainder of the southern and eastern region includes all but one of the country's major cities and that major expenditure on housing and urban regeneration has been concentrated in Dublin and Cork. In addition, it should be noted that in the early years of the national development plan priority was given to investment in major water services projects in Dublin, Cork and Limerick.

However, with the completion of major projects in the major urban areas, per capita expenditure on water services has increased in the mid-east region in recent years compared to the rest of the southern and eastern region. Investment by my Department on non-national roads throughout the years in question, expressed in per capita terms, indicates the mid-east region is ahead of the rest of the southern and eastern region. Per capita benefit is higher in the BMW region but it should be borne in mind that the BMW region, which consists of 47% of the land area, accounts for just 27% of the national population.

#### Water and Sewerage Schemes.

280. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the situation regarding the application for funding for a sewerage scheme at Dunlavin, County Wicklow by Wicklow County Council; and if he will make a statement on the matter. [37004/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Dunlavin sewerage scheme has been included in my Department's water services investment programme 2004-06 as a scheme to enter planning. I understand that Wicklow County Council have prepared a preliminary report for this scheme and are also working to complete internal consultations on the proposals. Following this, I intend that my Department will consider its approval for the preliminary report for the scheme.

#### Housing Grants.

281. **Ms McManus** asked the Minister for the Environment, Heritage and Local Government if

Based on population information supplied by the Central Statistics Office, these allocations can be represented on a per capita basis as follows:

measures will be put in place to ensure that the necessary staffing is allocated to the disabled persons' grant and that the essential repairs grant is increased; and if he will make a statement on the matter. [37032/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The improvements made to the terms of the essential repairs grants scheme in recent years have permitted a significant upscaling of the level of activity. In line with these changes and the efforts of local authorities the number of individuals benefiting has increased significantly. The effective maximum grant has been increased to €9,523 and the level of recoupment by my Department to local authorities has increased from 50% to two thirds. Increased capital funding has been made available to meet the cost of the activity generated by these improvements. Some 2,075 grants were paid by local authorities under this scheme in 2004 at a cost of €9.6 million compared to 957 at a cost of €2.2 million in 1998. While there are no proposals to increase the maximum grant at this stage, the operation of the scheme is included in the review of the disabled persons grants and related schemes which is being finalised in my Department.

Local authorities are individually responsible for the staffing and organisational arrangements necessary for carrying out their functions, including in relation to housing grants. As regards to the level of the essential repairs grant, I refer to the reply to Question No. 36 of 29 November 2005.

#### Social and Affordable Housing.

282. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if the clawback arrangement will be reviewed as applied in the social and affordable housing scheme operated by local authorities with a view to reducing the percentage being clawed back and reducing the period from 20 years to ten years; his views on the success or otherwise of the scheme; and if he will make a statement on the matter. [37089/05]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):**

Houses sold under the various affordable housing schemes at a discount from market value contain a clawback provision. This clawback 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 clawback is necessary to ensure that 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 public interest in these affordable houses and, accordingly, I have no plans to alter the present arrangements.

Since its introduction in March 1999, some 4,650 housing units have been provided under the 1999 affordable housing scheme and over 1,600 social and affordable units have been acquired under Part V agreements with developers. In addition, the shared ownership scheme has attracted in excess of 17,000 purchasers to date. I am confident that these schemes together with housing to be provided under the partnership agreement Sustaining Progress are all contributing to the Government's strategy for social and affordable housing and will deliver substantial output over the coming years. It is estimated that over 12,000 units in total will be delivered from all of the affordable schemes between 2005 and 2007.

**Water and Sewerage Schemes.**

283. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the timescale for the completion of a water scheme (details supplied) in County Kildare; and if he will make a statement on the matter. [37118/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):**

The water supply to Athy is being augmented as part of phase 1 of the Kildare water supply strategy which has been approved for construction under my Department's water services investment programme 2004-06. Earlier this month I approved Kildare County Council's tender documents for the augmentation works. It is now a matter for the council to proceed with the invitation of tenders for the project.

