



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 9 May 2006.

Ceisteanna—Questions	
Taoiseach	1
Minister for Defence	
Priority Questions	16
Other Questions	26
Adjournment Debate Matters	37
Leaders' Questions	38
Requests to move Adjournment of Dáil under Standing Order 31	47
Order of Business	49
Ministerial Rota for Parliamentary Questions: Motion	56
Proposals on Accession of Republic of Bulgaria and Romania to European Union:	
Referral to Select Committee	57
International Criminal Court Bill 2003:	
Order for Report Stage	57
Report Stage	57
Private Members' Business	
Energy Sector: Motion	87
Adjournment Debate	
Cross-Border Projects	117
National Health Strategy	121
National Development Plan	124
Citizenship Applications	128
Questions: Written Answers	133

DÁIL ÉIREANN

DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

TUAIRISC OIFIGIÚIL OFFICIAL REPORT

IMLEABHAR 619

VOLUME 619

*Dé Máirt, 9 Bealtaine 2006.
Tuesday, 9 May 2006.*

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

Paidir.

Prayer.

Ceisteanna — Questions.

An Ceann Comhairle: I wish to make a correction to the Order Paper. Questions on the supplementary Order Paper circulated to Members will be taken first by the Taoiseach.

Centenarians' Bounty.

1a. Caoimhghín Ó Caoláin asked the Taoiseach the new terms and conditions of the centenarians' bounty; and if he will make a statement on the matter. [13424/06]

2a. Mr. Rabbitte asked the Taoiseach the new terms and conditions of the centenarians' bounty; the way in which it is expected that the bounty will be paid to Irish-born people living abroad; if they will have to apply for the bounty; and if he will make a statement on the matter. [14448/06]

3a. Mr. Kenny asked the Taoiseach the new terms and conditions relating to the centenarians' bounty; and if he will make a statement on the matter. [16015/06]

4a. Mr. Sargent asked the Taoiseach if he will report on the new terms and conditions of the

centenarians' bounty; and if he will make a statement on the matter. [16184/06]

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

On 28 March the Government approved in principle the extension of the scheme for the payment of the centenarians' bounty. Subsequently, on 25 April, the Government approved the arrangements for its operation on foot of recommendations by an interdepartmental working group. Up to now, the bounty was payable only to centenarians living in the State, regardless of nationality. This arrangement will also continue.

Under the new arrangements, payment of the bounty, which amounts to €2,500, will be extended in respect of any Irish citizen who was born on the island of Ireland, regardless of where he or she may currently reside. This aspect of the scheme will be managed by the Department of Foreign Affairs.

Over the past decades, hundreds of thousands of our people emigrated out of economic necessity. They made a huge contribution not only to their adopted country but many of them continued to contribute to their family in Ireland by sending home remittances. The centenarians'

[The Taoiseach.]

bounty is not just a practical gesture; it is also a token of regard. Therefore it is appropriate that this regard should be extended equally to Irish people wherever they are in the world. At a time in life for older emigrants when friends and family in Ireland may no longer be as numerous as they once were, it is a fitting gesture that the State should acknowledge their 100th birthday.

Caoimhghín Ó Caoláin: Does the Taoiseach recall the words, “The centenarians’ bounty is not just a practical gesture, it is also a token of regard. It is appropriate therefore that this regard should be extended equally to Irish people wherever they are in the world”? Does the Taoiseach recall making those remarks regarding new proposals for the centenarians’ bounty? In the spirit of what he said, will the centenarians’ bounty apply to citizens living in the Six Counties area of our country? I welcome what I understood him to say, namely, that people resident in this State, regardless of whether they were born in it, who reach their 100th birthday will benefit. I am anxious to establish the situation heretofore regarding citizens north of the Border, the situation now regarding the new terms and conditions being introduced, and the method with regard to accessing the bounty. Does it require an application from the individual citizen or, if personally unable, from a family member on his or her behalf?

Since the State has not yet existed for 100 years, past recipients of the centenarians’ bounty — and future ones until 2022 — having simply been born in Ireland, will the Taoiseach ensure that it will be paid to Irish citizens in the Six Counties under the new terms and conditions?

The Taoiseach: In the first part of the Deputy’s question, I believe that he quotes a previous statement, but he also quotes from what I said today. “The centenarians’ bounty is not just a practical gesture, it is also a token of regard. It is appropriate therefore that this regard should be extended equally to Irish people wherever they are in the world.” I have repeated what I said previously. The answer to the Deputy’s second question is “yes”. Any centenarian born on the island of Ireland and who is an Irish citizen will be eligible to apply, regardless of where the person now resides. That will apply regardless and not simply to those born before 1920 or 1921.

Caoimhghín Ó Caoláin: And into the future.

The Taoiseach: Yes, and into the future. It applies to every eligible Irish person, no matter when he or she was born. There is provision in the scheme whereby someone born before 1906 who did not apply previously can do so retrospectively. Anyone alive today who was born before that date is entitled to apply.

Caoimhghín Ó Caoláin: Did that apply heretofore regarding residents of the North of Ireland, or is that only under the new terms and conditions?

The Taoiseach: It did not apply previously, since the scheme was far more limited. However, legal advice that I had requested and taking into account the Irish Nationality and Citizenship Act 2001 is that any person born on the island of Ireland before the commencement of that Act is entitled to this as an Irish citizen and that only an Irish citizen is entitled. The view was that the provisions should apply to the island of Ireland. One could ask when the relevant period started, but to do so would be very unfair to people. It should be clear that the provisions apply to anyone alive who is over 100 years of age and was born on the island of Ireland.

Mr. J. Higgins: The key question is who will get the centenarian vote.

Mr. Rabbitte: I welcome what the Taoiseach has said and I also agree with the context in which he has put the matter. The Taoiseach will be aware that I have raised the matter on behalf of my party and that Deputy Stagg has pursued it over a period. At the outset of this Dáil we devoted our Private Members’ business to the question of emigrants living outside the State, mainly in the British cities. To my surprise it was the first time in the history of Dáil Éireann that we had such a debate. All sides of the House were supportive of the case we sought to make. Does the Taoiseach not agree that this is probably the least important of the proposals we made and the least important of the proposals in the joint document published by Labour and Fine Gael in terms of our emigrants. While this was one of the proposals, it was not the most important. Does the Taoiseach intend to address any of the other issues on that agenda? Will the State locate those people living, for example, in Britain? Will the State proactively seek to establish who is entitled to the bounty?

While doing little things that are meaningful, will the Taoiseach cause the national broadcaster to renew the service to Irish emigrants living in cities in Britain, especially those in London, who have made representations for the restoration of that service? While it is a small step, we seem unable to restore that service. Has RTE made the decision for reasons of finance—

An Ceann Comhairle: The Deputy is going well outside the scope of these questions.

Mr. Rabbitte: Few of the people whose interests my party sought to advocate here will survive to 100 years. Many of them are in bad circumstances in British cities, living in very poor conditions and so on and unfortunately will not experience a life of 100 years or more. Is it the

Government's intention to make any small reforms that are in the interests of the people who are still with us?

The Taoiseach: On the general point that Deputy Rabbitte has raised, over the life of this Government, with no urgings from anybody, we have made a large number of decisions that have helped emigrants, including helping local authorities with housing, dealing with many aspects of health, improving the DION grants, establishing the consular service in the United States to fund organisations that we previously did not fund etc. There is a whole range of these issues. I am well aware of the matter Deputy Stagg has pursued. I raised it in London some years ago and made an issue of it with the RTE people. I asked for the technicalities to be investigated. That is an issue with others. There were issues about television schemes and travel schemes. It is not possible to address some of these issues under European Union law, but we have followed them up. Under the broadcasting Bill being prepared, RTE's public service remit will be broadened to include broadcasting to the Irish abroad, subject to EU approval on state aid. That is the point Deputy Stagg asked me to follow up, and Deputy Rabbitte raised it last week.

This concerns the question put down by Deputies Rabbitte, Ó Caoláin, Kenny and Sargent because it had long been said that it was difficult to do it this way. The Federation of Irish Societies and others asked me some years ago to consider how we might deal with this issue. We decided that any Irish citizen born on the island of Ireland would be eligible.

The bounty will be paid retrospectively to any centenarian who previously applied and would have qualified if the new arrangements were in place. There will be administrative discretion as to whether it will be paid to centenarians who did not apply previously but would have been eligible if the new arrangements were in place. I do not see any difficulty in that, unless there is some strange reason not to pay them. In all circumstances, the bounty will be paid only to centenarians who are alive and will not be paid to the estates of any persons deceased. In response to Deputy Rabbitte, we will ask the embassies and consular services, which will operate the scheme, to do so proactively.

Some time ago, when I debated this with the Federation of Irish Societies, I commissioned a statistical exercise to see the figures for people born in 1904. In that year 103,811 people were born in the 32 counties. An actuary calculated that 625 should be alive on their 100th birthday.

Mr. Rabbitte: There are probably many more than that on the electoral register.

The Taoiseach: God knows. Only 141 bounties, however, were paid in 2005. Whatever the figure, on that basis we lost close to 450 or 460 of the

centenarians. There are Irish people who did not receive the bounty so it is worth making an effort to find them. This corrects a matter that elderly people considered unreasonable.

Mr. Kenny: The old saying that "time and tide wait for no man" is true. When does the Taoiseach expect the scheme to become effective and operational? Do the figures available to the Taoiseach's Department give any idea how many people are approaching 100? If this scheme catches on, some of the 40 million Irish Americans who claim to be Irish on census forms might be interested in lodging an application too. Is it confined strictly to those born in Ireland?

The Taoiseach: It is.

Mr. Kenny: Does the Taoiseach know the numbers involved?

The Taoiseach: The embassies and consular service must follow up on the proof of birth in Ireland. It is not just a matter of making an application, the candidates must prove they were born here. We are probably lucky in this country to have some of the best records available, including parish records of all the denominations that were active around the country then. The candidates must verify age, place of birth, citizenship and identity to the consular services and officers abroad, otherwise they will not be paid.

I checked the figure for 2005 before approaching the Department of Finance. Working on 1904 figures and at 141 bounties under the existing arrangements, the gross cost was €352,000. Based on actuarial figures there should be about 480 other centenarians living outside the State. Considering the number living in the State, this figure seems high, but even if it is correct the cost would be €1.2 million. The actuarial figures are based on an internationally recognised formula which is used by the Central Statistics Office. It is interesting that based on 1904 there should be 625 persons but there is only 141. This is an interesting statistic which shows what was happening to our earlier generations.

Mr. J. Higgins: Eighty people in a two-bedroomed house.

An Ceann Comhairle: Deputy Sargent has been called.

Mr. Sargent: I welcome the extension of the centenarian bounty scheme to include Irish people born in Ireland but living abroad. While this initiative is welcome, it is hardly revolutionary, considering the schemes in other countries. For instance Irish Italians recently flocked to cast their votes for their new Prime Minister Prodi, his Green Party colleagues and others. In that context, will the Taoiseach clarify a reference both he and the *Irish Independent* made to Irish citizens being entitled to the bounty when they reach

[Mr. Sargent.]

100? I am sure go mbeidh fáilte roimh sin ag an Athair Seosaimh Ó Maoláin, mac le Michael Malin, atá ins a nóchaidí agus atá anois í Hong Kong. Ach, cad mar gheall ar dhaoine atá ina gcónaí anseo nach saoránaigh iad? The website refers to people who are resident in Ireland on their 100th birthday but does not seem to make reference to those with citizenship. Will the Taoiseach clarify the position of people who might not be Irish citizens but who are resident in Ireland on their 100th birthday?

The Taoiseach: As I have stated three times, persons must have been born in Ireland but can be resident anywhere on their 100th birthday. They must be Irish citizens who were born in Ireland and be able to prove they were born anywhere on the island of Ireland.

Mr. J. Higgins: Why should it not apply to all citizens?

An Ceann Comhairle: The Deputy should allow the Taoiseach without interruption.

The Taoiseach: It will apply to anyone born on the island of Ireland. It is not for somebody who arrives here at age 98 and claims to be 100.

Mr. J. Higgins: That means even at 100 years of age they are second class citizens in the State. This is ridiculous.

An Ceann Comhairle: I will allow a brief final question from Deputy Crawford.

Mr. Crawford: I welcome the initiative. On a point of clarification, is a person who left this country at 16 years of age and became a United States citizen entitled to the bounty?

The Taoiseach: Once the person can prove she was born in Ireland, she is entitled to the bounty.

Mr. Crawford: Her current citizenship does not debar her.

The Taoiseach: No, once she can prove she was born on the island of Ireland.

Mr. J. Higgins: Ceann Comhairle, may we have clarification of that issue?

An Ceann Comhairle: I thought the Deputy had asked his question.

Mr. J. Higgins: A clarification will only take a second.

Is the Taoiseach saying that an Irish citizen who is over 100 years of age, is not entitled to the bounty if he or she was not born in Ireland? I hope this is not what he is saying. It would mean that one could be a second class citizen even

when over 100 years of age. I hope this is not the case.

The Taoiseach: The scheme is to deal with those living abroad; the current system still applies to anyone living here. Applicants must verify their age, their place of birth, their citizenship and their identity. We have been missing out on those living abroad as the scheme deals with those living in the country. There is not a problem regarding the people living here. The scheme is based on Irish citizens born in Ireland. As I said in my reply, up to now the bounty was payable only to centenarians living in the State, regardless of their nationality. I said that at the outset, and that arrangement will continue. The changes relate to those people living outside the country, but they must have been born in Ireland.

Mr. Rabbitte: A Cheann Comhairle——

An Ceann Comhairle: I would prefer to move on to the next group of questions because we have spent a long time on these questions.

Mr. Rabbitte: I will not detain the House too long.

An Ceann Comhairle: We must move to the next question.

Mr. Rabbitte: Briefly, I wish to ask——

An Ceann Comhairle: If I call the Deputy, I have no choice but to call the other Deputies offering. That will mean we will not move forward on Question Time or get through many questions.

Mr. Rabbitte: I do not know if anybody else has any further questions.

An Ceann Comhairle: Yes, a number of Deputies are offering.

Mr. Rabbitte: Nobody is offering.

Mr. Sargent: I am offering.

An Ceann Comhairle: Deputies Ó Caoláin, Sargent and Joe Higgins are offering.

Mr. J. Higgins: No I am not offering.

Mr. Rabbitte: Deputy Sargent is after deferring to me.

Mr. Kenny: Deputy Joe Higgins never makes a half offer — he always makes a front frontal attack.

Mr. Sargent: If Deputy Rabbitte wishes to speak, I suppose I can also speak.

Mr. Rabbitte: Briefly, arising from what the Taoiseach said, it seems this is the first time our

emigrants will have heard that the Government has decided, for reasons of EU law, that the free travel scheme is not available to Irish people returning here.

An Ceann Comhairle: That does not arise out of this question.

Mr. Rabbitte: It arises from what the Taoiseach said.

An Ceann Comhairle: It does not arise out of this question.

Mr. Rabbitte: The Minister, Deputy Brennan, seems to have held out the hope for a number of years that this was something he could concede—

An Ceann Comhairle: The Deputy must be brief.

Mr. Rabbitte: —or might concede, or was working on conceding. Is it established from what the Taoiseach said that the Government has decided that this scheme cannot be extended to include Irish people returning from British cities?

An Ceann Comhairle: That matter does not arise from this question.

Mr. Rabbitte: What does the Chair mean by saying it does not arise?

An Ceann Comhairle: It does not arise out of this question.

Mr. Rabbitte: It might not arise for the Ceann Comhairle. Certainly while he is in his current position, it does not arise for him, but it arises for very many of his contemporaries who are coming back from Britain.

An Ceann Comhairle: This question deals exclusively with the bounty for people who reach the age of 100. I agree with the Deputy and I suggest he tables a question on this matter.

Mr. Rabbitte: The Taoiseach knows that—

An Ceann Comhairle: I will allow the Taoiseach to answer the three questions, including the Deputy's question, together. I call Deputy Ó Caoláin.

Caoimhghín Ó Caoláin: I ask the Taoiseach to note that in my initial response to what he said—

An Ceann Comhairle: Has the Deputy a question?

Caoimhghín Ó Caoláin: It is a question I am asking.

An Ceann Comhairle: No, it is not.

Caoimhghín Ó Caoláin: I indicated a welcome for these changes because I understood the Taoiseach was indicating the inclusion of people who had reached 100 years of age—

An Ceann Comhairle: The Deputy is being repetitive. I call Deputy Sargent.

Caoimhghín Ó Caoláin: —now residing on our shores.

An Ceann Comhairle: We must move to Question No. 1 on the Order Paper.

Caoimhghín Ó Caoláin: Will the Taoiseach again clarify the position because there is some confusion? It is not only on the basis of—

An Ceann Comhairle: The Deputy is making a statement. I ask him to resume his seat and let Deputy Sargent speak.

Caoimhghín Ó Caoláin: If it is not the intent of the new conditions to include people now resident here, I ask the Taoiseach that we do so.

An Ceann Comhairle: The Deputy is making a speech. I call Deputy Sargent.

Caoimhghín Ó Caoláin: Will the Taoiseach clarify the position? I understand he will do so.

Mr. Sargent: Will the Taoiseach confirm, as I asked him to do previously, that what is on the website and what people are reading from it is the full position? There is no mention of a requirement that a person must be born here. The website states that the centenarians' bounty is a national award made by the Irish President to people living in Ireland who have reached the age of 100 years. It also states that people who are resident in Ireland on their 100th birthday receive €2,540 and a congratulatory letter signed by the President. Can the Taoiseach stand over and deliver on that? In other words, will the scheme be expanded to the extent stated on the website rather than restricted only to people born on the island? If one is a citizen, surely one is equal in the eyes of the law in every respect, including this measure.

An Ceann Comhairle: I call the Taoiseach to make a final reply.

The Taoiseach: On Deputy Ó Caoláin's point, up to now the existing position before I made any changes was that the bounty was payable only to centenarians living in the State, regardless of their nationality, and that arrangement will continue. If a person lives in the State and if he or she is 100 years of age, regardless of where he or she resides that person will receive the bounty. Is that clear? That is the current position. The recipient could come from anywhere. We are extending that measure to Irish people who were born in

[The Taoiseach.]

Ireland who might have left this country 80 years ago. There is no change in that aspect of the existing system in terms of the new system. Is that clear?

Caoimhghín Ó Caoláin: They are hardly going to flock here just to collect the cheque.

The Taoiseach: I am simply outlining the existing system and the new system. Let us not try to complicate something that is clear.

Mr. C. Lenihan: It will not apply to all the people that Deputy Ó Caoláin has on the register.

The Taoiseach: I will respond to Deputy Rabbitte's point. I have to make a distinction between gifts and services. The EU is not involved in the bounty because it is a gift whereas services are totally covered by EU law. Approximately 40,000 Irish pensioners are getting Irish pensions abroad. We have been trying to make those people eligible to get their services. That is the work we are endeavouring to do, but the difficulty with EU law is that we cannot open it beyond that. Under EU law, one cannot discriminate on the basis of nationality. We are trying to facilitate the 40,000 Irish people living abroad who receive the Irish pension.

Mr. Rabbitte: Not too many Dutch-Irish people will come back here to avail of the free travel scheme.

The Taoiseach: The Deputy should not bet on it. We are not just talking about Dutch people, we are talking about everybody.

Mr. Sargent: The Dutch cycle everywhere anyway.

The Taoiseach: Under EU law, we cannot distinguish between people of different nationalities. I do not know what proportion of the 500 million people who live in the member states of the entire European Union are over the age of 66. That is what we have to protect. One cannot normally discriminate under EU law, particularly EU welfare law. If a member state gives something to its own citizens, it has to give it to the citizens of each of the 25 member states. I do not think anybody is arguing for that.

Mr. Rabbitte: The Government thinks it can extend it to the 40,000 pensioners in question.

The Taoiseach: That is what it is endeavouring to do, but it has to be certain.

An Ceann Comhairle: We will now move on to questions from the original Order Paper.

Northern Ireland Issues.