*Question No. 284 answered with Question No. 277.*

**Greenhouse Gas Emissions.**

285. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the target which Ireland has set in the national climate change strategy for the reduction of greenhouse gas emissions due to the implementation of building regulations by 2012; the reduction achieved by these measures in the sector to date in 2005; the target for reduction in greenhouse gases due to the implementation of building regulations for each year between now and 2012; the steps he is taking to ensure the 2012 target is achieved; and if he will make a statement on the matter. [37168/05]

286. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the estimated annual cost to Ireland due to greenhouse gas emissions for 2005 and each additional year that the new building regulations are delayed; the estimated loss of savings in terms of emissions for 2005 and each additional year that the new building regulations are delayed; and if he will make a statement on the matter. [37169/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 285 and 286 together.

Higher thermal performance standards apply to new dwellings commencing on or after 1 January 2003 under amending Part L (Conservation of Fuel and Energy) Building Regulations 2002 and the related 2002 edition of technical guidance document L published by my Department. The setting of a single operative date, 2003, involved bringing forward phased operative dates, 2002 and 2005, envisaged in the national climate change strategy. This was made possible when an independent energy research group, UCD study, commissioned by the broadly based building regulations advisory body, showed that all commonly used house building systems could be insulated to comply with the higher thermal performance standards involved.

The operative date of 1 January 2003 is subject to a transitional exemption of new dwellings for which planning permission was sought on or before 31 December 2002, provided the construction of the dwellings concerned is substantially completed by 31 December 2005. This transitional provision is commonly included in major changes to the building code, so as not to disrupt the start of work on new buildings at an advanced stage of planning or design.

It is estimated that the amendment to the Part L regime in 2002 will reduce CO<sub>2</sub> emissions by at least 250,000 tonnes per annum by end 2012, in line with the estimate contained in the national climate change strategy. This estimate is based on

the assumption that some 420,000 new houses will be completed to the amended Part L standards, by end 2012. It is not possible reliably to estimate how many new houses have benefited from the transitional provision outlined above during 2003-05.

It is reasonable to expect that the overall target of an estimated 420,000 house completions will be achieved by end 2012. Specific house completion forecasts have not been made for each year to 2012. Accordingly, the question does not arise of annual shortfalls from CO<sub>2</sub> emission reduction targets, or consequential annual costs, between 2005 and 2012.

I intend to amend Part L of the building regulations soon to set higher thermal performance and insulation standards for new non-domestic buildings commencing on or after 1 July 2006, which it is estimated will result in a further reduction in CO<sub>2</sub> emissions of 45,000 tonnes per annum, by end 2012. The thermal performance standards for new dwellings are due for review and further upward adjustment by 2008. These prospective developments should enable CO<sub>2</sub> emission reduction targets from new construction, as contained in the national climate change strategy, to be exceeded by 2012.

*Questions Nos. 287 and 288 answered with Question No. 277.*

### **Building Regulations.**

289. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the progress which has been made to date in 2005 in respect of the plan specified under the national climate change strategy to require vendors of pre-1991 houses to produce an energy efficiency certificate from a competent contractor, showing the annual energy consumption, including cost, of the premises; the number of such certificates that have been produced since 2000 to date in 2005; steps he intends to take to ensure that all persons purchasing pre-1991 houses will receive such a certificate; and if he will make a statement on the matter. [37173/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The national climate change strategy, 2000, contained a proposal for the production of energy efficiency certificates by vendors of older, pre-building regulations 1991, houses.

This proposal was overtaken by the subsequent publication, in May 2001, of a draft EU Directive on the Energy Performance of Buildings. This directive, 2002/91/EC, was formally adopted on 19 December 2002. The directive provides for the introduction of building energy performance certificates, to be known in Ireland as building energy rating certificates, for a much wider range of buildings covering both newly constructed

buildings and existing buildings, when existing buildings are sold or let.