1. **Caoimhghín Ó Caoláin** asked the Taoiseach the action which will be taken arising from the report of the Joint Committee on Justice, Equality, Defence and Women's Rights on the report of the independent commission of inquiry into the murder of Séamus Ludlow; and if he will make a statement on the matter. [13426/06]

2. **Mr. Sargent** asked the Taoiseach the actions the Government will take following the recommendations of the Joint Committee on Justice, Equality, Defence and Women's Rights for the establishment of a commission of investigation and a possible public inquiry into the 1976 Séamus Ludlow killing; and if he will make a statement on the matter. [13457/06]

3. **Mr. Rabbitte** asked the Taoiseach the action he intends to take arising from the report of the Joint Committee on Justice, Equality, Defence and Women's Rights into the death of Mr. Séamus Ludlow; if it is intended to act on the committee's recommendation that a commission of inquiry be established; and if he will make a statement on the matter. [14449/06]

4. **Mr. Rabbitte** asked the Taoiseach when it is intended to publish the outstanding report received from Mr. Justice Barron into certain incidents; and if he will make a statement on the matter. [14450/06]

5. **Mr. Kenny** asked the Taoiseach the action he intends to take in response to the report of the Joint Committee on Justice, Equality, Defence and Women's Rights on the death of Mr. Séamus Ludlow; and if he will make a statement on the matter. [16016/06]

6. **Mr. J. Higgins** asked the Taoiseach the steps he intends to take following the report of the Joint Committee on Justice, Equality, Defence and Women's Rights concerning the establishment of a commission of investigation into the murder of Mr. Séamus Ludlow. [16030/06]

7. **Mr. Sargent** asked the Taoiseach when Mr. Justice Barron's outstanding report into certain incidents will be published; and if he will make a statement on the matter. [16185/06]

The Taoiseach: I propose to take Questions Nos. 1 to 7, inclusive, together.

I welcome the publication of the final report on the murder of Séamus Ludlow, which was published by the Joint Committee on Justice, Equality, Defence and Women's Rights on 30 March last. The publication of the report represents another significant milestone in the investigation of this brutal murder. I am aware that the joint committee has made a number of recommendations, including that a commission of investigation be established to investigate certain

aspects of the case. The Government will examine the joint committee's final report and its recommendations in the coming period. Mr. Justice Barron's final report into the Dundalk bombing of 1975, which also refers to other loyalist attacks around that time, is being considered by the relevant Departments. As with Mr. Justice Barron's other reports, it is envisaged that the report on the Dundalk bombing will be sent to the Joint Committee on Justice, Equality, Defence and Women's Rights for consideration.

Caoimhghín Ó Caoláin: I have no doubt the Taoiseach will join me in condemning the brutal sectarian murder in Ballymena of young Michael McIlveen and extending sympathy to his family, condemning all sectarian acts and calling on all political leaders to use whatever influence they have in their respective communities to help to root out this terrible scourge.

Did the Taoiseach raise the joint committee's report on the murder of Séamus Ludlow with the British Prime Minister, Tony Blair, when last they met? Did the Taoiseach apprise the British Prime Minister of the joint committee's views, including its strong criticism of the failure of the British authorities to co-operate in this and all other cases of collusion? If so, what was the British Prime Minister's response?

Is the Taoiseach aware that the Pat Finucane Centre and the Justice for the Forgotten group have uncovered files in the Public Record Office in London which indicate clearly that people at the highest level in the British Government had some knowledge of the extent of the collusion between the Ulster Defence Regiment and loyalist paramilitaries? It is recorded in the files that, as long ago as 1973, 15% of the members of the UDR were active members of loyalist paramilitary groups. Is the Taoiseach aware that the files show that even though the British Government knew about the facts I have recounted, it approved the extension of the role of the UDR by giving it a significantly increased intelligence role?

Why have voluntary organisations, such as the Pat Finucane Centre and Justice for the Forgotten, been able to uncover such critical and important material, whereas the various representative agencies of this State and the different inquiries which have embarked on this work appear to have failed to do so? Is the Taoiseach aware the documents show the British Ministry of Defence in 1974, the year of the Dublin and Monaghan bombings — the 32nd anniversary of which will be tomorrow week — agreeing to the extension of that intelligence role? Does the Taoiseach agree that the uncovering of these documents demonstrates clearly the British Government's lie to the effect that it had nothing further to offer to the various inquiries this State has initiated into acts of collusion, not only as regards Dublin-Monaghan, but the many other

incidents that we have mentioned here time and again.

The Taoiseach: On the Seamus Ludlow inquiry, I have at all times kept the British Government totally informed over the years, under the process set up for the review by the late Mr. Justice Hamilton and later by Mr. Justice Barron report, the various Oireachtas reports on it and now the MacEntee investigation into the Dublin and Monaghan bombings, which is ongoing. In the case of Mr. Justice Barron's review there were individual meetings with representatives of the British system in uncovering, seeking and examining documents, as I reported to the House, some weeks ago. Mr. Patrick MacEntee, SC, under his commission of investigation, is pursuing relevant matters arising from such documentation with British representatives as well. Everything possible has been done to try to pursue these matters.

As regards the Deputy's question about the recent media reports of possible collusion in certain cases, including the Dublin and Monaghan bombings, as I have said many times, these are serious matters. They have been considered by the late Mr. Justice Hamilton and by Mr. Justice Barron, and now by Mr. MacEntee. The reports into the Dublin and Monaghan bombings of 1974, the Dublin bombings of 1972 and 1973, the report into the murder of Seamus Ludlow and the work being done by the commission of investigation into certain aspects of the Dublin and Monaghan bombings all raise questions on the issue of collusion. This issue has repeatedly come up and has been discussed since 1974, as this Deputy and every other Member of the House knows.

As regards these and other important issues, the co-operation of the British authorities is essential. We have used all appropriate means in our efforts to ensure that co-operation, as I have reported to the House on numerous occasions. I have raised the matter with Prime Minister Blair in practically every meeting that I have had with him. I have asked officials to ensure that matters raised in the recent article are also considered. I have read the various issues in the newspapers mentioned by the Deputy and my officials will raise these matters again with the British. Most of the points covered in this article refer to collusion between the UDR and loyalist paramilitaries at the time. As the Deputy knows, these matters have been raised many times before, but we will raise them again.

Mr. Sargent: I offer sympathy to the family of Michael McIlveen. When we hear about such a brutal attack and the killing of such a young person, there is a chilling sense of *déjà vu*, as we talk about the Ludlow murder in the House. Is the Taoiseach aware of the unhappiness of the Ludlow family about the Garda investigation? Members of the family do not believe that 30 years later it is possible to get a successful murder

[Mr. Sargent.]

conviction. However, they are calling for a public inquiry. They want to know why the Garda did not travel to the North to interview suspects in 1979 and why the RUC took 15 months to pass on information to the Garda. Is the Taoiseach open to their views on that matter? Is he aware that it seems that while the Government does not have a problem in calling for a public inquiry outside the State, it seems to be reluctant to call for one inside the State in this type of situation?

From that point of view, will the Taoiseach meet with the Ludlow family to address those concerns and to ensure the circumstances of that dreadful killing are fully investigated so the reasons why evidence was not passed on and the questions that hang over the security forces on both sides of the Border can be clarified and people held to account?

An Ceann Comhairle: There is time to take a question from Deputies Rabbitte and Kenny and then we will have a final reply from the Taoiseach.

Mr. Rabbitte: With all due respect to the Ceann Comhairle, I know he is trying to accommodate me but I would prefer if answers to individual questions were given to the Deputy at the time they are asked. It is difficult enough to cope with the wiles and experience of the Taoiseach—

An Ceann Comhairle: Then I will call the Taoiseach to reply to Deputy Sargent's question.

Mr. Rabbitte: —without the Ceann Comhairle lumping everything in together.

An Ceann Comhairle: It is to give Deputies Rabbitte and Kenny a chance because we will conclude at 3.15 p.m.

Mr. Rabbitte: I know the Ceann Comhairle's motivation is the best but if time permits I would prefer to be allowed ask the question myself.

The Taoiseach: I have met different members of the Ludlow family a number of times and I know what was stated in the hearings before the committee. During their appearances before the committee the Garda Commissioner, Noel Conroy, his predecessor, Pat Byrne, and the Minister for Justice, Equality and Law Reform have all apologised for the failings of the State. I am aware the Oireachtas committee's report asserts that the treatment which the family of Seamus Ludlow received from the Garda was unsatisfactory. That is now part of the report.

I am also aware that a number of recommendations were made in the conclusions of the report, all of which will be examined, including that a commission of investigation be established to investigate certain aspects of the case. The

Government will examine the final report and its recommendations.

I am also advised that the Garda acted immediately to instigate a re-examination of the case, which was recommended by the committee. I will not go through all the individual aspects of the report or it will take up all of the time available. They will be followed up and we will come to a final conclusion on this in due course.

I am not ruling out that we will examine the issue of investigations but I am careful not to have a full inquiry on every case relating to Northern Ireland. If we were to do that, I am not sure what purpose it would serve or what closure we would ever bring. Progress has been made on a number of good initiatives. The historic review group that has worked within the Garda and the police ombudsman in cases where there was collusion, have examined all of these cases to try to bring some assistance to the families and closure in as many cases as possible.

At Weston Park we agreed we would seek inquiries on certain issues. It was decided to give all the cases to Justice Cory to examine and that we would honour whatever decision he made on them. He has insisted that some cases, such as the Pat Finucane case, should be investigated. He also suggested that we should deal with the murder of the RUC officers. We undertook our responsibilities and we are following up on them.

The easiest thing for me to say with every single case is that we would have a full public inquiry. In truth, we know that in regard to the circumstances of what happened then it was a different world and a different place. While it is easy to be critical of what happened, people were obviously under pressure, and there were many events and issues.

I have stated this to the families on many occasions. It is not an easy thing to explain to families on behalf of the State. I am doing it 30 years later but I accept my responsibility. The fact is that I have met the families affected by the Dublin and Monaghan bombings on numerous occasions to explain the position. I have put this on the record of the House and the committee. I have explained to them that the official Garda report closed in early August of that year on the biggest atrocity apart from the Omagh bombing. It is not an easy one to explain but I stand over it and explain that is how it was. Going back to full inquiries into issues outside our jurisdiction will not resolve them. We have to be honest, and I have always tried to be fair and honest on these issues.

Priority Questions.

Departmental Staff.

60. **Mr. Timmins** asked the Minister for Defence the number of staff who work in the

military archives section at Cathal Brugha Barracks; and if he will make a statement on the matter. [17424/06]

Minister for Defence (Mr. O'Dea): The military authorities advise that the staff strength of the military archives is three, comprising a commissioned officer, a non-commissioned officer and a private. Two further commissioned officers serving at the military archives retired recently and approval has been granted for their replacement. The military authorities advise me that a strength of five, including suitably qualified replacements for the two retired officers, is sufficient to meet the current demands on the archives. I appreciate the importance of returning to five full-time staff in the section without delay.

Mr. Timmins: I thank the Minister for his reply. Does he agree a staff of three is insufficient? Approval has been given to employ two additional people but the number of requests received by the archives section has increased dramatically in recent years — approximately 200 queries are received every week. In addition, there is only enough space for five staff in the section in Cathal Brugha Barracks. Will the Minister give a commitment to increase the number of staff and to consider the relocation of the archives? The recent 90th anniversary of the 1916 Rising was very successful. I would like the Minister to pick a project during his last year in the job—

Mr. O'Dea: I will have a bigger job then.

Mr. Timmins: Is the Minister not happy with his current job? I am sorry to hear that.

Mr. O'Dea: I am very happy, but one can always do more.

Mr. Timmins: Will the Minister consider taking on the extension of the military archives as a project? I do not know if he has visited the centre but the few staff involved do an excellent job. Many families are donating valuable collections and the staff are doing the best they can with limited resources. Despite what the military authorities might have told the Minister, the staff are struggling. Will he give a commitment to improve the service?

Mr. O'Dea: The supplementary question asked by the Deputy about relocation is the subject of Question No. 65, which we will deal with later.

I agree that a staff of three is inadequate. The view of the Chief of Staff, who is responsible for the section, is that a staff of five is necessary. Two people retired last October and I have given the authority the go-ahead to have them replaced. Sometimes if the authorities need to fill one of these vacancies, they regard it as necessary to have them trained and the new staff must undertake a course lasting between six and nine months

in UCD. I have expressed my concern to the Chief of Staff regarding what might happen in the meantime and I have asked him to consider the possibility of bringing in people from the private sector, as happened previously, to meet any temporary hiatus in this section. I have expressed my views forcefully on this matter to the Chief of Staff and I will do so again later this week. In the meantime, I am committed to hiring the two additional staff but people may have to be brought in from the private sector if demand is such that they are required.

Overseas Missions.

61. **Mr. Costello** asked the Minister for Defence if his attention has been drawn to the concerns expressed by the survivors of the Niemba ambush in the Congo in 1960 regarding their treatment by the authorities in the intervening years; if he will meet them and discuss their concerns; and if he will make a statement on the matter. [17199/06]

Mr. O'Dea: I undertook during Priority Questions on Thursday, 23 February 2006 to ask the military authorities to revisit this matter in light of the questions raised on that date. The Chief of Staff has appointed a senior officer to examine all aspects of the Niemba ambush in the Congo in November 1960. So far contact has been made with both survivors. One has been interviewed and the other is unavailable for interview until later this month. The examining officer has also contacted other interested parties at home and abroad. As the Deputy will appreciate, this process is ongoing and I will contact him when it has been completed.

Mr. Costello: I am delighted the Minister gave an undertaking on 23 February that he would take another look at the file, that he asked a senior officer to do so and that the matter is being pursued. My interest in this issue goes back 12 years, when one of the two survivors, Mr. Fitzpatrick, asked me to launch his memoir and I also met Mr. Kenny at that meeting. I put down a number of questions over the years to successive Ministers for Defence, especially to the current Minister's predecessor, Deputy Michael Smith, but my questions were stonewalled all the way. The recently published book, edited by David O'Donoghue, has brought up other issues and it appears that the Army records are quite inaccurate.

The two survivors are the only members of those events who have not been honoured. They have a long-standing grievance about the way they have been treated. They feel the authorities have neglected to give them proper credit and that they need to be dead to be honoured, which is quite wrong. It is almost half a century since these events took place, under the first UN-mandated service abroad for Irish troops. All of the

[Mr. Costello.]

people involved in the ambush should be properly honoured and they should be honoured equally. I am glad the Minister's senior officer will be meeting the survivors, but the Minister should also meet them. They were part of our first service in the Congo and they served on behalf of this country. Will the Minister meet them and give them the honour to which they are entitled?

Mr. O'Dea: I welcome Deputy Costello to this portfolio. I worked with him when I was a Minister of State in the Department of Justice, Equality and Law Reform and he was spokesperson on justice for the Labour Party. He did an excellent job in that portfolio and was a very effective spokesperson on justice.

I am aware of the Deputy's long-standing interest in this matter. The question raised on 23 February was raised by Deputy Finian McGrath. At that time, I gave an undertaking that the matter would be re-examined and we have now appointed a colonel to look into it. Unfortunately, one of the two survivors is not available for interview until later this month. When he comes back, we will bring the process to a conclusion fairly quickly.

The military hierarchy makes the decision to grant awards, honours, medals and so on. The civilian Minister for Defence does not make such decisions here. So far, I note that they have not considered granting medals to the two individuals concerned. I have no difficulty in talking to the military hierarchy about the issue and getting their views. I would also be delighted to meet the two individuals, as requested by Deputy Costello.

Mr. Costello: I am delighted the Minister has agreed to meet the two individuals. This is very welcome and I appreciate his approach to the matter.

There is a 30-year rule on State archives becoming available to the public. Does that rule apply to archival material of this nature in the military? There is a file on the Niemba ambush and some of the details in that file appear to be confidential. We have a 30-year rule for the release of normal State files to the public. Is that the same for military records?

Mr. O'Dea: The 30-year rule applies to some of the material retained by the military. I will check the files to which that rule applies. I do not know whether it applies to all of the data concerned, but I will check it out.

Mr. Costello: When will it be made available?

Mr. O'Dea: I will have to check it out first.

Defence Forces Property.

62. **Ms C. Murphy** asked the Minister for Defence when the Air Corps began discussions

with the Irish Aviation Authority regarding the proposed changes to airspace at Weston that will see Casement Aerodrome cede part of its airspace; the dialogue he had with the Air Corps; and if he will make a statement on the matter.
[17435/06]

Mr. O'Dea: The Irish Aviation Authority, under the aegis of the Department of Transport, is responsible for the safety regulation of Irish airspace. The IAA is responsible for regulating all matters relating to Irish civil airspace, operators, aerodromes, airports, pilots and air traffic services therein.

An airspace change proposal was submitted to the IAA by Weston Limited in 2005 that includes the use of instrument navigation aids to assist the arrival and departure of aircraft in accordance with instrument flight rules. Use of these landing aids would result in flight paths that penetrated military airspace. The Irish Aviation Authority convened a group, the Weston action group, to examine the implications of the airspace change proposal. As the Air Corps' main operational aerodrome and military flying airspace is adjacent to Weston and will be affected by the ACP, the IAA invited my Department and the Air Corps to participate in the meetings of the Weston action group to ensure that the levels of safety afforded to, and operational capability of, military aircraft and the aerodrome are not compromised. This remains the sole purpose of my Department's involvement on the Weston action group.

The Weston action group met in October 2005 and continues to meet on a regular basis. My Department and the Air Corps have been actively participating in the group since January 2006 with a view to ensuring that safety and operational capability of the military aircraft and Casement Aerodrome are not compromised. My Department keeps me apprised of developments in this respect. There is no question of my Department or the Air Corps ceding airspace currently designated for military use to Weston Aerodrome. Co-ordination procedures are under development to ensure the safe operations of aircraft operating from Baldonnell and Weston and in the surrounding airspace, if the IAA decides to grant the airspace change proposal.

My principal concern about Weston Aerodrome, and that of the general officer commanding the Air Corps, is the maintenance of safe and functional airspace in which military flight training and air operations can continue on a 24-hour basis. Changes in operations at Weston will require a risk assessment by the Air Corps to ensure that current levels of safety for military air operations are maintained or improved. However, the decision to grant the request by Weston Limited for an air space change is solely within the remit of the Irish Aviation Authority.

Ms C. Murphy: I thank the Minister for his reply. Weston Limited invited the Department of Defence to participate in the Weston action group two years ago. Department officials wrote back to the company and declined. They declined because they claimed facilities were being used at Weston that were unauthorised. For example, the stopway-clearway was being used as a runway. The officials stated that against this background, it would be entirely inappropriate for the Department to enter into formal discussions with Weston about agreeing procedures, which might then be seen to legitimise the operation of an unauthorised development and the unauthorised use of a facility.

In July 2005, the High Court issued an order against Weston regarding some of the facilities. The authorities at Weston are now in breach of that order. They were told to take down certain structures within a certain number of months, but they have not done that. Negotiations were refused on the basis that the development was unauthorised and the matter has escalated in that a High Court order has been breached. I do not understand why there was a change of heart.

A report received by the Irish Aviation Authority on the airspace changes proposed by Weston Limited stated that the Department of Defence has been in discussions with the company for the past two years, which is clearly at variance with the reply given by the Minister. As the report also noted that pilots sometimes became confused as to whether they were landing at Baldonnel or Weston and that infringement had taken place, I do not doubt the need to consider this matter from a safety point of view. I take it from the Minister's reply that negotiations between the Department and Weston Limited began last October rather than two years ago. What has changed to instill greater confidence in the Minister and his Department despite the breaching of a High Court order?

Mr. O'Dea: Formal discussions between my Department and Weston Limited have taken place over the past two years but it was not until last October that a formal group was established to consider this specific proposal and the Air Corps have only participated in the process since January.

As regards the proposals currently before the Irish Aviation Authority, the authority will make the ultimate decision on those. Our role is to determine whether safety issues or the operational capability of Irish military aircraft will be compromised. We will make the group in which we participate aware of any interference with safety or operational capability. I doubt that the Irish Aviation Authority would grant permission if the Air Corps was to suspect that safety or our operational capacity could be compromised.

Deputy Catherine Murphy noted various unauthorised developments, which I take to be of a structural nature. I was not aware of the order

made by the High Court but these are matters for South Dublin County Council and Kildare County Council. If a specific proposal is made and the Air Corps is asked to participate, it has a moral obligation to do so because it must take safety and operational capacity into account and the best way in which it can make its views known is across the table. However, the Irish Aviation Authority, which is the ultimate deciding authority, has not yet made any decision.

Overseas Missions.

63. **Mr. Timmins** asked the Minister for Defence if he will report on the Irish mission in Liberia and Sierra Leone; and if he will make a statement on the matter. [17425/06]

Mr. O'Dea: Ireland has participated in UNMIL since December 2003, following a decision of the Government on 24 June 2003 and the subsequent approval by Dáil Éireann of the necessary enabling motion. Since then, the UN Security Council has authorised the continuation of UNMIL for successive periods and the Government has approved continued Irish participation. Ireland, together with an infantry company group from Sweden, provides the quick reaction force to the UNMIL force commander. The Irish contingent currently comprises 422 personnel. The role of the quick reaction force is to respond rapidly to any crises that arise within the area of operations and to support other UNMIL deployed contingents, including long range patrols into the countryside. While it has been a difficult mission, particularly in terms of the operating environment, it is working very well for the Defence Forces.

In December 2005, Ireland agreed to a request from the UN for support in expanding the area of operations of UNMIL to include Sierra Leone, as authorised under UN Security Council Resolution 1626 of 19 September 2005, and to allow Irish troops be made available for extraction operations should it become necessary to evacuate the staff and detainees of the Special Court for Sierra Leone in Freetown. The Irish contingent assumed its additional responsibilities in late December 2005 following Dáil approval on 15 December 2005. UNMIL is currently providing a permanent guard of 250 personnel from the Mongolian contingent at the special court.

In addition to conducting normal patrolling and security operations in Liberia, the Irish contingent currently conducts limited operations in Freetown, Sierra Leone, in support of the Special Court for Sierra Leone. Since 30 March 2006, a small detachment of the quick reaction force, including Irish and Swedish troops, have been deployed to Freetown as preparation for supporting the security of the special court, if necessary.

The current Irish commitment to UNMIL continues until November 2006, when we are due to withdraw from the mission together with our

[Mr. O'Dea.]

Swedish partners. In a letter to the Taoiseach dated 3 March 2006, the UN Secretary General requested Ireland to consider postponing the withdrawal of its troops from UNMIL for a period of at least six months to give the UN time to find a suitable replacement for the quick reaction force capability. Our current assessment is that the security situation in Liberia, while continuing to be fragile, is stable and improving. We are also of the view that the remaining forces should be capable in general of handling security. However, I assure the House that Ireland remains committed to peace support operations in Africa under a UN flag. Detailed consultations have taken place with the UN, including a high level meeting at UN headquarters in New York on 24 April involving representatives of my Department, the Defence Forces and our ambassador to the UN. We are now in the process of finalising our consideration of the matter in light of these discussions. I am confident we will be able to respond positively to the Secretary General's request for one further six month extension to May 2007, whereupon we will withdraw the contingent. I am advised that the UN is actively engaged in efforts to find a suitable replacement for the capability provided by the Irish-Swedish contingent and that the period to May 2007 will enable it to complete this process.

Mr. Timmins: I welcome the decision by the Minister to extend Irish involvement in UNMIL until May 2007 but can he confirm that the deployment will not continue beyond that date, regardless of whether further requests are received? Is he satisfied that the mission has sufficient manpower, in light of its extension? If I understood the Minister correctly, elements of the quick reaction force now have to deploy in Freetown. I commend Irish Defence Forces personnel on their involvement in the security arrangements for the upcoming trial of Mr. Charles Taylor.

A report was recently published which outlined abuses by UN personnel in Liberia. Can the Minister confirm that Irish personnel are not involved in these abuses and can he enlighten me further on any aspect of the matter?

Mr. O'Dea: The current quick reaction force comprises Irish and Swedish troops. The Liberian authorities and the UN have asked us to continue our involvement for a further six months to enable the UN to develop an alternative quick reaction force. The Swedish Government has declined but we are disposed to accept the request, although I have not yet recommended such a course to the Government. I understand that the replacement for the Swedish element of the contingent will be trained to take over the duties of the entire Irish-Swedish contingent.

On Deputy Timmons's second question, even if the Government accepts my recommendation

to deploy for a further six months, we made it clear at the 24 April meeting in New York that we will end our involvement by May 2007.

I am aware of the disturbing reports of sexual abuse raised by the Deputy. While UNMIL has established a unit to investigate the reports, I am glad to confirm that no Irish personnel are involved.

Mr. Timmins: I welcome the Minister's assurances. In view of his certainty that our involvement with UNMIL will cease in May 2007, are any other potential missions on the horizon? I am aware that the approach of the Minister and the Department is not to get involved in prolonged missions as in the past but that the troops stay for a few years and then move on. Peacekeeping makes up a great part of the work of the Defence Forces. It is good for them and for the country and I would like to know if there is a potential mission on the horizon.

Mr. O'Dea: Deputy Timmins will be interested to know that today the Cabinet accepted my recommendation to commit ten personnel to Congo to assist MONAC to oversee the election in July. While we have no requests to deploy troops in May 2007, unfortunately with the state of the world there will be no shortage of such requests and we will consider them as sympathetically as possible, taking account of the criteria we examine before we deploy troops.

Mr. Timmins: If the environment was right and the Sudanese Government asked for UN assistance, would we be amenable to participating in the force there?

Mr. O'Dea: If the Sudanese Government requests UN assistance, the Security Council passes a resolution that troops should be deployed to Sudan and a request comes to the Irish Government, we will examine it in the same way as we would examine any other request.

Commemorative Events.

64. **Mr. Sargent** asked the Minister for Defence if, in view of the success of the Easter commemoration, he intends to make this an annual event; and if he will make a statement on the matter. [17426/06]

Mr. O'Dea: I take this opportunity to congratulate the Defence Forces on their magnificent display at the Easter parade. There was great public approval and support for the commemorations of the Easter Rising. I have received a lot of positive feedback, written and oral, from members of the public who were delighted to see the modern Defence Forces given an opportunity to parade through our capital city. This widespread public approval was also evident at the other events organized by the National Museum of Ireland, the National Library and at other initiatives by

colleges, community groups and within political parties which were not part of the official programme. It was also visible at the annual 1916 Defence Forces commemorative event at Arbour Hill last Wednesday.

On Easter 2007 and future years, no fundamental decision has yet been reached regarding the format of the commemoration. There was a great significance to this year's event being the 90th anniversary and marking the reinstatement of an annual commemoration. From this year on, there will be a significant annual commemoration of the 1916 Rising on Easter Sunday with a military component. However, the exact nature of this event has not yet been formulated. Given that we have some time to plan for Easter 2007 and subsequent years, I would welcome suggestions from all sides of the House on the format that should be taken for these events.

I respectfully propose that such suggestions should be channelled through the various opposition representatives who have been nominated to the All-Party Oireachtas Committee on the Centenary Celebrations. I intend that the next meeting of this group will be held shortly and that time will be spent at that meeting considering any suggestions on the format of ceremonies for 2007 and subsequent years. I await suggestions with interest. We received some useful suggestions on the recent event through the Opposition parties on the All-Party Oireachtas Committee on the Centenary Celebrations and those suggestions were largely taken on board.

Mr. Gormley: In my question I acknowledged that the commemoration is seen as a success and I acknowledged the positive feedback. Will the Minister assure the House that no hidden political agenda was associated with the commemoration? Does he agree with commentators who believe this was an expensive media and photo opportunity and a successful attempt to reclaim nationalism from Sinn Féin, and was this reflected in Fianna Fáil's subsequent 5% gain in the polls? How much did the taxpayer pay for this? On the post mortem to which the Minister referred, what lessons have been learned from the experience?

Mr. O'Dea: I assure Deputy Gormley and the House that there was no hidden agenda. As Fianna Fáil, not Sinn Féin, is the republican party, we had no need to reclaim nationalism from Sinn Féin and there was no such intention. While many commentators related the commemoration to recent opinion poll gains, I do not take much account of opinion polls. The poll that matters to me is the result on the day.

I do not know the exact cost but it was approximately €325,000. Although I will not say it was cheap, it was quite reasonable at that price. We learned that, as I have always suspected, people love pageantry, the Army is a popular institution and people like to see demonstrated publicly that we have a modern, well equipped and well

trained Army. People appreciate the efforts of the Army in peacekeeping around the world and they appreciated that this was put on open display in Dublin. The feedback has been generally positive and I welcome the positive comments by Deputies Gormley and Timmins.

Other Questions.

Defence Forces Property.

65. **Mr. Naughten** asked the Minister for Defence his plans to improve the facilities, including increasing the number of personnel and extending the accommodation at the military archive, Cathal Brugha Barracks, Dublin; and if he will make a statement on the matter. [17155/06]

Mr. O'Dea: The military authorities advise that the staff strength of the military archive is three, comprising a commissioned officer, a non-commissioned officer and a private. As I told Deputy Timmins earlier, two further commissioned officers serving at the military archive retired recently and approval has been granted for their replacement. The requirement for a more suitable home for the military archive has been recognised for some time. The primary focus has been on the National Museum of Ireland facility at the former Collins Barracks, Dublin, long considered the most appropriate location for the military archive. Facilities are required to protect and safeguard the material stored and future material as well as permitting easy public access. An interdepartmental committee was established in early 2003 with the terms of reference to examine and to advise on the best means of protecting and safeguarding the national military archive by way of securing its removal from Cathal Brugha Barracks to new premises to be developed at the former Collins Barracks, Dublin.

In the period up to early 2005 architectural consultants commissioned by the OPW carried out feasibility studies based on a detailed examination of the Collins Barracks site. The consultants identified potential locations within the Collins Barracks site. However, they also raised issues around the cost, planning and building or architectural protection considerations involved in meeting the demands of the military archive on the Collins Barracks site. The implications of the serious questions raised about the location of the full military archive on this site are being examined in my Department.

The challenge with rehousing the military archive remains the provision of extensive, modern, purpose-built facilities within an historic built environment. Consideration of some use of the Collins Barracks site has not been exhausted. However, I am considering revising the terms of reference of the interdepartmental committee

[Mr. O'Dea.]

and reactivating it to broaden the search for a solution to this issue. I have also requested that the scope for locating the military archives together with or alongside the National Archives be explored further in line with that body's own development plans.

Mr. Timmins: The Minister obviously believes the situation is no longer suitable for the excellent service the military archive provides. I welcome his decision to re-examine the terms of reference of the committee that previously sat because while it came up with recommendations, there is a view that it has stagnated. It is important to get it right. Does the Minister take the view that the service should remain in Dublin? That is important because many people come from abroad to consult it. In recent years we have made a virtue of showing how much we get for selling property in Dublin as the Government and the OPW try to justify decentralisation. Will the Minister look at some of the properties the OPW is trying to sell and the loss of which might be short-sighted? The Minister mentioned the National Museum. Did he mean the one on Bishop Street?

Mr. O'Dea: I referred to the museum at Collins Barracks.

Mr. Timmins: Is he talking about relocating to Collins Barracks?

Mr. O'Dea: Yes.

Mr. Costello: Does the Minister make a clear distinction between the National Archives and National Museum and a military museum? I am not aware that we have a national military museum. The National Museum has occasionally displayed matters of a military nature. Obviously the archives are a different matter. Could a military archive and military museum be housed within the same general space? Has the Minister considered this possibility?

Mr. O'Dea: I said when the interdepartmental committee was set up in 2003 that the primary focus was on the National Museum of Ireland facility at the former military barracks, Collins Barracks, Dublin. It was asked to determine whether the military archives could be taken out of Cathal Brugha Barracks and relocated at Collins Barracks — this was the extent of its brief.

Difficulties have arisen. Initially the architectural consultants produced three reports outlining the pros and cons — mostly cons — of certain locations within Collins Barracks. Subsequently, in January 2005, the consultants produced two further reports. Difficulties have arisen in respect of all the proposed locations and I have therefore revitalised and reactivated the interdepartmental committee and asked it to extend its search

beyond Collins Barracks. It is more or less understood and I can confirm that the search will not extend beyond Dublin. I have sent word to the interdepartmental committee, and intend to tell its members personally that I want a range of options by the end of the summer, at which time we will have to decide on one option or a combination thereof.

Deputy Costello will be aware that the Department of Arts, Sport and Tourism is responsible for the National Archives and it has been engaged for some time in trying to find another home for them. The Department of Defence in turn has been speaking to that Department to determine whether we could work together and house the military archives and the National Archives in one building. These discussions have not gone particularly far and I do not believe we will achieve our objective, desirable as it may be.

Fisheries Protection.

66. **Mr. Noonan** asked the Minister for Defence if the Naval Service has the equipment to enable it to carry out satellite monitoring of fishing vessels; and if he will make a statement on the matter. [17135/06]

Mr. O'Dea: The Naval Service, supported by the Air Corps maritime patrol aircraft, provides Ireland with a very effective fisheries protection service in accordance with our EU obligations and the requirements of the Department of Communications, Marine and Natural Resources, which has primary policy responsibility in this area.

EU Regulation No. 1489/1997 introduced satellite-based vessel monitoring systems, VMSs, for fishing vessels in the European Union from 1 January 2000. Another European Union regulation, No. 2244/2003, effective from 1 January 2005, further increased the range of fishing vessels that must comply with VMS regulations to all vessels over 15 m. Each member state has been tasked with operating a national fisheries monitoring centre, FMC, to carry out the monitoring of activity by such vessels.

In Ireland, the Naval Service was tasked with this function and the Irish FMC is operated from the naval base at Haulbowline. This centre is manned on a 24-hour basis, 365 days per annum, and is provided with the necessary equipment to monitor the activities of all EU fishing vessels in the Irish 200 nautical mile fishery zone and also Irish vessels operating on a worldwide basis.

Mr. Timmins: I understand the Naval Service has a satellite system, the LIRSAT system, which it is operating on a pilot basis to assist in the monitoring of vessels. Is this correct and are there plans to extend it?

Mr. O'Dea: We had to introduce the system in response to two EU regulations. We have the satellite equipment on-shore to locate all EU ves-

sels entering the Irish 200 nautical mile fishery zone and also to locate Irish vessels anywhere in the world. Those vessels carry an instrument which I believe is called a transponder.

Mr. Timmins: Vessels over 15 m.

Mr. O'Dea: Yes. That system has been put in place. I understand from talking to the relevant officials in the Department that there were some teething difficulties. However, we have gone way beyond the pilot stage and the system is in full operation and working well.

Mr. Timmins: Is it the case that fishing vessels over 15 m must have the transponder according to the EU regulation? If the Minister cannot clarify this, it is understandable.

Mr. O'Dea: Yes.

Mr. Timmins: Should all vessels not have the system installed if they have not done so already? If not, could the Minister not go back to his counterparts in the European Union with a view to monitoring those vessels bringing illegal shipments of drugs into the country?

Mr. O'Dea: I do not know the position. I believe the system applies only to vessels over 15 m because these are the vessels covered by the regulations. I will talk to my officials about Deputy Timmins's last point.

Mr. Costello: To what extent is the system capable of catching, by way of satellite or the transponder system, vessels bringing illicit goods into the country, as mentioned by Deputy Timmins, and foreign and Irish fishing vessels landing illegal catches?

Mr. O'Dea: The system applies to vessels over 15 m. Two EU regulations, dating from 1997 and 2003, apply. The latter increased the range of fishing vessels that must comply with VMS regulations to all vessels over 15 m from 1 January 2005. I will check the position on smaller vessels and write to Deputy Costello in response.

Army Compensation Claims.

67. **Mr. Howlin** asked the Minister for Defence the number of cases which have been subject to review under the compensation rule since 2000 in respect of injury and disease; and if he will make a statement on the matter. [17197/06]

121. **Mr. Stagg** asked the Minister for Defence the number of former members of the Defence Forces who applied for disablement pensions since 2000 in respect of injury and disease; and if he will make a statement on the matter. [17195/06]

126. **Mr. Howlin** asked the Minister for Defence if the rule which precludes double compensation applied to both injury and disease claims; and if he will make a statement on the matter. [17196/06]

Mr. O'Dea: I propose to take Questions Nos. 67, 121 and 126 together.

The Army Pensions Acts provide for the grant of pensions and gratuities to former members of the Permanent Defence Force in respect of permanent disablement due to a wound or injury attributable to military service, whether at home or abroad, or due to disease attributable to or aggravated by overseas service with the United Nations. These pensions are commonly known as disability pensions but, under the Acts, those granted in wound or injury cases are, in fact, wound pensions.

Section 13(2) of the Army Pensions Act 1923, as amended, provides that "Any compensation which may be received from or on behalf of the person alleged to be responsible for the act which caused the wounding . . . may be taken into consideration in fixing the amount of any pension, allowance or gratuity which might be awarded under this Act to or in respect of such officer or soldier and if such compensation is received after the award of any such pension or allowance the Minister may review the award and, having regard to the amount of such compensation, either terminate or reduce the amount thereof". The underlying objective of section 13(2) is to prevent double compensation in respect of the same disablement. Compensation of the kind in question would usually result from a civil action for damages against the Department of Defence, but compensation received from any other source is not excluded.

From 1 January 2000 to 30 April 2006, 297 applications for pensions under the Army Pensions Acts were made. Of these, 188 were in respect of wound and injury only, 46 were in respect of wound, injury and disease, and 63 were in respect of disease only. Of the 297 applications, 191 have been found eligible for a pension or gratuity, 83 have been unsuccessful and final decisions have not yet been made in the remaining 23 cases. Of those found eligible, 59 wound pension and gratuity cases have been or are being reviewed under section 13(2) of the 1923 Act. A full or partial reduction of benefit has been applied in 48 of these cases while final decisions have yet to be made in nine cases. Section 13(2) does not apply in cases related solely to disablement due to disease attributable to or aggravated by overseas service with the United Nations.

Mr. Costello: I thank the Minister for his answer. Will he give a breakdown of the figures for each year since 2000?

Mr. O'Dea: We will supply those.

Mr. Costello: Are all 59 cases being reviewed under section 13(2) of the 1923 Act wound or injury cases? What kinds of injuries are involved? Is it solely because there is the danger or suspicion of double compensation in those cases?

Mr. O'Dea: I undertake to supply Deputy Costello with the yearly figures. Some 297 applications were made and 191 were deemed eligible for a pension or gratuity. Of those found eligible, 59 were wound pension and gratuity cases relating to compensation for a specific wound or injury. These are being reviewed. An actuarial report is prepared on the value of the compensation and the person in receipt of compensation is invited to submit personal financial information to the Department. Ultimately, the Minister decides by how much, if at all, the pension will be reduced. Those 59 cases fall into that category and relate to wound or injury cases.

Someone may lodge a claim on the basis of having suffered malaria on service abroad even though there is no specific wound or injury. They may make a civil claim, arguing that the Department of Defence did not provide the necessary protection or medication. Such compensation cannot be taken into account because when the Act was drafted it was not envisaged that people could sue for disease contracted abroad. There is a difference between the two categories. There is a third category, where someone suffers disease directly resulting from a wound or injury. If someone suffers a fracture while on overseas service and subsequently sues in respect of rheumatism that developed from the fracture, compensation is taken into account because it can be traced to a specific wound or injury.

Mr. Costello: Double compensation applies to injury but not to disease if the disease is contracted in such a way that might suggest neglect. Will the Minister explain the third category and confirm that injury equates with double compensation but disease does not?

Mr. O'Dea: It is complex. If someone suffers a bullet wound or a leg fracture while on army service, it is regarded as a wound or injury and he or she can apply for a pension in respect of this. If the person sues the Department of Defence and receives compensation, this will be taken into account.

If someone suffers a wound or injury which does not merit compensation and subsequently develops a medical condition arising from that wound or injury and decides to sue, compensation received will be taken into account in estimating the pension payment. Someone may contract malaria, which is not related to a specific wound or injury, and in such a case, compensation received is not taken into account. Avoidance of compensation applies to the first two categories but not to the third category, where one

suffers a disease resulting from overseas service. I hope that clarifies matters for Deputy Costello.

Mr. Costello: I will read the Minister's response in detail.

Overseas Missions.