The draft action plan for the implementation of the directive in Ireland, April 2005, provides for the phased introduction of the mandatory building energy rating certificate, over the period 2007-09, for newly constructed dwellings, with effect from 1 January 2007; for newly constructed non-domestic buildings, with effect from 1 January 2008; for existing buildings when sold or let, with effect from 1 January 2009.

A copy of the draft action plan has been placed in the Oireachtas Library. The definitive action plan is being drawn up, in the light of all submissions received during the public consultation process on the draft plan, and will be submitted to the EU Commission shortly.

### **Greenhouse Gas Emissions.**

290. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the progress which has been made to date in 2005 in respect of the planned agreement regarding the reduction of greenhouse gases under the national climate change strategy between the Department of Enterprise, Trade and Employment, his Department, and the cement industry to ensure that the reductions in emissions achieved are at the global benchmark for industry best practice; and if he will make a statement on the matter. [37174/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** In the context of the potential reductions in greenhouse gas emissions from the cement sector, companies within the sector are now covered by the EU emissions trading scheme and participating installations are expected to reduce emissions according to the provisions of the scheme.

A report commissioned by my Department and published in February 2004, determining the share of national greenhouse gas emissions for emissions trading in Ireland, outlined a range of cost-effective abatement options available to sectors covered by the EU scheme. For the cement sector such options include fuel switching and process substitution. It is, however, a matter for individual installations to achieve emission reductions in the most cost-effective manner available to them. My Department is engaged in discussions with the cement sector on possible measures to facilitate the more widespread use of lower clinker content cement in the Irish market.

*Question No. 291 answered with Question No. 278.*

### **Local Authority Staff.**

292. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 583 of 22

[Mr. Gregory.]

November 2005 if persons originally employed as general operatives but who carry out clerical duties for local authorities are entitled to eligibility for interview for Grade IV level and should not be excluded on the basis that they do not hold a leaving certificate (details supplied).  
[37241/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The qualifications declared for the post of assistant staff officer enable existing local authority employees, including persons originally employed as general operatives, to compete for such posts if they have at least two years' satisfactory experience as a clerical officer or in an analogous post. In such cases, the leaving certificate requirement does not apply. It is a matter for the employing authority to determine whether an applicant for a post of assistant staff officer possesses the qualifications for that post.

#### **Local Authority Funding.**

293. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the requests currently under consideration or ongoing at his Department for funding for projects in Counties Wicklow and Carlow; the names and stages of the projects; the projected costings; and if he will make a statement on the matter.  
[37316/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

#### **Recycling Policy.**

294. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government his plans to introduce a refundable deposit scheme at the point of sale on plastic and aluminium bottles and cans (details supplied); and if

he will make a statement on the matter.  
[37317/05]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Directive 94/62/EC on packaging and packaging waste is based on the concept of producer responsibility, which effectively requires producers to contribute to the waste management costs of products which they have placed on the market at end-of-life. Under the directive, Ireland was required to achieve a 25% recovery rate of packaging waste by 1 July 2001, increasing to a 50% recovery rate by 31 December 2005. Practical implementation of the directive in Ireland is organised mainly through a collective industry-based compliance scheme operated by Repak Limited which is working successfully and in 2001 met the target of 25% packaging waste recycling required by the directive.

The latest indications are that Ireland is on course to meet the higher recovery and recycling target of 50% 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 44% in that year, up from 35% in 2002.

While Article 15 of Directive 94/62/EC makes provision for member states to adopt economic measures, such as deposit and refund schemes, in support of the objectives of the directive, successful deposit and refund schemes operating internationally for beverage containers are generally located in those countries where there has been no break in the continuity and cultural tradition of deposit and refund arrangements. This is not the case in Ireland and there would now quite likely be significant costs involved in re-establishing deposit and refund arrangements here.

Account would also have to be taken of the possible impact on existing compliance arrangements. Given that these arrangements are achieving the desired result in relation to meeting the recycling targets, the introduction of deposit and refund schemes for beverage containers is not under consideration.