68. **Dr. Twomey** asked the Minister for Defence the legislative changes which are required to enable Ireland's participation in EU battle groups; when same will be published; and if he will make a statement on the matter. [17100/06]

71. **Mr. Gogarty** asked the Minister for Defence the capabilities and military personnel which will be made available to an EU battle group; and if he will make a statement on the matter. [17183/06]

78. **Mr. Kehoe** asked the Minister for Defence the like-minded nations with which Ireland has had discussions with respect to participation in EU battle groups; and if he will make a statement on the matter. [17094/06]

86. **Mr. Quinn** asked the Minister for Defence if he will expand on recent comments he made while speaking at the University of Limerick that he finds the use of the term battle group unfortunate; the reason he stated same; and if he will make a statement on the matter. [17210/06]

88. **Mr. Quinn** asked the Minister for Defence the position regarding the negotiations he has been involved in with potential partner countries that Irish troops would serve alongside in EU battle groups; when a final decision on this issue will be made; and if he will make a statement on the matter. [17211/06]

94. **Ms Burton** asked the Minister for Defence the latest timetable for legislation allowing Irish soldiers to participate in EU battle groups; and if he will make a statement on the matter. [17209/06]

103. **Ms Burton** asked the Minister for Defence his rationale for participating in EU battle groups; and if he will make a statement on the matter. [17204/06]

107. **Dr. Twomey** asked the Minister for Defence the capabilities Ireland can contribute to EU battle groups as outlined to Ireland's Swedish counterparts in Stockholm on 9 and 10 March 2006; and if he will make a statement on the matter. [17098/06]

109. **Mr. Boyle** asked the Minister for Defence when legislation will be forthcoming to facilitate Ireland's participation in EU battle groups; the details of the legislation; and if he will make a statement on the matter. [17179/06]

110. **Mr. Gogarty** asked the Minister for Defence if he will report on the meeting of representatives from his Department with their Swedish counterparts in Stockholm on 9 and 10 March 2006 to discuss Ireland joining the Nordic battle group; if there have been further consultations with the Swedish Government; and if he will make a statement on the matter. [17182/06]

116. **Mr. Timmins** asked the Minister for Defence when he will publish the inter-departmental reports examining all issues relating to Ireland's potential participation in EU battle groups; and if he will make a statement on the matter. [17095/06]

470. **Mr. Durkan** asked the Minister for Defence the discussions he has had with his EU colleagues in the matter of the formation of EU-led battle groups; and if he will make a statement on the matter. [17417/06]

471. **Mr. Durkan** asked the Minister for Defence if he has been approached by the EU or the UN in regard to the composition of EU battle groups, task forces or PFP; and if he will make a statement on the matter. [17418/06]

476. **Mr. Durkan** asked the Minister for Defence the position in regard to the development of RAPID response forces within or outside the European Union; and if he will make a statement on the matter. [17423/06]

Mr. O'Dea: I propose to take Questions Nos. 68, 71, 78, 86, 88, 94, 103, 107, 109, 110, 116, 470, 471 and 476 together.

The ambition of the EU to respond rapidly to emerging crises has been, and continues to be, a key objective of the development of the European Security and Defence Policy, ESDP. The tasks to be carried out under ESDP, the so-called Petersberg Tasks, are defined in the Amsterdam treaty as "humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking". Our participation in ESDP and the Petersberg Tasks has been endorsed and supported directly by the Irish people in the referendum on the Treaty on European Union and the subsequent referenda on the Amsterdam and Nice treaties. Our participation in ESDP is also fully in accordance with our traditional support for the UN and our obligations as members of the international community, to respond to crises, events and humanitarian disasters, wherever they may occur. Because ESDP is an element of common foreign and security policy, Petersberg Tasks will be undertaken only outside the borders of the EU.

The United Nations has not been in touch with me directly concerning the composition of EU battle groups. However, the UN recognises and supports the development of EU battle groups as a key factor in enabling it to respond more rap-

idly and with greater authority to emerging crises. During his visit to Dublin in October 2004 the UN Secretary General, Mr. Kofi Annan, stressed the importance of battle groups and requested Ireland's support for them. Ireland supports the development of the EU's rapid response capability in support of UN authorised missions and is positively disposed towards participation in the battle groups concept in this regard.

I believe the term "battle groups" can be misleading. It is a standard technical military term to describe a coherent military force package capable of stand-alone operations, with full transport and logistics support capabilities to carry out its tasks. It may be defined as the minimum militarily effective, credible, rapidly deployable, coherent force package capable of stand-alone operations, or for the initial phase of larger operations. While the term is understood in military terms, the word has connotations that some may wish to exploit to raise baseless fears and mislead the public. What is meant by battle groups in this respect is a corps of troops that could respond quickly to a crisis.

I established the interdepartmental group and am bringing forward proposals as a result of that. Discussions with other like-minded nations on a potential contribution by Ireland to a battle group have now commenced. A delegation consisting of representatives from the Departments of Defence and Foreign Affairs and the Defence Forces met their Swedish counterparts in Stockholm on 9 and 10 March to discuss possible participation by the Defence Forces in the Nordic battle group. Our representatives outlined Ireland's position on battle group participation and international peacekeeping generally and gave a presentation on the capabilities that Ireland can make available to a battle group. These range from smaller niche capabilities to an APC mounted light infantry company group of approximately 200 personnel plus support elements.

This is being considered by Sweden, which is the framework nation for the Nordic battle group. Further consultations between the Defence Forces and the Swedish armed forces and between officials of the respective ministries are planned. The Nordic battle group was organised some time ago and most of the core elements are already in place, with Sweden contributing the core manoeuvre battalion. In addition, battle groups covering the period through 2010 have already been announced and, on this basis, I would expect our contribution in the period to 2010 to be limited. However, this will be a matter for discussion with other member states over the coming months, in particular with Finland and Austria with whom we have also had some initial informal exploratory discussions.

In the event that we participate in a Nordic battle group we would be the only participant with a legal requirement for a UN mandate. Many member states acknowledge that it would be politically desirable, if not a political impera-

[Mr. O'Dea.]

tive, to have a UN mandate for any battle group deployment.

I am fully satisfied that our participation in the battle group concept in no way weakens or undermines Ireland's traditional policy of military neutrality. I have reiterated on many occasions that our participation in peace support operations would continue to require UN authorisation. Participation in battle groups will not diminish this requirement in any way. Ireland's basis for participation in missions undertaken by the EU is grounded in the legitimacy conveyed by the UN Security Council. This will not change. The triple lock of UN, Government and Dáil approval will remain in place.

As part of its study the interdepartmental group recommended changes to current legislation in light of the increasing range of operations where military forces can play a role and the need for increased interoperability and training so that we can be more effective and more efficient once deployed. The requirement for this amending legislation arises irrespective of our participation in battle groups. Moreover, in light of developments since the Defence Act was amended in 1960 to provide for participation in UN peace support operations, for the avoidance of doubt, I also intend to update the wording in the Act to reflect current practice in the formulation of UN Security Council resolutions endorsing peace support operations more closely. The triple lock requirement of UN, Government and Dáil approval will stand. I also propose to provide for participation by Defence Forces personnel in humanitarian operations in response to natural and man-made disasters such as the tsunami in south-east Asia and the earthquake in Pakistan.

All those issues are important and must be addressed. To that end I will formally bring the draft heads of a Bill to the Government for approval in the next few weeks and, with the Opposition's co-operation, I expect to have the necessary legislation enacted before the summer recess.

Mr. Timmins: The Minister answered my last supplementary question in his response. Will he confirm that Ireland has not had discussions with anyone outside, such as the Swedes, Finns or Austrians? Will he reiterate also that he has had no discussions with his British counterpart?

I agree with much of the Minister's policy, but on the linchpin of the triple lock I vehemently disagree. I believe he stated before the committee that having the triple lock in place reflected the view of the people. On a personal level and in his capacity as Minister for Defence, would he not find matters more flexible and his job easier if the triple lock were no longer in place, allowing him to make his own decisions?

I welcome Deputy Costello, the Labour spokesperson on defence issues. Unfortunately,

he will not find the photo opportunities that he did when he had the justice brief since the media do not accord the coverage they should to defence. The Minister, Deputy O'Dea, would do a great service—

Mr. Costello: The Minister gets all the opportunities.

Mr. Timmins: I know he does. On the Minister's comment about the will of the people, I have attended a few public meetings, and my party had its Ard-Fheis over the weekend. I disagree with him, since the will of the people is that we are now mature enough to make our own decisions. The Minister could be very innovative and visionary if he encouraged his Cabinet colleagues to stage a referendum on the issue of Ireland's neutrality, membership of the non-aligned group, or whatever we call it nowadays.

Perhaps I should have said "more visionary" rather than simply "visionary".

Mr. O'Dea: Night vision.

Mr. Costello: I am appalled at Deputy Timmins's suggestion that the Minister should make all such decisions alone without being bound by the triple lock. Until recently I was my party's spokesperson for the remit of the Department of Justice, Equality and Law Reform, and I would be appalled at the thought of the Minister in charge, Deputy McDowell, not having to refer back to the Government before he sent troops abroad in the form of battle groups, peacekeepers, peacemakers or anything else. The mind boggles when one considers the absence of the triple lock under such circumstances.

Mr. Timmins: A double lock.

Mr. Costello: Before we hastily dismantle the triple lock, let us consider that we might have a different Minister in charge at some point.

I agree that the triple lock is good in the sense that we have a United Nations mandate and that it is referred to the Government and the Oireachtas. From that perspective, we can move forward positively in any decision of that nature. Regarding the origins of the battle group proposals, the Minister has said that he will introduce legislation before the end of this session. Where did the idea come from and who raised the issue with us? I presume it is a matter of tradition regarding the Nordic countries that we are in discussions with Sweden on implementing the battle group concept.

Mr. O'Dea: I agree with Deputy Timmins's suggestion that we have discussed this, formally or informally, only with the Nordic states, Austria and Finland. We have not discussed it with the United Kingdom for the very good reason that it is providing its own single-nation battle group. Since each will consist of at least 1,500 troops, we

will be part of a multinational one. The most troops that we can send abroad at any time is 850. Britain is one of four European countries submitting a full battle group, meaning that there is no room for joining up with it.

We are dealing with Sweden and the other Nordic states because we have worked with them a great deal in peacekeeping operations. For example, we are working with the Swedes in Liberia, which is almost a battle group situation. There is a quick reaction force there. Interoperability between the Irish and the Swedes is very good. We are familiar with how the Swedish army operates and *vice versa*, and we know each other's chains of command and so on. From the perspective of being familiar with how the other operates, that is very useful.

Regarding Deputy Timmins's other point, I disagree. If the people were canvassed on the matter, the majority would prefer us to operate in military adventures abroad only as a result of a United Nations resolution. In this instance, the Labour Party, the Green Party and all the others in the House are better at reading the will of the people than Fine Gael which stands alone in its wish to enable Ireland to deploy unilaterally.

Mr. Timmins: What about the Progressive Democrats, Fianna Fáil's partners in Government?

Mr. O'Dea: The Progressive Democrats is part of the Government, which is fully united behind the triple lock.

Mr. Timmins: Some of them.

Mr. Durkan: Those are brave words.

Mr. Timmins: This is the chance.

Mr. O'Dea: It will be very interesting if, when security and defence matters are discussed at the next election, Fine Gael goes off in one direction and its potential partners in the opposite.

Mr. Stagg: That sounds worried.

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 Moynihan — the reason for the refusal to award a respite care grant in the case of a person (details supplied) in County Cork; (2) Deputy Cooper-Flynn — that any underspending or reallocation of EU Structural Funds committed to the Border, midlands and west and south and east regions is in clear breach of a legally binding agreement; (3) Deputy Harkin — to discuss the situation regarding the

funding crisis experienced by frontline services responding to violence against women in Sligo-Leitrim; (4) Deputy Boyle — that the failure to respond adequately to concerns regarding employment practices at Safefood agency be explained; (5) Deputy Cowley — that the Minister explain why the average timescale for a certificate of naturalisation in the citizenship section is in excess of two years; and (6) Deputy Fiona O'Malley — the need to discuss a national sexual health strategy in this national condom week.

The matters raised by Deputies Boyle, Fiona O'Malley, Cooper-Flynn and Cowley have been selected for discussion.

Leaders' Questions.

Mr. Kenny: It is appropriate that I refer to Europe Day and the participation of Members from all parties in the structured debate tomorrow. However, I wish to ask the Taoiseach about another matter. He will be aware that over the past two years 11,000 serious crimes have been committed by people on bail, including 43 homicides, 500 assaults, 750 serious drug offences and thousands of thefts and burglaries. That amounts to more than 100 serious crimes a week committed by people who could and should be behind bars.

I suppose that the Taoiseach was not glued to his television set over the weekend, but that was obviously the case with some from the other element of the Government. The Minister for Justice, Equality and Law Reform, Deputy McDowell, was out of the traps faster than Carl Lewis ever managed. In that regard I wish to ask the Taoiseach about persons committing serious crimes while on bail. The Fine Gael Party proposed at the weekend that, given the trend of 11,000 serious crimes having been committed, the courts should be authorised to tag electronically persons on bail so that their movements might be tracked full-time.

On Friday, the Minister for Justice, Equality and Law Reform stated that I had also referred to the electronic tagging of people as a condition of bail, something that, he contended, I well knew was already provided for in the Criminal Justice Bill now before the Dáil. The trouble is that it is not in the Bill before the Dáil. The Minister's Bill contains a provision to tag electronically people who have been convicted, which is what Deputy Jim O'Keefe proposed last year. Is the Government putting a provision into the Bill giving the courts authorisation, if the judge deems necessary, to electronically tag persons being granted bail? Will the Taoiseach confirm that this provision is not contained in the Bill before the Dáil, contrary to what the Minister for Justice, Equality and Law Reform said on Friday?

The Taoiseach: On the first point the Deputy made, the legislative provisions for the granting of bail are very stringent. The 16th amendment

[The Taoiseach.]

to the Constitution provides for the refusal of bail to a person charged with a serious offence where it is reasonably considered necessary to prevent the commission of a serious offence by that person. We amended the law to deal with that. The Bail Act 1997 gave effect to the amendment and it tightened up the bail regime generally. That provision exists for the court to deal with it.

The earlier Criminal Justice Act provides that any sentence of imprisonment passed on a person for an offence committed shall be consecutive on any offence passed on him or her for a previous offence. The granting of bail is in accordance with that Act. The amount of bail and sentencing are matters for the courts which are, subject only to the Constitution and law, independent in their exercise of judicial functions. The law is clear and the powers exist. The courts have the provision.

In earlier years people who were out on bail through early release schemes comprised about 15% of the overall prison population. The latest figures I have indicate this is now approximately 2.3%. The provisional figures for last year show that 5.36% of headline offences were committed by persons on bail and the statistics in the Garda Commissioner's report classify offences committed while on bail under the ten headline crime groups under which the reports are categorised. That is all I have to say about that. It is disturbing to read the offences committed by persons on bail. The offence for which a person has received bail may be a fairly minor one, which needs to be taken into account.

On the second question, subject to checking, Deputy Kenny is right. I believe that is the way the Bill is worded, if I recall correctly. I believe the Deputy is correct on that. Whether the Minister brings forward an amendment on Committee Stage is a matter for him. If I recall it, what the Deputy has said is correct.

Mr. Kenny: I wish to give the Taoiseach credit for clarifying what is correct. The Minister for Justice, Equality and Law Reform said that this provision was already contained in the Bill. I am glad the Taoiseach has asserted his authority in having the Bill passed at the Cabinet table and is now confirming that it is not in the legislation. He who knows everything about these matters——

Mr. Stagg: And everything else as well.

Mr. Kenny: ——would be well advised to take note of the Taoiseach's confirmation, which I welcome.

While the referendum tightened the bail conditions in some respects, judges must still draw on a mixture of legislation and precedent when granting bail. It would be appropriate that a new bail Bill setting out all those conditions comprehensively should be introduced by the House.

Does the Taoiseach agree we should have a fast-tracking system by the Director of Public

Prosecutions to the Court of Criminal Appeal, which would be a necessary addition to the legislative portfolio to deal with issues of release on bail given that the Taoiseach agrees with me that it is of concern that 11,000 serious crimes were committed in two years by persons released on bail? If this continues, almost 500,000 headline crimes will have been committed on the watch of the Minister for Justice, Equality and Law Reform. Will the Taoiseach comment on a fast-tracking system to the DPP and a new bail Bill making crystal clear the conditions which judges should apply so that they do not need to rely on a mixture of legislation and precedent as applies at the moment?

The Taoiseach: I again make the point I made earlier on bail. Before we changed the law, the courts had no power to keep somebody in prison pending a trial. Regardless of how likely they were to re-offend and even if they were certain to re-offend, the courts could not do that. The purpose of the Act was to give them that right. I do not see the point of setting it down — I think it is clear. While I do not want to repeat myself, the law in this regard following the amendment is clear. While I do not follow these matters from day to day, I have not seen anyone make the case that we need to set it down. I would have thought the Bail Act was clear now. If there is a risk of a serious offence, the courts can act. They can do something they could never do before, which is why it was necessary to have the 16th amendment to the Constitution and to have the Bail Act 1997. While it is not a decade on the Statute Book, perhaps legal minds believe there is an argument on it.

On another point, while I have given no thought to this, if we follow the road Deputy Kenny is advocating and prioritise, fast-track or list cases and specify a particular determination why they should be taken, all we would do would be to lengthen what I understand to be an already quite lengthy case list in the Court of Criminal Appeal. It is constantly under pressure for good reasons because of the list. If there is an argument for doing something on some cases, just to create a longer list for everybody else does not seem to be the solution.

Mr. Rabbitte: The ugliest and most grotesque crime of all was committed in Ballymena over the weekend. I am sure all sides of the House agree with me in deploring the grotesque killing. On behalf of the Labour Party I extend our condolence to the family of Michael McIlveen.

Does this killing not highlight the urgency of all sides of the community proposing their confidence in and expressing their support for policing in Northern Ireland? Was it not the settled expectation on all sides that some movement from Sinn Féin could be anticipated before the Executive would be reinstated? How can this position be reconciled with the interview given today by the

Minister for Foreign Affairs, Deputy Dermot Ahern? The following bizarre remarks are attributed to him: "The policy issue is not a precondition for the November deal". He went on to dismiss the anti-criminality campaign of the Minister for Justice, Equality and Law Reform as being merely politicking in the South. In the process he sent the message to Sinn Féin that it could now kick into "the middle distance" the issue of subscribing to policing and taking its positions on the boards in Northern Ireland.

In the context of the Lancaster House agreement in June 2004, the Taoiseach told this House that "support for policing from all sides of the community" was one of the four critical issues that needed to be tackled. As recently as January in the Farmleigh meeting with the British Prime Minister, Mr. Blair, the two Governments apparently concluded that they would like to see Sinn Féin confront the issue of policing once and for all. By the summer they wanted to see Sinn Féin give full recognition to the PSNI for the first time and join the policing boards, which would clear the way for the devolving of policing powers to a restored Executive in Northern Ireland. In December 2004 Mr. Adams told us he was prepared to sign up to all the political aspects of the agreement. How can that be reconciled with today's interview with the Minister for Foreign Affairs, Deputy Dermot Ahern? Does the Taoiseach agree with him and does he also dismiss the anti-criminality campaign of the Minister for Justice, Equality and Law Reform as no more than politicking in the context of the South? Does the Taoiseach not agree that, as a result of this interview with the Minister, Deputy Dermot Ahern, there is less prospect of the executive being reinstated because the signal is clear to the DUP that the Irish Government, at least, no longer requires movement on this critical issue to have the executive reinstated?

The Taoiseach: I have always stated that policing is an enormously important issue in bringing normality to Northern Ireland. It is one of the few major outstanding issues and I have never deviated from that view. The Prime Minister and I emphasised the importance of this in January and in March. We have also emphasised that we would ask all parties, particularly Sinn Féin, to be clear on the devolution of policing and the legislation to provide for that.

Sinn Féin has always said it would not sign up until it saw the legislation and proposals. In fairness to Sinn Féin although it is not for me to argue its case, but to answer the question, it has made clear for the past few years that it would be prepared to have a special Ard-Fheis to deal with the issue of policing and to see the issues around policing clarified on the clear understanding that it would see the legislation and the date for devolution of policing.

Policing is one of the areas that divides Sinn Féin and the DUP. While everybody wants to see

policing accepted, the DUP's position is that it should be a long time before it is devolved. I did not read any interview, but the Government wants to see all parties in Northern Ireland subscribe to policing. We support the devolution of policing. We want to see the devolution Bill passed and that issue addressed.

I have always been at one with the Ministers for Justice, Equality and Law Reform and Foreign Affairs on the issue of criminality. Nobody has been tougher on this issue and on Border activity than the Minister for Foreign Affairs, not only in his present position but in his political life for the past 20 years.

Mr. Rabbitte: I never cease to be amazed at the interviews the Taoiseach reads and the ones he never notices. What he has just said cannot be reconciled with what the Minister for Foreign Affairs, Deputy Dermot Ahern, said. Presumably the Taoiseach is not saying that powers for policing and justice can be transferred to Northern Ireland before the executive is reinstated. The Taoiseach said clearly after the meeting in Farmleigh that this had to be dealt with and he expected movement this summer.

He or his Minister for Foreign Affairs seem to be quite prepared to reward Sinn Féin for its stance on policing while a party such as the SDLP, that took the risk when it was neither popular nor profitable and went on to the policing boards and defended very unpopular decisions, is to be left out in the cold. It is an extraordinary interview. If the Taoiseach has not read it, which I do not believe, although I do not like to make accusations, he ought to read it. He cannot say he agrees with the Ministers for Justice, Equality and Law Reform and Foreign Affairs on the anti-criminality campaign because the Minister for Foreign Affairs makes it plain that he regards the utterances of the Minister for Justice, Equality and Law Reform as no more than politicking and electoralism in the context of the South.

Has the Government changed the consistent and settled expectation that there would be movement on this critical issue to facilitate the reinstatement of the executive? Is that no longer the position? Does the Government generally regard Deputy McDowell as being off on a frolic of his own in his various utterances about Sinn Féin? Is subscribing to policing in Northern Ireland and participation in the policing boards some requirement of the November deal? What message does that send out to the DUP? Is the Taoiseach saying he expects the DUP to participate in the reinstatement of the institutions in Northern Ireland although the Minister for Foreign Affairs has clearly signalled to Sinn Féin that it need not bother and can kick into "the middle distance" the question of allegiance to policing in Northern Ireland?

The Taoiseach: I hope Deputy Rabbitte believes me when I say I did not read the interview. I will read it, but I do not need to read it to know that the Minister for Foreign Affairs has always been strong on criminality in all its forms and has never gone easy with anyone, on any side in Northern Ireland, or in his own Border region, who has been engaged in criminal activity. He has been one of the most outspoken people in that respect. I defend the Minister on that position. I worked with the SDLP and John Hume and Seamus Mallon when they courageously moved on policing and joined the policing boards. We worked with them on the legislative provisions to give those boards the necessary strength and to assist them. It is true that members of the SDLP, and other independent members, took great risks and were subjected to intimidation on these issues. The Government has always supported those people.

It has been the position of the Government that proper policing is needed to get away from vigilante activities and criminality in the North and to deal with the rising drugs problem. The only way to achieve that was to work on the basis of the Patten report, to reform what was the RUC and to develop the PSNI, as has happened. No police authority or organisation in the world is subject to so much scrutiny by an ombudsman and oversight officers and commissioners. Its leadership has worked extremely hard to implement that.

Sinn Féin and the other parties well know our position, as does the public. We would like to see them sign up to policing at the earliest possible date. Sinn Féin's position has been that when the devolution of policing Bill is passed and it sees the position in regard to working on the executive with the police it will deal with the issue. That is its stated position. There has been no deviation from, or change in that position.

Not having read the article I cannot tell whether the Deputy is taking this out of context but it is certainly out of context of what the Minister has often said at meetings and in this House. How that is interpreted in an article I cannot say until I have read it. Government policy on these issues is very clear. We want to see policing in Northern Ireland work and people involved in and committed to this. The Deputy asks what signal that sends out to the DUP. I remind the Deputy that the DUP's stated position is that policing should not be devolved for a considerable number of years, which is not compatible with the position of the two Governments.

Caoimhghín Ó Caoláin: There has been much concern and a debate in this House recently about the terrible toll arising from road traffic accidents. Is the Taoiseach aware the number of deaths on our roads is exceeded by the number of deaths from suicide and that we have one of the highest rates of suicide in the world? It is the most common cause of death among young

people and in particular among young males between the ages of 15 and 24, our statistics within that age group being the highest in the EU. Will the Taoiseach agree that what is needed is a much greater awareness of this serious problem and an understanding of it? In that context, does he share my concerns at the comments attributed to Deputy McDaid at the weekend where he has accused people of glorifying suicide victims at their funerals? He has described suicide acts where he stated mental illness was not a factor, as being selfish acts.

My purpose is not to personalise this issue but to highlight the need for greater awareness. We need to avoid statements such as that of Deputy McDaid, which only stigmatise people and create even greater distress for families which are already suffering the bereavement of the loss of a loved one.

Are there suicides where the mental health of the person who took their own life and particularly at the time of their death, is not in question? I do not know the answer but I wonder if Deputy McDaid is making that point. When Deputy McDaid criticises the bearing of the remains of someone who has died by suicide up the centre aisle of their respective chapel or church, is he suggesting they should be condemned from the pulpit or interred outside the consecrated grounds of their local cemetery, a terrible practice that was maintained for generations? Will the Taoiseach agree there are social factors such as unemployment, alcoholism, physical and sexual abuse and relationship breakdown, which can often be the backdrop to many of these tragedies? Will the Taoiseach not recognise that given the enormity of the problem across this State, and across this island as statistics North of the Border have demonstrated recently, that what is needed is to fully resource and implement the National Strategy for Action on Suicide Prevention 2005-2014? Will the Taoiseach seek the cooperation of all who have a role to play and a contribution to make under the All-Ireland Ministerial Council, to give this issue the strategic consideration it needs and the strategic address it deserves, given the great hurt that exists?

The Taoiseach: The Deputy raised a number of points. He has asked me to account for somebody else's views which I will not do. People are entitled to their views, be they medical practitioners or teachers and I am not going to examine people's views.

The national statistics for suicide show a figure of approximately 400 a year. Recent research shows that the most vulnerable category is single adult males. I am not a medical expert but even those experts differ on this issue. Mental illness, alcohol or other substance abuse, loneliness or loss of societal esteem and dignity, the weather and the time of year, are all put forward as factors. I do not know the answer.

What we can do, and what we have endeavoured to do and what has been pressed for in the House over the past number of years, is to give all the respect, care and help we can to families and relatives, and to try to do something for society in future. This is achieved by means of the Department of Social and Family Affairs and by means of the relevant national, regional and local organisations which receive financial support through the Family Support Agency to support grieving families which deserve all our support and respect.

Social, personal and health education programmes are now compulsory in all schools. They aim to build self-esteem and confidence as a means of suicide prevention among young people. These are constructive initiatives. There has been an increase in the numbers of guidance counsellors in all schools. I commend the attitude of trying to be helpful and caring and the efforts to try to resolve the fears and concerns of people.

I know from the small number of people — too many — whom I have known who committed suicide, in some cases the reason was understandable but in most cases there was no iota of a reason for their actions as there was no obvious reason, motivation or level of stress that should have pushed them to do it. The fact that life is more complicated is part of the reason.

The other issue is that it is no longer a crime and people are not ostracised in their religious communities, or at least not in one of them. People now come forward and families state their reasons. The numbers may always have been high but they may not have been classified as suicides for reasons such as referred to by the Deputy and by me.

The Government's position is to support the important research to identify the problems and identify solutions for the future, to educate young people and to help them by means of guidance counsellors, to support their self-esteem and confidence by means of the compulsory programmes in schools and by means of the Family Support Agency to provide the best possible assistance to grieving families. This is a suitable way for the Government to deal with the issue.

Caoimhghín Ó Caoláin: Will the Taoiseach agree that to take one's own life is an act of sheer desperation and not one of selfishness? Is the Taoiseach aware that a recent report has indicated that somewhere between 40% to 60% of people who suffer from schizophrenia will in the course of their lives attempt to take their own life and that some 10% of people with schizophrenia die by suicide? Will the Taoiseach again indicate to the House his intent and the commitment of his Government to fully resource and implement the National Strategy for Action on Suicide Prevention 2005-2014? That is critically important. Will he agree that rather than blaming or stigmatising victims of suicide, what is needed are effective programmes? It is critically important to

begin within the education system. Will the Taoiseach agree that what is required is a far greater awareness of and education not only on the issue of suicide but its placement in the context of the overall issue of mental health? We must be bold enough to state exactly where this needs to be addressed.

On the issue of mental health, we must combat the stigmatisation of people suffering from any degree of mental illness. We must recognise and be prepared to acknowledge the likelihood that any one in four of our population, and any one in four of our number, will experience and suffer from some degree of mental illness in the course of our lives. It is important that we address this issue in that way and start at the earliest age possible to empower and strengthen young people to face the difficulties and challenges of life.

The Taoiseach: The Deputy raised some points, which I have already answered in terms of how we are dealing with this issue in a caring way through the education system. He has asked me to confirm again the position on the national strategy for action on suicide prevention. That strategy was launched in September of last year. It builds on the existing policy and on the recommendations of the report of the national task force on suicide which the Government implemented in its first year in office in 1998. The recommendations proposed four levels of action comprising the strategy, which included the general population approach, the target approach, responding to suicide, and information and research. We have followed all those recommendations for the past eight years since the publication of the report of the national task force on suicide.

Deputy Ó Caoláin mentioned the question of resources. We have invested resources to the value of approximately €25 million in the mental health programme. The Government has done an enormous amount in the area of mental health, one being the establishment of the Mental Health Commission. It has also improved the provision of mental health services to ensure that people's interests are maintained and protected.

On the question of family support services, we give a great deal of assistance to various organisations, including self-help organisations, the families of the bereaved and to young people. Courses in the education programme covering this issue are compulsory in schools. Therefore, we have done a great deal in this respect.

In all the years I have been in this position, Deputy Neville has continually raised this issue with me. I am sure he would agree that we have moved a long way in this area. He has been raising questions on this issue for as long as I am in this position. We have also developed a strategy for action for suicide prevention.

Caoimhghín Ó Caoláin: I do not see Deputy Neville nodding his head in assent.

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

The Taoiseach: We have moved forward with the Reach Out strategy which was launched last year. We have invested resources in this area.

I will not answer Deputy Ó Caoláin's point in terms of trying to identify which groups are most likely to commit suicide. The Deputy made great play of arguing with what Deputy McDaid, a medical doctor who has raised this issue many times in his medical career, not to mind his political career, said on this issue in terms of how wrong he was to stigmatise somebody. Deputy Ó Caoláin then moved on to point out the categories of people who are most likely to commit suicide. That is muddled thinking on the Deputy's part.

Caoimhghín Ó Caoláin: It is not muddled thinking. I cited what is in the report.

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

The Taoiseach: Whatever reasons or categories of people are involved, we must try to deal with them. The 1998 report of the national task force on suicide set out the position on this issue. The Government launched Reach Out — A National Strategy for Action on Suicide Prevention ten months ago. We have allocated resources to the national task force on suicide and to the education system in terms of the social, personal and health education programme, which is compulsory in our schools. We have also allocated guidance counsellors. Far from not moving forward in this area, I am trying to improve the position. I also support ongoing research on this issue. The Government has been proactive in this area.

Requests to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 31. I call Deputy Olivia Mitchell.

Ms O. Mitchell: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: following the events involving a bus on the Naas Road on Sunday last which resulted in a tragic death, injuries and dangerous general mayhem, the urgent need for a review of the criteria for the granting of a D and a D1 licence for use of high capacity passenger buses, and the monitoring of adherence to these criteria, the need for background checks for verified job references, the need for regular physical and mental health check-up certificates and the introduction of an unforgeable driving licence format and other measures to help guarantee the safety of the travelling public.

Aengus Ó Snodaigh: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the reprehensive failure of the Government to take adequate measures to address human trafficking, including the introduction of legislation making human trafficking a crime, providing for the prosecution of traffickers and providing supports for the many women and children who are victims of trafficking, including provisions for residency, and the inexcusable failure of the Government, in particular the Tánaiste and Minister for Health and Children, to account for the numerous children who have gone missing from the care of the Health Service Executive, some of whom may be victims of human trafficking.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the failure of the Minister for Justice, Equality and Law Reform, Deputy McDowell, to provide the promised adequate Garda resources in County Mayo to deal with the increasing levels of crime in our towns and the anti-social behaviour problems which are on the increase in all housing estates.

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 the Environment, Heritage and Local Government to make additional funds available to local authorities throughout the State to enable them to carry out necessary repairs to local authority housing, because they are prevented from carrying out these repairs at present owing to a lack of funding. Tenants in public housing throughout the State endure severe and unnecessary hardship owing to the failure and inability of local authorities to carry out essential repairs.

Mr. Sargent: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the clear democratic view among farmers and consumers in general that Ireland should develop food production on a GM free basis, most recently expressed by the unanimous decision of Meath County Council yesterday to declare the county a GM free zone; the need for Government to take on board this mandate and inform the Environmental Protection Agency of the mandate given to Fianna Fáil, in particular, which sought support in 1997 with a manifesto promising no GM food production; and the need for the Government to clarify the standing of its commitment on this critical issue for Ireland and Irish farming.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for graduates of all third level colleges to be allowed to vote in Seanad Éireann elections and not merely the four

oldest universities of the National University of Ireland and Trinity College, and the fact that the Irish Constitution was changed in 1979 to allow all graduates to vote in Seanad elections and calls for the introduction of the appropriate legislation to implement this provision in advance of the next Seanad elections.

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

Order of Business.

The Taoiseach: It is proposed to take No. 11, motion re ministerial rota for parliamentary questions; No. 12, motion re referral to select committee of proposed approval by Dáil Éireann of the terms of the treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union; No. 19, the International Criminal Court Bill 2003 — Order for Report, Report and Final Stages; and No. 20, Energy (Miscellaneous Provisions) Bill 2006 — Second Stage, resumed. It is proposed, notwithstanding anything in Standing Orders, that Nos. 11 and 12 shall be decided without debate. Private Members' business shall be No. 57, motion re Ireland's energy sector.

An Ceann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with Nos. 11 and 12 without debate agreed? Agreed.

Mr. Kenny: Given that there has been a huge increase in the various invasive weeds in the lakes of the country, which will literally wipe out coarse and trout angling in the next 15 years if something is not done to address this problem, when is the national inland fisheries authority Bill likely to be published in order that an authority might be put in place to deal with this problem which will have a detrimental effect on local economies?

The Taoiseach: The legislation is due this year.

Mr. Stagg: Are we likely to see that Bill?

The Taoiseach: The heads have not yet been approved. It is listed for this year.

Mr. Rabbitte: The Minister for Arts, Sport and Tourism received the Dalton report four weeks ago but did not bring it to the Cabinet until this morning. I am completely bemused about the delay. What is in the report? When will the Taoiseach give it to the rest of us?

The Taoiseach: The Minister did not quite bring it to the Cabinet this morning.

Mr. Quinn: He did not come out of the traps.

The Taoiseach: The Minister has received legal advice that, in line with due process, he should give the report to a number of the individuals who are named in it. After the Deputy raised this matter last week, I asked how long the process should take. It is considered the people in question will need two or three weeks to consider the report.

Mr. J. Higgins: There will be a few High Court judgments along the way, just like after the Gama Construction report was published.

Mr. Sargent: As there are enough problems in the health service, I do not wish to add to them. Can I ask about the health Bill, given there is now a new dimension to that whole area? No human health studies have been carried out on genetically modified foods. Some studies have been carried out on rats, but they were not very promising.

An Ceann Comhairle: When will the legislation be introduced?

The Taoiseach: This session.

Mr. Sargent: Will the health Bill address the new dimension to our problems?

An Ceann Comhairle: I call Deputy Stanton.

Mr. Stanton: The Minister for Social and Family Affairs interviewed Pat Kenny during "The Séamus Brennan Hour" this morning.

Mr. Brennan: I thank the Deputy.

Mr. Stanton: The Minister promised he would introduce legislation relating to lone parents, the cohabitation rule and the need to make absent fathers pay more, but there is no sign of it in the legislative programme. Can the Taoiseach tell the House when the legislation will see the light of day? What will the Bill be called?

The Taoiseach: The report has been prepared.

Mr. Kehoe: Who is on the Minister's programme tomorrow?

The Taoiseach: The Minister published the report approximately two weeks ago as part of the national debate on this issue. All the organisations which are involved in this area have been asked to make some comments on it. That is where it is at present.

Mr. Stanton: Where is the legislation?

The Taoiseach: We have to have the debate first.

Mr. Stanton: The Minister promised legislation this morning on the radio.

An Ceann Comhairle: The Taoiseach has answered the Deputy's question.

Mr. Stanton: I want to know whether it is intended to introduce legislation in this regard.

The Taoiseach: We will have to wait until we have received the comments on the report.

Mr. Stanton: There is no legislation.

Mr. Rabbitte: This morning's broadcast made a change from "The Michael McDowell Hour" anyway. It was a pleasure to listen to the Minister for Social and Family Affairs for a change.

Mr. Kehoe: Willie is on tomorrow morning.

Ms McManus: I received a very distressing letter this morning from the Irish Haemophilia Society, which represents a community that has been ravaged by HIV and conditions which have destroyed lives.

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

Ms McManus: It has suffered more than any other community. It has been waiting for nine years for legislation that will provide the people in question with an insurance scheme.

An Ceann Comhairle: Is legislation promised?

Ms McManus: According to the letter I received, the Tánaiste has broken her word, which she gave to the society when she promised it that a draft Bill would be available on 6 April. The legislation in question is not complicated; it is very simple.

An Ceann Comhairle: I ask the Deputy to allow the Taoiseach to answer her question.

Ms McManus: It has been overdue for nine years.

The Taoiseach: The heads of the Bill have been approved. The Bill is being drafted and will be introduced this session.

An Ceann Comhairle: I call Deputy Ó Caoláin.

Caoimhghín Ó Caoláin: I will pass, a Cheann Comhairle, thank you.

Mr. Durkan: Can I ask the Taoiseach whether it is possible to arrange for an early debate in the House about the closure of the power station in Shannonbridge? The power station has been closed, with obvious job losses, as a result of health and safety requirements.

An Ceann Comhairle: Is a debate promised?

Mr. Durkan: It cost over €200 million.

An Ceann Comhairle: There are other ways of raising the issue.

Mr. Durkan: The Taoiseach might like to comment on it at this stage. Perhaps he will arrange a debate in the House on the matter.

An Ceann Comhairle: I call Deputy Quinn.

Mr. Durkan: It cost €240 million.

An Ceann Comhairle: We cannot have discussions or debates in the House unless they are promised.

Mr. Durkan: It has been in operation for just a year and a half.

An Ceann Comhairle: I call Deputy Quinn.

Mr. Durkan: A serious health and safety problem at the power station has caused it to be closed.

An Ceann Comhairle: The Deputy can raise the matter in other ways.

Mr. Durkan: Perhaps the Taoiseach will indicate when it might be possible to have a debate in the House.

An Ceann Comhairle: We cannot allow that type of question unless a debate is promised—

Mr. Durkan: It is an urgent issue.

An Ceann Comhairle: —because if we were to do so, every Deputy on every side of the House would be asking about some issue every day.

Mr. Durkan: Can I ask that the minerals development Bill be brought to the House as a matter of urgency? Perhaps it might be possible to arrange an urgent debate on this matter in that context.

The Taoiseach: The Bill will be brought to the House next year. The Deputy should take the Ceann Comhairle's advice.

Mr. Durkan: I hope the Government will do something about the pipeline before then.

Ms Enright: We will need to have statements on the matter sooner than that.

Mr. Quinn: The Minister for the Environment, Heritage and Local Government undertook to take Committee Stage of the Building Control Bill 2005 on 25 May next. However, my office has been informed that this tentative arrangement has been changed and that instead, the Minister intends to introduce the Planning and Development (Strategic Infrastructure) Bill 2006, which has just been passed by the Seanad, in this House. Can the Taoiseach or the Chief Whip indicate

why it is necessary to postpone Committee Stage of one Bill to take another Bill that has already been considered by the Seanad and, therefore, has been substantially debated? Will the Taoiseach indicate specifically when the Planning and Development (Strategic Infrastructure) Bill 2006 will be brought to this House? What are the arrangements for referring the Building Control Bill 2005 to the select committee again?

Mr. Howlin: The Minister, Deputy McDowell, is able to deal with six Bills at a time.

Mr. Rabbitte: He can do the Pat Kenny show at the same time.

The Taoiseach: I do not have the arrangements for the debate in this House on the Planning and Development (Strategic Infrastructure) Bill 2006, which was formerly known as the strategic national infrastructure Bill. I will ask the Government Chief Whip to check.

Mr. J. Higgins: The disgusting trafficking into Ireland of young women from parts of eastern Europe for enslavement and prostitution was highlighted on RTE's "Prime Time Investigates" last night. The most urgent action possible is needed to stop this barbarism—

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

Mr. J. Higgins: —and to take the barbarians out of our society.

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

Mr. J. Higgins: I am asking the Taoiseach to tell me and the Dáil when legislation to outlaw—

An Ceann Comhairle: Is legislation promised?

Mr. J. Higgins: —this criminal trafficking, which is a modern form of slavery, will be introduced. Why has the Government been so laggardly on this issue so far?

The Taoiseach: To the best of my knowledge, legislation is already in place to deal with the issue of trafficking. The Garda National Immigration Bureau has been working to deal with a number of gangs. It has arrested a number of people and broken up some of the gangs which are involved in this activity. I do not think any other legislation is proposed.

Mr. J. Higgins: We need clarification.

An Ceann Comhairle: We cannot have a debate on it. The Taoiseach has answered the Deputy's question. I suggest that the Deputy should find another way of raising the matter.

Mr. J. Higgins: I am not debating the issue.

An Ceann Comhairle: The Deputy can raise the matter in many other ways.

Mr. J. Higgins: I am sorry, but the Taoiseach's comments were misinformed.

An Ceann Comhairle: We cannot debate what the Taoiseach said.

Mr. J. Higgins: There is legislation banning the trafficking of children, but there is no legislation specifically banning the trafficking of young women into this country for prostitution.

An Ceann Comhairle: The Deputy cannot discuss the matter now. I suggest that he raise it in one of the many ways in which Deputies can raise such matters.

Mr. J. Higgins: On a point of order, this is very important. I am entitled to ask about legislation.

An Ceann Comhairle: The Deputy can ask about promised legislation.

Mr. J. Higgins: Yes. The Minister for Finance said on "Questions and Answers" on RTE last night that legislation would be introduced in this regard.

Ms McManus: Yes.

Mr. J. Higgins: When will it be introduced?

The Taoiseach: I could give a longer answer, but the problem is that we are dealing with promised legislation, rather than with Leaders' Questions. I will give it. Although the offence of trafficking is not explicitly provided for in Irish law at present, a range of offences which can be prosecuted under current legislation are involved in any trafficking activity. Offences such as assault, sexual assault and false imprisonment, which were highlighted in last night's programme, can be dealt with under current legislation. The Minister for Justice, Equality and Law Reform is preparing to create a specific offence of trafficking in human beings. Such an offence is not provided for in legislation at present. The preparation of the legislation, which will make the trafficking of people in or out of Ireland for the purposes of sexual and labour exploitation an offence, is at an advanced stage. The provisions needed to comply with two specific EU laws — the framework decisions on trafficking — are also at an advanced stage of preparation. They will take account of several other United Nations and Council of Europe measures. The enacting provisions in question are already in Council of Europe laws and EU laws. They are under preparation. The Minister for Justice, Equality and Law Reform is also considering how forthcoming legislation on immigration and residence can assist in dealing

[The Taoiseach.]

with this issue. I am sorry for breaking the rules by making this statement, a Cheann Comhairle, but I wanted to give a full answer.

Mr. McEntee: In the past nine days, 14 people have been killed on our roads. Despite the measures we have been taking over the last three months, nothing is working. I asked a question last week as regards the new road traffic Bill. I wonder whether we are looking at all the reasons as to why these people are being killed. It is crucial we have a debate and that this matter is brought forward since 14 people have died in nine days and the numbers are rising. We have the worst record in Europe as and from today and people are being killed on minor roads that are not capable of carrying such a level of traffic. I also believe the signs—

An Ceann Comhairle: We cannot have a debate on this matter now.

Mr. McEntee: It has gone beyond a joke and too many people are being killed on our roads, which are not fit for the traffic—

An Ceann Comhairle: I must ask the Deputy to allow the Taoiseach to answer his question.

Mr. McEntee: Will the Taoiseach guarantee that legislation will be brought forward this session?

The Taoiseach: The heads of the Bill have been approved and it is gone for urgent drafting. We hope to have the Bill within a few weeks and it will be debated in the House in this session. We should very much like to have it passed by both Houses before the summer session.

Mr. Boyle: I want to raise two items. One concerns last night's "Prime Time" programme. Can the Taoiseach confirm that sections of the Children's Act which have yet to be brought into force, could comprise elements as regards how the Government should be dealing with this problem? Will he give a commitment to the House that all sections of the Children's Act that have yet to be enforced will be immediately enabled?

Can the Strategic Infrastructure Bill be brought before the House? The Minister for Justice, Equality and Law Reform has issued a leaflet in his constituency which says that mass burn incineration is not in line—

An Ceann Comhairle: That matter does not arise. The first question is on secondary legislation.

Mr. Boyle: It has significant implications for the legislation. This has to do with whether the published legislation remains valid because the statement by the Minister for Justice, Equality and Law Reform indicates he is not following

Government policy. It has to do with mass burn incineration and whether he is prepared to support the building of a particular incinerator. I would like to know the implications as regards the Bill that has been published and whether it will be presented in the House.

The Taoiseach: As regards the second question raised by the Deputy, that Bill is currently down for debate in the Seanad and it will come to this House. On his first question, I have given a comprehensive answer to Deputy Joe Higgins. As regards the Children's Act, there are some sections that have not been fully enabled as yet. Perhaps the Deputy will get the details if he puts down a question for the Minister for Health and Children.

Mr. Timmins: The Taoiseach may be aware that many churches have had to cancel broadcasting services to the public due to requests from the Irish Aviation Authority, perhaps, or ComReg. I ask the Taoiseach to request the Minister for Communications, Marine and Natural Resources to investigate this issue so the problems may be overcome.

An Ceann Comhairle: I suggest the Deputy submits a parliamentary question on that matter.

Mr. Timmins: Will the Taoiseach say when the broadcasting authority Bill will be published?

The Taoiseach: This year.

Ministerial Rota for Parliamentary Questions: Motion.

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

That notwithstanding anything in Standing Orders or in the Resolution of the Dáil of 6th June, 2002, setting out the rota in which Questions to members of the Government are to be asked, or in the Resolution of the Dáil of 25th April, 2006, Questions for oral answer, following those next set down to the Minister for Social and Family Affairs, shall be set down to Ministers in the following temporary sequence:

Minister for Community, Rural and Gaeltacht Affairs

Minister for Enterprise, Trade and Employment

where upon the sequence established by the Resolution of 6th June, 2002, shall continue with Questions for the Minister for Agriculture and Food.

Question put and agreed to.

Proposals on Accession of Republic of Bulgaria and Romania to European Union: Referral to Select Committee.

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

That the proposal that Dáil Éireann approve the terms of the treaty concerning the Accession of the Republic of Bulgaria and Romania to the European Union, done at Luxembourg on 25 April 2005, copies of which were laid before Dáil Éireann on 17 January, 2006, be referred to the Select Committee on European Affairs, in accordance with paragraph (1) of the Orders of Reference of that Committee, which, not later than 24th May, 2006, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to:

International Criminal Court Bill 2003: Order for Report Stage

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): I move: “That Report Stage be taken now.”

Question put and agreed to.

International Criminal Court Bill 2003: Report Stage.

An Ceann Comhairle: Amendment No. 1 arises out of Committee Stage proceedings.

Mr. Howlin: I move amendment No. 1:

In page 7, line 28, to delete “, unless the context otherwise requires”.

I did not deal with this matter on Committee Stage, but I understand it arises out of the debate there. I understand the phrase is unnecessary following the Interpretation Act 2005, which came into force since the debate on section 2 of the Bill.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. Fahey): The amendment seeks to delete from the general interpretations under section 2(1) the phrase “unless the context otherwise requires”. This amendment may be proposed on the basis of the provisions in section 4 of the Interpretation Act 2005 in relation to that Act’s application. However, that section only refers to provisions of the Interpretation Act itself and their application to other enactments. The parliamentary draftsman has advised it is necessary to keep this working in place. In the circumstances I do not propose to accept the Deputy’s amendment.

Mr. Howlin: It is a technical arrangement. I was not involved in the debate on Committee Stage. If the Minister of State has had an opportunity to

reflect again with the Parliamentary Counsel and feels it is a necessary component of the Act, I withdraw the amendment.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendment No. 2 is in the name of the Minister and arises out of proceedings on Committee Stage. Amendments Nos. 4, 30 to 32, inclusive, and 43 are related, and these amendments will be discussed together.

Mr. Fahey: I move amendment No. 2:

In page 7, to delete line 32.

Following the discussions on Committee Stage these technical amendments are to clarify references in the Bill to the European Arrest Warrant Act 2003. The definition of the 2003 Act means the European Arrest Warrant Act 2003. This has been deleted and amendments have been made throughout the Bill to amend references to the Act of 2003 and instead of that to insert the European Arrest Warrant Act 2003.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 3 arises out of proceedings on Committee Stage.

Mr. Fahey: I move amendment No. 3:

In page 8, to delete lines 20 to 22 and substitute the following:

““prison” means a place of custody administered by or on behalf of the Minister and includes—

(a) Saint Patrick’s Institution,

(b) a place provided under section 2 of the Prisons Act 1970,

(c) a place specified under section 3 of the Prisons Act 1972, and

(d) a remand centre designated under section 88 of the Children Act 2001;”.

The amendment inserts the most up-to-date definition of prison as contained in the Prisons Bill 2005, which was published on 2 May 2005 and is awaiting Committee Stage.

Aengus Ó Snodaigh: My problem with this is that despite this Minister of State and others before him asserting that Saint Patrick’s Institution should not be open, and others, it is still designated as a prison. We should try to ensure it ceases to be designated a prison and is closed.

Mr. Howlin: I have a technical question as to why the broad definition of a prison does not simply mean a place of custody administered by or on behalf of the Minister. Was there a particular reason why some institutions were specifically mentioned, including Saint Patrick’s? How would

[Mr. Howlin.]

further plans to alter institutions fit with this legislation?

Mr. Fahey: The Prisons Bill 2005 defines prison and prison rules. Section 10, on prison rules, amends section 19 of the Criminal Justice (Miscellaneous Provisions) Act 1997. The amendment proposes to reflect that definition. That is all.

Mr. Howlin: The Minister of State has not answered the questions. He is simply saying it reflects a definition of another enactment. It seems that if one is to define prison in the context of a piece of legislation, we must ensure the International Criminal Court legislation we are enacting has no loopholes. One of the loopholes frequently used is in defining the implications of certain sections. In the definition section, if we are going to define prison, why is it necessary to mention certain institutions rather than having one meaning for prison, namely, any institution or place of custody administered by or on behalf of the Minister, since by definition those particular institutions are moveable feasts? The Minister, Deputy McDowell, has closed three prisons in his short tenure in office. He has promised to build two new prisons in the last fortnight. Originally, it was planned to build a new prison in north Dublin and more recently one in Cork. I thought a general catch-all provision would be more secure, if one will pardon the use of that phrase, rather than defining it in this manner, which I suggest might provide the potential for loopholes in legislation. However, I will be guided by the Minister of State's view on this.

Mr. Fahey: Different institutions were established under different items of legislation. St. Patrick's Institution was established under specific legislation, therefore, that is the reason for the necessity for this amendment. It is a formula used under all legislation dealing with prisons.

Mr. Howlin: I am no wiser. Is it the case that because it is a formula that was used previously, it must be right?

Mr. Fahey: It tends to be the case that separate institutions were established under separate items of legislation. St. Patrick's Institution was established under specific legislation and that is why it must be mentioned in this situation.

Mr. Howlin: I do not propose to waste time on this matter but the Minister of State might listen to the questions I pose. Deputy Ó Snodaigh made the point about St. Patrick's Institution. I am asking why we should mention any institution, rather than have a definition in the Bill that states a prison is a place of custody administered by or on behalf of the Minister, *simpliciter* so that it includes any such place in the future or any cur-

rent institution that ceases to be such a place. It appears to be a more watertight definition than naming particular institutions because they are captured by three separate items of legislation.

Mr. Fahey: It is simply to ensure the inclusion of institutions. By not mentioning other institutions one does not exclude any other institution.

Mr. Howlin: It is, therefore, redundant.

Mr. Fahey: No, it is not. It must be specifically mentioned because it is covered under different legislation.

An Ceann Comhairle: Perhaps we will put the question. I remind Members we are on Report Stage.

Mr. Howlin: I am going nowhere on this.

An Ceann Comhairle: We discussed this matter on Committee Stage.

Aengus Ó Snodaigh: It is a new amendment.

Mr. Howlin: It is a new amendment.

Aengus Ó Snodaigh: We did not discuss it.

Mr. Howlin: It was not discussed previously.

Aengus Ó Snodaigh: That is the problem with ministerial amendments on this Stage.

An Ceann Comhairle: In this case the amendment has been discussed but it is possible in such circumstances for Members to recommit amendments to Committee Stage.

Mr. Howlin: Very good. I thank the Ceann Comhairle but it is not important enough to take the time.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 4 in the name of the Minister was discussed with amendment No. 2.

Mr. Fahey: I move amendment No. 4:

In page 8, line 42, to delete "Act of 2003" and substitute "European Arrest Warrant Act 2003".

Amendment agreed to.

Aengus Ó Snodaigh: I move amendment No. 5:

In page 10, line 31, after "issue", to insert the following:

“, and

(III) implement the decision of the Court and comply with any decision by the Assembly of State Parties or the Security Council under Article 87”.

The purpose of this amendment is to safeguard against any future abuse of the exercise of State security by the Government to avoid co-operation with the International Criminal Court. This safeguard is advisable, particularly given the Government's track record of abusing this type of discretionary provision. The Minister, Deputy McDowell's, leaking of false information on the journalist, Frank Connolly, is a case in point. It would be advisable to accept this amendment to implement the decision of the court and comply with any decision by the assembly of the state parties or the Security Council under Article 87 so that the Minister shall do this rather than have any discretionary power in this matter which the Minister or a future Minister could abuse.

Mr. Fahey: This amendment seeks to apply the provisions of Article 87 to a situation, regardless of the fact that there may be some difficulty with disclosure of information in the particular circumstances or conditions attaching to such information. Section 4 sets out the approach to be taken for an unresolved issue and clearly provides in subsection (2)(c)(ii)(II) for consultation in accordance with the conditions laid down in Article 72.7(a)(i).

The amendment proposed by Deputy Ó Snodaigh runs counter to that approach, as envisaged by the Rome Statute, as it gives an overriding power to the court to order disclosure. Such a power is only granted under Article 72.7 of the Rome Statute in cases where the State has not invoked the ground for refusal in Article 93.4. Section 4(2) of the Bill deals with cases where the State has invoked such a ground. Accordingly, I do not propose to accept the amendment.

Amendment, by leave, withdrawn.

Mr. G. Murphy: I move amendment No. 6:

In page 10, after line 45, to insert the following:

“(3) No amnesty, pardon or similar measure of impunity by any state applying to an ICC offence shall be recognised by Ireland.”.

We introduced this amendment on Committee Stage because we thought it was necessary to closely examine whether we should watch out for the possibility of another state getting around the law by way of an amnesty, pardon or measure of impunity. Ireland must not recognise any such amnesty, pardon or measure of impunity. On Committee Stage, the Minister accepted that the amendment had some merit and gave an undertaking to examine it and report back on it.

Mr. Fahey: Article 98 of the Rome Statute provides that the ICC may not proceed with the request for surrender. The amendment seeks to forbid recognition by Ireland of any amnesty, pardon or measure of impunity in regard to offences within the remit of the International Criminal Court. Section 61 of the Bill deals with immunity and provides that, in accordance with Article 27 of the Rome Statute, any diplomatic immunity or state immunity attaching to a person by reason of a connection with a state party to the Rome Statute is not a bar to proceedings under this Act in regard to the person.

The Attorney General has advised that by virtue of the terms of the Rome Statute, the curtailment on diplomatic or state immunity cannot apply to the person or property of a third state which is not party to the statute unless the ICC can first obtain the co-operation of that state for the waiver of the immunity. Therefore, I do not propose to accept the amendment.

Mr. Howlin: It seems a very conservative interpretation of the statute. I understood from Deputy Gerard Murphy that what is at stake here is that Ireland would not recognise an amnesty of a third country if there was an application concerning an ICC offence committed in Ireland or if the person to be apprehended was within the Irish jurisdiction. Is the Minister of State suggesting that any third state whose citizen was here could apply immunity to that citizen resident in Ireland and that would not make him or her amenable to the ICC for an offence, even though he or she was capable of being apprehended in Ireland or within an Irish jurisdiction?

Mr. Fahey: Any proposal such as that proposed by the Deputy which would attempt to remove diplomatic or state immunity from persons or properties of a third state, unless the ICC has obtained a waiver, would be inconsistent with the provisions of the Rome Statute and could not be accepted.

Mr. M. Higgins: I do not wish to go back to the previous amendment but it appears that the basic obligation under Article 86 has not been transmitted. Specifically in regard to this amendment, the whole purpose of the Rome Statute is the removal of impunity. It appears from the point of view of trying to achieve the best possible result in regard to international law that the recognition of other sources and forms of impunity which strike at the heart of the statute itself is a contradiction. If one accepts the legislation, and if it is the Government's intention to accept it in its strongest form, I cannot understand why one should leave open, as it were, what are really strategies to refuse to be bound by the statute itself or to seek to undermine it by constructing, as it were, strategies of evasion or escape.

What is interesting in the amendment is that it proposes that those who refuse to accept our

[Mr. M. Higgins.]

system or various legal obligations and construct contractions or strategies to escape from its obligations and who invoke the concept of impunity should not be regarded in Irish law. A state is either with the destruction of such impunity as the statute sets out to address or it is in favour of those that seek to avoid it.

Mr. G. Murphy: The Minister recognised the merit of the amendment on Committee Stage. It refers to what would happen in this jurisdiction and how it should be explained clearly that pardons granted in another jurisdiction should not be recognised by the Government when considering how to deal with the serious crimes involved. I cannot see how the inclusion of the amendment would interfere with the legislation. The onus would be on the person involved to prove the Government was superseding its power and that would strengthen the national case.

Mr. Fahey: The Minister undertook to follow this issue up but the Attorney General has advised that under the Rome Statute, curtailment on diplomatic or state immunity cannot apply to the person or property of a third state that is not party to the statute unless the court can first obtain the co-operation of that state for the waiver of the immunity. We cannot override our other international obligations.

Mr. M. Higgins: That is not true.

Mr. Fahey: It may not be true but that is the Attorney General's advice.

Mr. Howlin: I am getting more confused. We are not discussing diplomatic immunity, which is a concept also covered in the legislation. The amendment highlights that a state could grant a pardon or an amnesty to a non-diplomat, which would strike at the heart of the notion of an international law system and which would prevent individual states from protecting citizens who committed heinous crimes from being held to account by the world court. The notion that any republic could by decree of a maverick president undermine the rule of international law strikes at the concept the ICC is set uniquely to address, as my colleague, Deputy Michael D. Higgins, stated.

Mr. M. Higgins: The issue is one's approach. In accepting the disciplines of the ICC, we are either moving beyond our own Constitution or we are not. We are using our constitutional capacity to accept the court while other jurisdictions do not accept it. States have been negotiating with third countries and trying to bring pressure to bear on them not to recognise the ICC. Given such a campaign and given that states may have the capacity to construct impunity, one is faced with a straight challenge. A state will either realise the lesser and contradictory project of recognising these coun-

tries' granting of impunity or it will put itself four-square behind the greater authority it has granted to the court. Those that favour strengthened international jurisprudence and the court are asking that we should accept the court's project of removing impunity from serious crimes and not lessen that commitment by recognising any contradictions or evasions of its remit. The Minister of State referred to the Attorney General's opinion which, as Deputy Howlin said, is very conservative or narrow and is much less than the legislative response required from our own commitment to the court.

Mr. G. Murphy: This is a valuable amendment from the State's point of view. It commits Ireland to total co-operation with the court and provides that in certain circumstances, we can ignore decisions of leaders of maverick countries. It is beyond belief that the president of a maverick country could grant a citizen a pardon which would render our legal system and the court unworkable.

Amendment put and declared lost.

Mr. G. Murphy: I move amendment No. 7:

In page 11, between lines 12 and 13, to insert the following:

“(6) There shall be a duty on a court or any agency of the State, including but not limited to, an Garda Síochána and the Defence Forces, to co-operate with the International Criminal Court.”.

The amendment was tabled on Committee Stage and the Minister felt it was unnecessary. However, having considered it again, it does not diminish the Bill and it helps to clarify certain issues.

Mr. F. McGrath: I commend and thank Deputy Gerard Murphy for tabling the amendment, which is welcome. The key words in the amendment are “duty” and “co-operate”. We all have a duty to live up to international law and respect human rights throughout the world and we also have a duty to co-operate and assist in the introduction of an international rule of law, to which all countries should sign up. Respect for human rights must be a central concern of the International Criminal Court.

The amendment also presents an opportunity to challenge countries with an appalling human rights record, which have let down many people. I recently read about a number of cases. For example, the US record on human rights is not up to international standards and I visited Colombia and witnessed at first hand the assassination of human rights lawyers to which the world turned a blind eye. It is a national scandal that five Cuban citizens, known as the Miami Five, who tried to prevent terrorism in their native country, have been jailed in the US. These five

decent, honourable people tried to prevent bombing campaigns in Cuba by right wing extremists based in Miami but they are serving jail sentences of between 14 and 20 years. I dedicate the amendment to the memory of the 3,478 Cubans killed and 2,099 maimed by these US-based terrorist groups since 1959.

In recent days, documents published about Northern Ireland highlight that up to 15% of members of the Ulster Defence Regiment were also members of loyalist paramilitary groups but there has not been a squeak out of any Member about this breach of international law. They were members of the North's security forces but nobody has opened his or her mouth about these issues. Members of the Defence Forces who are stationed in Ireland or abroad must be high quality and they must respect human rights and international law. They have an admirable record in their work with the UN and their treatment of foreign citizens. Representatives of a neutral country who participate in conflict resolution are respected and held in high regard by those involved in the conflict. I raise these issues because there is an element of hypocrisy in this country and elsewhere in respect of the International Criminal Court. We must all accept, obey and respect international laws and do our best for human rights.

Mr. Fahey: The amendment seeks to ensure that all State agencies co-operate with the International Criminal Court. However, the legislation will place considerable duties and powers on the Minister, as set out in sections 17 and 19. Similar powers and duties are set out for the High Court in sections 19 and 22 and for the Garda and the Garda Commissioner in sections 23 and 38. On Committee Stage, the Minister stated that all these powers and responsibilities will be required to be discharged in accordance with the letter, terms and spirit of the legislation. Having considered the matter further, the Minister remains of the view that the amendment is not necessary and he does not propose to accept it.

Mr. M. Higgins: We will encounter some of the points raised by Deputy Finian McGrath when we deal with the concept of retrospection, which would appear to be limited in the Bill. The crime of genocide, as expressed in the 1973 Act, is provided for, but such provision is not made in respect of crimes against humanity, etc. We can debate the issues raised by the Deputy when we are discussing the appropriateness of retrospection for crimes other than the crime of genocide.

Mr. G. Murphy: We received a document yesterday from Amnesty International. Their representatives are not happy with this concept and they stated that the Bill does not contain any provision concerning the basic obligation, contained in Article 86 of the Rome Statute, of national authorities to co-operate with the courts. Article

86 states that states shall, in accordance with the statute, co-operate fully with the court in its investigation and prosecution of crime within the jurisdiction of the court. The representatives of Amnesty International stated that the Bill does not incorporate fully Article 72 of the Rome Statute, which provides that if a state refuses to co-operate, then the ICC can make an order for disclosure or refer the matter to the assembly of states, or the Security Council in the case of Security Council referral, to decide what steps should be taken to ensure that the state fulfils its legal obligation. The request from Amnesty International is much broader than the amendment. However, the amendment goes some way towards meeting Amnesty's reservations.

Mr. Fahey: The amendment adds nothing to the Bill and it is not necessary.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 8, 45 and 46 are related and may be discussed together.

Mr. G. Murphy: I move amendment No. 8:

In page 11, between lines 12 and 13, to insert the following:

“(6) Identification and freezing of assets relating to an ICC offence shall be carried out in accordance with the provisions of the Criminal Assets Bureau Act 1996.”

On Committee Stage, even the Minister recognised that the forfeiture proposals in Ireland are far more advanced than many other European states. Re-emphasising this in the Bill will demonstrate the strength of the law for forfeiture of goods and possessions in this context. I cannot see why it should not be included. It certainly adds something to the Bill and does not diminish it.

Mr. Howlin: I note that the Minister's amendment and that tabled in my name are identical. He has accepted the argument put forward by my colleague on Committee Stage and I welcome that. It seems appropriate that the forfeiture under the Proceeds of Crime Act 1996 should be included in the list.

Mr. F. McGrath: I support amendment No. 8, which deals with the freezing of assets and the Criminal Assets Bureau. There is cross-party agreement regarding criminal assets and the proceeds of crime. People who have caused major damage to communities, especially those that are disadvantaged, can have the proceeds of their crime confiscated under this legislation. These proceeds should be pumped back into local communities from where they came in the first instance.

I commend the Criminal Assets Bureau on the excellent job it is doing. There is much support

[Mr. F. McGrath.]

for that body, provided it is used in an independent and impartial way. It should not be politicised in any way.

Mr. Howlin: Is the Deputy suggesting that it is being politicised?

Mr. F. McGrath: I sometimes have concerns about it.

Mr. Howlin: Then the Deputy should make that charge.

Mr. F. McGrath: I am concerned about the direction sometimes taken by the Minister for Justice, Equality and Law Reform. The integrity of the CAB should be retained and many of us have supported that system for a long time, dating back to the drugs crisis in the 1980s when there was a heroin epidemic across the north inner city. There are now major problems with cocaine and young women in my constituency have been shot.

I commend people such as the late Máire Buckley, who was killed on Sunday in a tragic incident involving a bus. She was one of those teachers who worked in the inner city and was dedicated to the most disadvantaged children in the north inner city. She was also one of those people who believed that the proceeds of the CAB should be spent on early education services, children with special needs and children at risk. I express my sympathy to her family.

Mr. Fahey: Deputy Howlin's proposed amendments relate to the issue that was discussed in detail on Committee Stage and which the Minister agreed to accept in principle. Given that amendment No. 45 is the same as amendment No. 8, I trust that Deputy Gerard Murphy will withdraw the amendment in his name.

Amendment, by leave, withdrawn.

An Leas-Cheann Comhairle: Amendments Nos. 9, 11 and 17 are related and may be discussed together.

Aengus Ó Snodaigh: I move amendment No. 9:

In page 11, between lines 33 and 34, to insert the following:

““crime of aggression” means use of force by a State against another State contrary to the UN Charter;”.

The purpose of this amendment is to provide a definition of a crime of aggression. Amendments Nos. 11 and 17 aim to extend the scope of the crimes covered by this Bill to include this crime. The scope would include the illegal invasion of Iraq. Members of the US Administration, its coalition partners and anybody who facilitated

the invasion, including members of this Government, would be guilty of an ICC offence.

These amendments seek to extend the meaning of the ICC offence for the purposes of the Bill. I wish to extend it to include other crimes under international rights and humanitarian law that are outside the scope of the Rome Statute, such as crimes of aggression, extrajudicial killings and renditions. The Rome Statute was signed in 1998 and it is a pity it has taken us so long to deal with this Bill. A referendum on the International Criminal Court was passed in 2001 by a substantial majority of the Irish people, yet we have only come to deal with the Report and Final stages of the Bill in 2006.

The nature of modern warfare has greatly changed since 1998 and the principle objective of this Bill is to bring an end to impunity. The implementation process of the ICC and the Rome Statute should be seen as an opportunity to address impunity in all serious crimes to the fullest possible extent.

Extrajudicial killings and renditions, both of which are crimes under international law, are carried out with impunity. Debate on the war in Iraq and the CIA's extraordinary renditions through Shannon Airport has arisen since the signing of the Rome Statute and the Irish public's endorsement of the ICC in the 2001 constitutional referendum. My amendments would bring clarity by ensuring that these crimes are covered by the ICC. It is a pity the US will not be covered because that country has tried to avoid dealing with the ICC by entering into bilateral agreements and pressuring other states not to engage with the court.

In recent years we have seen all too frequent examples of extrajudicial killings in the occupied Palestinian territories, where Israel has used helicopter gunships to attack communities and civilians. The impunity with which the Israeli regime operates is demonstrated by the continuation of the preferential trading arrangements set out in the EU-Israel Association Agreement. It should be borne in mind that only last February, Shannon Airport was used to facilitate the sale by the US of attack helicopters to Israel. Last Friday, two Israeli Air Force Boeing 707 aircraft, one of which was an intelligence communications craft, transported members of the Israeli army through Shannon Airport. According to the information I received, the facilities of the Great Southern Hotel in Shannon were availed of in this instance. The use of Shannon Airport by states that are involved in activities such as extraordinary rendition or extrajudicial killings must be brought within the parameters of the ICC so that we can look to the court to bring those responsible to justice. Amendment No. 17 makes provision in this regard.

It is a pity the Minister did not take Amnesty International's views into account on Committee Stage. That organisation's submission on the Bill, which was circulated among members of the Sel-

ect Committee on Justice, Equality, Defence and Women's Rights, stated:

Crimes under international law include not only genocide, crimes against humanity and the war crimes listed in the Statute, but also include war crimes not listed in the Statute (such as certain grave breaches and other serious violations of Protocol I and certain violations of international humanitarian law in non-international armed conflict) and torture, extrajudicial executions and enforced disappearances which are not committed on a widespread or systematic basis. To ensure that the international system of justice is fully effective, states should ensure that their legislation makes each of these crimes under international law also crimes under national law.

Although the Criminal Justice (United Nations Convention against Torture) Act 2000 and the Geneva Conventions (Amendment Act) 1998 appear to criminalize torture and other war crimes not listed in the Rome Statute, it does not seem that extrajudicial executions and enforced disappearances are criminalized in Irish law. Both crimes should, therefore, be incorporated into the Bill in accordance with their definitions under international law as set out in the 1989 UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions and the 1992 UN Declaration on the Protection of All Persons from Enforced Disappearance.

We should use the opportunity of the International Criminal Court Bill 2003 to give effect to the amendments I have tabled.

Mr. M. Higgins: I support all those who seek to impose the discipline of respect for international law in all its forms on states and organisations, as well as individuals. One cannot pick and chose in respect of standards of international law, they must be applied in full. An assurance would be of some value in terms of section 6, which implements Article 8 of the Rome Statute. The language of Article 8 is, if anything, weaker than the totality of the obligations taken on by the signatories of other instruments of international law. In section 6, one should not accept less than the full commitments already pledged through other international instruments.

The intention of Deputy Ó Snodaigh's amendment is to take the UN Charter — the wider canvas — rather than Article 8. That would not be sufficient because international law provides for wider obligations than those he proposes. The question arises of whether, once the Bill is passed, we will have achieved universal jurisdiction over genocide, crimes against humanity and other crimes or if we will have limited the obligations we have previously undertaken. The International Criminal Court Bill 2003 should be used to seek to extend rather than shrink protections

and should, therefore, include Article 8 commitments as well as every other commitment that has come into existence, including the UN Charter and the laws to which it gave rise. The question of whether the effect of the legislation is to be generally inclusive or limiting should be clarified by the Government.

Mr. F. McGrath: I support amendment No. 9 because it is sensible and progressive. I welcome the definition of "crimes of aggression" as "use of force by a State against another State contrary to the UN Charter." We all should focus on this issue because of its importance to the current international political climate. More than 120,000 people have been slaughtered in the disgraceful war in Iraq and killings continue on a daily basis. Many people are annoyed and disappointed that the countries involved, the so-called coalition, have dishonoured international law and the UN Charter. However, we should continue to push on.

Dealing with crimes of aggression presents an opportunity to call for common sense from the countries involved in confronting Iran, a matter that could, it appears, result in the commencement of the third world war. I would love to see the EU being more proactive on this and Ireland, as a neutral country, standing up to those who want to start a war with Iran over the nuclear issue. While we are all concerned about nuclear weapons and power, the solution is dialogue with these countries, particularly at UN level. I am concerned by some of the language coming from the USA and Britain. I am disappointed with Mr. Blair. Stories are circulating that one of the reasons Mr. Jack Straw was ousted from his role as British Foreign Secretary was that he had a different view from Mr. Blair on this issue. When discussing the crime of aggression in amendment No. 9 it is important we remember the Dublin and Monaghan bombings. This was a crime of aggression by elements of another state that caused a horrific tragedy on the streets of Dublin and Monaghan. This should always be challenged and highlighted.

The treatment of crimes of aggression in amendment No. 9 reminded me of the assassination of the former Chilean Foreign Minister, Mr. Orlando Letelier, and the sabotage of the Cuban civilian airliner off the coast of Barbados, which cost the lives of all 73 innocents on board. Documents recently declassified by the US authorities proved not only that the two people involved, Mr. Orlando Bosch and Mr. Luis Posada Carriles, participated in these terrible acts, but that Washington has since covered up and protected these people. I call for a massive international mobilisation to condemn the fallacy of the current anti-terrorism crusade that emanates from Washington and call for an end to the impunity enjoyed by Posada Carriles, Bosch and other international criminals as well as to demand the

6 o'clock

[Mr. F. McGrath.]

release of the five Cuban citizens who were involved in trying to prevent these attacks on their country.

Amendment No. 9 mentions the UN Charter. It is important and I agree with Deputy Michael Higgins, one of the few Deputies who always brings the broader, international view. It is always refreshing to hear a real internationalist speak in the House. It is important we seriously examine the United Nations. We cannot allow it to be constantly undermined. While there are problems in the UN and it needs reform, it should never be undermined. I feel sad and annoyed when I see countries deliberately undermining the UN through their roles internationally and as members of the UN. While I urge people to get involved in the reform and make it proactive, more sensible and able to deal with conflict-resolution issues, it should not be dismantled. This is the only way forward. I commend Deputy Ó Snodaigh on proposing amendment No. 9 because it deals with serious issues on international law.

Mr. Fahey: The Statute of the International Criminal Court deals with a specific range of offences detailed in the relevant articles of the statute. On the crime of aggression, Article 5(2) provides for the International Criminal Court to exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with Articles 121 and 123. This allows flexibility to the court in the manner in which that crime will be dealt with. However, until those provisions have been adopted to deal with the crime of aggression it is not appropriate to legislate specifically for them. Accordingly I do not propose to accept the Deputy's amendment. On the points raised by Deputy Michael D. Higgins, the obligations to the genocide convention are not affected by this legislation. We will deal with those under amendment No. 12. On the extension of the Act to other offences, we will deal with this under the Labour Party amendment No. 18.

Aengus Ó Snodaigh: I regret the Minister said it is not appropriate to deal with this while we have the opportunity. It means we will have to return to this in the future. As we know the agreed definition of crimes of aggression and have some idea what will be signed into international law we should take this opportunity to be one of the lead countries on it. My amendment No. 10 is similar. I recommend that where we understand where international law is going we pre-empt it and address those concerns now rather than later and that we become the lead country and set the standards as much as we can. We should then try to persuade other countries to address and take on board the concerns Amnesty International and I have raised with everybody in

this House who has an interest in the International Criminal Court Bill and who encouraged the Government to bring this forward as quickly as possible. We have delayed it. Had we got to grips with this issue earlier we might have the luxury of saying, as the Minister does, that it is not appropriate now, but the concept and definitions I am dealing with and am trying to incorporate into this Bill are more developed than they were when the Rome Statute was signed eight years ago. We have developed beyond that and eight years later we are still dealing with the 1998 definitions while we should be dealing with today's definitions.

Mr. Fahey: The definition has not been agreed by the UN and we cannot pre-empt it.

Amendment put and declared lost.

Aengus Ó Snodaigh: I move amendment No. 10:

In page 11, lines 35 and 36, to delete "except subparagraph (b)(xx)" and substitute the following:

"including subparagraph (b)(xx) and this covers any such weapons, projectiles and materials or methods of warfare that are the subject of prohibition in a treaty ratified by the State".

This is the amendment to which I referred earlier. Again it is a recommendation by Amnesty International. Given the Minister's response to my previous amendment I can predict his response. The Bill excludes the Rome Statute crime of employing weapons, projectiles, material and methods of warfare which are of a nature to cause superfluous injury and which are inherently indiscriminate because the detail has yet to be annexed to the Rome Statute. My approach to this is to include the crime and follows a similar lead given by the Brazilian authorities. This crime would include the use of white phosphorous by the United States as an incendiary weapon knowingly against civilians in Fallujah last year. Initially the US said it was used to light the night sky but the horrific injuries to civilians proved beyond doubt that it was an indiscriminate weapon and it should come under the terms of this Bill. Even if it did we would not be able to hold the US to account for this because it opposes the International Criminal Court and has done its best to ensure it does not move beyond its current impotence. In its submission Amnesty International asks that instead of excluding the crime at this stage, which may demand further amendment to the Bill, Ireland adopt the approach taken by Brazil in its draft legislation and provide that this war crime covers any such weapons, projectiles, material or methods of war that are subject to a prohibition in a treaty ratified by Ireland.

These weapons are subject to other legislative provisions ratified by Ireland and they should be clearly stated in this instance.

Other weapons employed in modern warfare should be subject to the legislation. In this regard, I do not refer solely to white phosphorus. Uranium-tipped shells comprise a similar weapon. They might discriminate when first employed but are indiscriminate in their effects thereafter and in the injuries they inflict on civilians, who are not the initial target. There was no reason for the use of white phosphorus in Fallujah other than to cause havoc and injury to civilians.

I hope the Minister will take on board my amendment.

Mr. Fahey: Section 6 contains a number of definitions, one of which relates to “war crimes”. That definition is linked directly to the relevant article of the Rome Statute, that is, Article 8(2), and encompasses all the elements therein, except subparagraph (b)(xx), which have to be included by way of amendment under Articles 121 and 123. Unless and until such an inclusion by way of amendment is made by the parties to the statute, it would be premature to include the proposal suggested by the Deputy. It would not reflect accurately the definition of “war crimes”. It is for this reason the draftsman has crafted the existing definition and accordingly I regret I cannot accept the Deputy’s amendment.

Mr. Howlin: It seems there is a very compelling case to include the definition. The notion that we might be a little bit ahead of the posse or more progressive or advanced — God forbid — is a very lame excuse for not doing something the international community is on the way to doing, that is, amending international treaties by consensus. If other countries, such as Brazil, can adopt the measure in their transpositional legislation, there is no reason we cannot do so and certainly no international prohibition on our being similarly progressive. Deputy Ó Snodaigh makes a very good case regarding the type of prohibited weaponry which, if used, would result in a crime against humanity according to most normal people’s definition. The effects of the use of such weaponry are indiscriminate and long-lasting.

I do not understand why Ireland, when it signs international treaties prohibiting the weapons in question, is not progressive enough to state their use constitutes a crime and that those who use them should be held accountable before the International Criminal Court.

Aengus Ó Snodaigh: It is a pity a minimalist approach is being taken to this Bill, namely, doing the least required under the statute. We must obviously respect the statute — I am not saying we should not do what is specified therein — but we should do more when the opportunity presents itself. In this case, we have an oppor-

tunity to set a standard and demonstrate to other countries our progressive approach. Not only would we be able to say we signed up to the international treaties prohibiting the use of the weapons in question but we could also state our belief that those who use such weapons or projectiles, which cause superfluous and inherently indiscriminate injury, during a war or other circumstances that fall under the remit of the International Criminal Court, have a case to answer and should be brought before the court to account for their crimes.

It is strange that we ban the use of the weapons in question while not regarding those who use them as breaking the law. They may only be breaking the law if they use them in Ireland. Maybe the logic is tied to the attitude that we should not be critical of the use of such weapons in conflicts by the United States or some of its puppets, such as Israel. We should not shy away from being critical of the United States when necessary. There was widespread criticism of the United States for deploying such weapons in Fallujah, for instance. The same was the case when it used uranium-tipped tank rounds in the conflict in Serbia. Even US soldiers suffered the consequences of the use of these indiscriminate weapons. Ex-servicemen in the United States demand that they be banned. However, they will not be covered under the remit of the International Criminal Court because we are taking a minimalist approach and not setting the agenda in the international arena. We are saying we must wait until the state parties review the statute when it comes into effect and that we hope they will take on board what we are saying. We should be encouraging the review and entering it with a much stronger strategy based on our being able to say we have made the use of such weapons a crime covered by the International Criminal Court in our legislation. We should encourage others to follow our lead and that of Brazil. I am only aware of Brazil having signed up so far but other countries may have done so.

Mr. Fahey: It is not a question of attitude, being progressive or otherwise, as Deputy Ó Snodaigh is implying. His proposal is simply not allowed under the statute.

Mr. Howlin: That is not true.

Mr. Fahey: As I said in respect of amendment No. 9, given the definition is not agreed at the UN, we cannot simply pre-empt it.

Mr. Howlin: Of course we can.

Aengus Ó Snodaigh: The definition might not be agreed at the UN but that does not prevent us, as a nation, from agreeing it ourselves and setting the agenda for the rest of the world.

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

Amendment declared lost.

Aengus Ó Snodaigh: I move amendment No. 11:

In page 11, line 41, after “humanity” to insert “, a crime of aggression”.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendment No. 13 is an alternative to amendment No. 12. Amendments Nos. 14, 69, 70 and 72 to 76, inclusive, are related and may be discussed together.

Mr. Fahey: I move amendment No. 12:

In page 12, line 1, to delete “Subject to *subsections* (3) and (4), the” and substitute “The”.

Amendment No. 12 deletes “Subject to *subsections* (3) and (4), the” in respect of the repeal of the Genocide Act 1973. In response to Deputies’ queries during the debate on Committee Stage, the Minister agreed it is unusual to have something repealed subject to a condition. He pointed out he would consider replacing “Subject to” with “Notwithstanding”. Following consultation with the Office of the Chief Parliamentary Counsel, the Minister has been advised it is appropriate to omit the “Subject” clause altogether. The amendment reflects this advice.

Amendments Nos. 72 to 76, inclusive, delete references to section 2 of the Genocide Act 1973. That Act is repealed under section 7(2) of the Bill, with a new offence of genocide created by section 7(1). There is no need for these references to be retained. The definition of genocide contained in Article 6 of the Rome Statute — it is, therefore, the definition used in the Bill — is identical to that of Article 2 of the genocide convention. It affirms that a crime is punishable not only when committed in armed conflict but also whenever or wherever committed in peace time. The difference between the 1973 Act and the Bill is that the penalty available in respect of genocide has increased from 14 to 30 years, as provided for in the Rome Statute.

The inclusion of the offence of genocide in the Bill means that provisions regarding legal advice for suspects are applicable. These are not referred to in the genocide convention. However, Ireland continues to be a signatory to that convention and is still bound by its terms. It is merely replacing its obligations under the convention, which were contained in the Genocide Act 1973 up to now, with those in the International Criminal Court Bill.

Section 7(3) of the Bill makes it clear that the repeal of the Genocide Act is without prejudice to Ireland’s obligations under the genocide con-

vention. It also sets out where the text of the genocide convention can be found, namely, in the Schedule to the Genocide Act. The Chief Parliamentary Counsel has advised that this reference to the genocide convention is sufficient and, therefore, the inclusion of the text of the convention in this Act, which Deputy Howlin’s amendment seeks to do, is unnecessary. I do not propose to accept amendments Nos. 13 and 14.

Mr. Howlin: This is a very peculiar way of creating legislation. I was not party to the discussions on Committee Stage but I welcome the fact that the Minister of State has reflected on the Bill since then. There is no difficulty with the repeal of the Genocide Act and its reinstatement in its entirety in a different legislative form if that was intended. It is very unusual that the Minister of State sought to repeal an Act subject to qualifications. One cannot do so. The Minister of State is seeking to repeal the Act but states that the repeal effected by section 7(2) is without prejudice to the obligations of the State under the Act. Are we repealing an Act but retaining our obligations thereunder? The text that sets out these obligations is included in the repealed Act. That is an odd way to make law.

We should repeal the Act, restate it in the form the Minister has captured in the Bill and also restate the Schedule text therein. Where will the text of the Genocide Act be found once it is repealed? The text will be repealed and will no longer have legal validity. The Minister of State must tease this out to my satisfaction. Section 7(2) will now read, subject to the amendment of the Minister of State, that the Genocide Act is repealed. In section 7(3) it is stated that the repealing is without prejudice to the obligations under this repealed Act and that the text is set out in the Act that has been repealed.

Why will the Minister of State not accept the text proposed by my colleague on Committee Stage, which I strongly endorse? The Genocide Act should be repealed in its totality and reinstated in this legislation, with the text reinstated in the Schedule. Anti-genocide legislation would then be encompassed within this provision and readable within a single Bill. This would eliminate the bizarre situation where one is referred for the text to an enactment we are repealing.

Is the Genocide Act and all its provisions reinstated in the Bill? Are any sections not restated in this legislation? If nothing is left out, section 7(3) is puzzling. Amendment No. 14 seeks to set out the Schedule of the Genocide Act in this legislation and amendment No. 69 includes the entire Schedule. This way of doing business is peculiar and has been acknowledged as an odd legislative statement. The Minister of State’s amendment seeks to delete the phrase “Subject to *subsections* (3) and (4), the” but the conditions

are maintained. Although the phrase “Subject to subsections (3) and (4)” will be deleted, I presume subsections 3 and 4 will be retained. The Bill is without prejudice to the obligations of the State to an enactment that is repealed, the text of which is no longer valid because it is repealed without being restated. Furthermore, section 7(4) states that notwithstanding section 7(2), proceedings under the 1973 Act may be taken after the commencement of this section, even though the 1973 Act is being repealed. Can the Minister of State explain the thought process that led to this formulation?

Mr. Fahey: If anyone commits an offence under the Genocide Act, it will be provided for under the Bill. One of the difficulties, and a reason for this peculiar situation, is that we must avoid the two items of legislation being identical. That could lead to confusion.

Mr. Howlin: Can the Minister of State explain that further?

Mr. Fahey: The two Acts would contain the same provisions and this is not possible.

Mr. Howlin: That happens all the time with consolidation legislation.

Mr. Fahey: In that instance, one Act is being consolidated by another. In this instance, however, each would be separate. The peculiar nature of this is based on the advice of the Chief Parliamentary Counsel, the technical expert whose advice I must follow.

Mr. Howlin: I am no wiser after that explanation.

Mr. Fahey: It is not intended that Deputy Howlin be wiser after it.

Mr. Howlin: I think it is not intended. The substance of the response by the Minister of State is that he is doing so because he was advised to do so. It is a clumsy way of doing this and one which makes matters difficult for people to comprehend. There is an obligation on us to make legislation, particularly that which deals with our international obligations and a statute to which we are party internationally, as clear as possible. We should be able to defend our transposition of it and render it readable. I understand the intention and do not criticise the Minister of State for seeking continuity between the Genocide Act and the broader scope of the Bill. The Minister of State indicated that the Genocide Act is encompassed in its entirety in the Bill but he also stated that, for some reason, it is not possible to have identical legislation. If the earlier Act is being repealed, it could be captured in its entirety as an adjunct to the Bill. My amendment makes

the legislation easier to read and is less clumsy than the mechanism suggested by the Minister of State.

If the Genocide Act is repealed, as section 7(2) states, the Schedule to that Act will also be repealed. Is that not a simple fact? Subsection (2) states the Genocide Act 1973 is repealed, including its Schedule. Subsection (3) states the text of the Schedule is still binding on the State. That seems an odd legislative formulation, which I do not feel is good from the perspectives of either plain English or legislation. The formulation I offer is much more robust, sound and simple.

Mr. Fahey: To recap, section 7 Bill creates, *inter alia*, the domestic offence of genocide. Since the new offence of genocide is being created, there is no need for the old offence of genocide contained in the Genocide Act 1973, and consequently that provision is being repealed.

Mr. Howlin: No problem. Please bear with me.

Mr. Fahey: The Deputy’s reading is incorrect. The convention is not given force of law by the 1973 Act. It is purely for reference purposes.

Mr. Howlin: I have no difficulty with the convention. This House created the crime of genocide in 1973. The Minister of State wishes to maintain that obligation on us in subsection 7(3). He says subsection (2), which repeals the Genocide Act 1973, is without prejudice to the State’s obligations under the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly of the United Nations on 9 December 1948, the text of which is set out in the Schedule to the 1973 Act.

An Leas-Cheann Comhairle: I remind the House we are on Report Stage rather than Committee Stage.

Mr. Howlin: The Ceann Comhairle allowed a little latitude to deal with such matters.

An Leas-Cheann Comhairle: I too have allowed some latitude, but I cannot give too much.

Mr. Howlin: Perhaps the Leas-Cheann Comhairle might allow me to finish this point, which is important. We are dealing with a dozen important amendments.

Mr. Fahey: The repeal of the 1973 Act does not affect the standing of the Schedule. That is where the Deputy has misunderstood matters.

Mr. Howlin: In plain English, is the Minister of State saying that repeal of the 1973 Act does not mean repeal of the Schedule thereto? That is sim-

[Mr. Howlin.]

ply wrong. If one repeals the Act, the Schedule falls with it.

Mr. Fahey: The Schedule to the Act is for reference purposes. It gives no force of law to the convention.

Mr. Howlin: This is my final contribution on this matter. It is for simple reading in the Schedule. The repeal of the 1973 Act effected by subsection (2) is without prejudice to the State's obligations adopted by the convention, the text of which is set out in the 1973 Act. *Simpliciter*, where will one find the text once the 1973 Act has been repealed? That is the simple issue. I am not talking about force of law. The law is being reinstated in this Act, but for ease of reading, I suggest the Schedule to the 1973 Act, which we are repealing and which will no longer be law, should be restated for simple reading so the State's obligations are self-evident. I have made my case as well as possible.

Amendment agreed to.

Amendments Nos. 13 and 14 not moved.

An Leas-Cheann Comhairle: Amendment No. 15 arises from committee proceedings. Amendments Nos. 16, 19, 20, 21, 29 and 54 are related and may be taken together, by agreement. Amendments Nos. 20 and 21 are alternatives to amendment No. 19.

Mr. Howlin: I move amendment No. 15:

In page 12, line 9, to delete "commencement of this section" and substitute "passing of this Act".

I am wary of agreeing to these new groupings after the difficulty of trying to take a broad range of matters together. However, this matter is fairly simple. The Minister made the point on Committee Stage that there is no commencement order in this Bill, since it commences on its passing. I suggest the Bill's wording should reflect that and that we should delete "commencement of this section", since there is no commencement order, and that we instead insert "passing of this Act". I understood that it was to be addressed by the Minister and that he had accepted that point on Committee Stage. It is addressed in amendments Nos. 15 and 16.

Amendment No. 19 is also to delete "commencement of this section" and substitute "passing of this Act". It is a technical amendment to simplify the reference, since there will be no commencement order.

Those are the only amendments that concern me, since the others are the Minister's.

Aengus Ó Snodaigh: The purpose of my amendment No. 21 is to insert the following in line 29, after "section":

“, or where the ICC offence conducted is covered by the Rome Statute before the signing of the Rome Statute by the State”.

The object is to ensure that those who are guilty of committing an ICC offence or whom it wishes to charge with offences committed since 1998, when the Rome Statute was signed, but before the commencement of the Act, do not go unpunished because of delay by the Legislature in particular in giving effect to what was envisaged in the Rome Statute and in 2001, when the Irish people passed a referendum to insert the ICC concept into the Constitution.

I recognise it is unconstitutional to enact legislation creating retrospective offences. However, the offences mentioned are not new, since they have been crimes under international human rights and humanitarian law for some time. It is not as if we were passing new laws making them offences retrospectively. We are giving additional effect to existing laws and treaties, international laws to which we have signed up as a State.

The document to which I earlier referred several times was given to committee members by the Irish section of Amnesty International when we discussed this on Committee Stage. Its representatives pointed out that crimes against humanity and war crimes were considered crimes under international law under the general principles of law recognised by the international community before the adoption of the Rome Statute and that it would not violate the principle of *nulum crimen sine lege* to permit respective national criminal legislation with respect to crimes under international law. It goes on to explain that further, pointing out that what was intended is fully consistent with that principle and that the provision states that nothing in the article prohibiting retroactive punishments shall prejudice the trial or punishment of any person for any act or omission that, at the time it was committed, was criminal according to the general principles of law recognised by the community of nations.

Therefore, in their eyes, the Bill should ensure Irish courts have extraterritorial criminal jurisdiction over such crimes, no matter when they were committed. I do not go as far as that. I am going as far as the Rome Statute of 1998, using that as the yardstick. That is when this State declared its support for the concept. It is in this context that we should consider retrospection so that, when it is enacted, the legislation will cover the eight years from 1998 to 2006.. I say this in the hope that the Government will enact it in a speedy fashion following its passage through the Houses.

I hope the Minister of State will take my suggestion on board. It is possible and it is not

contrary to the rule of thumb that we cannot implement legislation with retrospective effect. We have included retrospective provisions in other legislation passed by the House. The usual rule of thumb is that laws passed here do not have retrospective effect. In this instance, however, it can have such an effect because the crimes covered by the Bill were already crimes under our laws and under international law. The amendment can, therefore, be accepted.

Mr. Fahey: On Committee Stage, Deputy Costello sought removal of the reference to the section in the last line section 9(4) and its replacement with reference to section 7(1) or section 8(1) as the case may be. It became clear from the discussion on this point that, as the Bill does not have a commencement date and all the provisions come into effect on the same day, it is more accurate to replace the word “section” with the word “Act”. The Minister gave an undertaking to do this and amendment No. 20 reflects this commitment. On further examination, however, it became clear that the reasoning behind amendment No. 20 had wider application throughout the Bill and also that references to “the passing of the Act” would be more appropriate than “the commencement of the Act”, given that there is no commencement date provision. I, therefore, propose to accept amendment Nos. 15, 16, 19, 29 and 54 rather than amendment No. 20.

On amendment No. 21, the Minister is satisfied that the reference in section 9(4) and section 7(4), which allows for proceedings under the 1973 Act to be taken after the passing of the Bill in respect of an offence committed before such passing, covers the intention behind the proposed amendment. For that reason, I do not propose to accept the amendment.

Mr. Howlin: I am grateful to the Minister of State for accepting the case made by my colleague on Committee Stage and by me now.

Amendment agreed to.

Mr. Howlin: I move amendment No. 16:

In page 12, line 10, to delete “commencement” and substitute “passing”.

Amendment agreed to.

Aengus Ó Snodaigh: I move amendment No. 17:

In page 12, line 18, after “humanity” to insert the following:

“, a crime of aggression, extrajudicial killings and renditions”.

Amendment put and declared lost.

Mr. Howlin: I move amendment No. 18:

In page 12, between lines 18 and 19, to insert the following:

“(2) Where the State has ratified an international instrument providing that a specified offence shall be contrary to international law, the Minister may by order apply this Act, with such modifications as are appropriate, to such offence as if it were an ICC offence.”.

While the Minister of State referred to this matter, the amendment is important. It was suggested to us by Amnesty International and debated on Committee Stage. The amendment would broaden the power of the Minister and was referred to by Deputy Michael D. Higgins in a previous debate. I hope the Minister of State could see his way to accepting it. While I do not normally like to confer powers on a Minister to make law by way of secondary legislation, it is an important issue that where, in the future, specified offences shall become contrary to international law as international jurisprudence develops and becomes more encompassing, we should be able to capture it within the confines of the ICC legislation. While I do not know whether the Minister had an opportunity to consider the matter, I hope the Minister of State will accept the amendment.

Mr. Fahey: The amendment would add a subsection which states:

Where the State has ratified an international instrument providing that a specified offence shall be contrary to international law, the Minister may by order apply this Act, with such modifications as are appropriate, to such offence as if it were an ICC offence.

The Attorney General has advised that the amendment would run contrary to the Rome Statute because it would arguably amount to an attempt to extend the jurisdiction of the ICC beyond the range of offences currently covered by the statute. If the states parties to the statute wish to extend the jurisdiction of the court at some future date, then the legislation can be amended to do so. However, the proposed amendment may also breach Article 15.2.1° of the Constitution as amounting to an unauthorised delegation of legislative power.

Mr. Howlin: It is a new for the Civil Service to argue that one.

Mr. Fahey: As a constitutional referendum affecting Article 29.9 was required to ratify the statute, as it effected a limited transfer of sovereignty, the proposed amendment may also constitute a breach of said article because it purports to extend the jurisdiction of the ICC in a manner

[Mr. Fahey.]

beyond that contemplated by the constitutional licence granted by the constitutional amendment. I am reminded of a statement by the Deputy's party's leader that it could rock the foundations of the State.

Mr. Howlin: It is wonderful that the arguments can be marshalled to suit the case in need. In virtually every Bill of late, the Civil Service has inserted a catch-all phrase as a norm. I dealt with one last week, ironically from the Department of Justice, Equality and Law Reform, where such a catch-all phrase was used whereby, notwithstanding any other provision, the Minister may basically do anything else he sees fit under the section. When sitting on the Government side of the House, it is a useful little clause that would run foul of the pronouncement the Minister of State made regarding the constitutional separation of powers and the right of the Oireachtas to legislate. Would that this were true. More law is made by order of the Minister through statutory instrument every day of the week than is made here. We have dealt with some Bills where the regulations are many times more complicated, longer and more voluminous than the prime statute. I recognise the argument for the important legislative role that the Constitution gives the Oireachtas. I wish this was the normal view given by the Department of Justice, Equality and Law Reform and its Ministers.

Having said that, there is some merit in the argument put forward by the Minister of State. It is not the case regarding the secondary legislation provision. However, there is something to be said for the argument that it might capture offences outside the scope of the ICC. If the Rome Statute were to be amended, it would be more appropriate to amend this legislation in due course. However, this was a convenient suggestion to bring new international jurisprudence developments into effect here in a speedy manner, without being obliged to wait for new primary legislation to be dealt with by the Houses. That said, I will not win the argument. There are too many constitutional barriers conjured up by the Minister of State to my proposal and I will withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Howlin: I move amendment No. 19:

In page 12, line 29, to delete "commencement of this section" and substitute "passing of this Act".

Amendment agreed to.

Amendments Nos. 20 and 21 not moved.

An Ceann Comhairle: Amendments Nos. 22 to 24, inclusive, are related and will be taken together by agreement.

Mr. Howlin: I move amendment No. 22:

In page 13, between lines 33 and 34, to insert the following:

"(2) An act done on an Irish ship or an Irish aircraft, wherever situate, shall be deemed to have been done in the State."

I understand that the comma was a point of contention with the Minister on Committee Stage so I have restated the amendment, comma included, to overcome his difficulty.

The amendment reflects the principle of Article 12.2(a) of the Rome Statute, set out in the Schedule, which provides for jurisdiction over nationals or persons on board a ship or aircraft registered to a particular country. This is an appropriate amendment to include. Now that the amendment has been grammatically perfected, I hope the Minister of State will accept the principle.

Mr. Fahey: Amendments Nos. 23 and 24 reflect the concern expressed on Committee Stage by the Labour Party amendment to cover a situation in which, however unlikely, crimes against humanity might be perpetrated not just on Irish soil but in a transit vehicle such as an Irish ship or aircraft. The Minister accepted the principle behind the amendment but sought an opportunity to clarify the wording with the Parliamentary Counsel. Amendment No. 23 reflects that clarification.

Amendment No. 24 defines "Irish controlled aircraft" and "Irish ship" for the purposes of the preceding amendment. Given that amendments Nos. 23 and 24 cover the purpose underlying amendment No. 22, I do not propose to accept amendment No. 22.

Mr. Howlin: As the principle of my amendment has been accepted and a new grammatical solution, commas included, drawn up, I will accept the Minister's amendment and withdraw that in my name.

Amendment, by leave, withdrawn.

Mr. Fahey: I move amendment No. 23:

In page 13, between lines 43 and 44, to insert the following:

"(3) An act which—

(a) is done outside the State on board an Irish ship or Irish controlled aircraft, and

(b) if done within it, would constitute an ICC offence, is deemed for the purposes of this Act to have been done within the State."

Amendment agreed to.

Mr. Fahey: I move amendment No. 24:

In page 14, between lines 2 and 3, to insert the following:

“(4) In this section—

“Irish controlled aircraft” has the meaning given to it by section 1(1) of the Air Navigation and Transport Act 1973;

“Irish ship” has the meaning given to it by section 9 of the Mercantile Marine Act 1955.”.

Amendment agreed to.

An Ceann Comhairle: Amendments Nos. 25 and 26 are related and will be taken together by agreement.

Aengus Ó Snodaigh: I move amendment No. 25:

In page 14, lines 7 to 9, to delete all words from and including “and” in line 7 down to and including “Court” in line 9.

Aríst, tá baint aige seo le haighneacht a fuair muid ó Amnesty International mar gheall ar an Bhille seo.

Section 13 deals with the responsibility of civilian superiors. In its submission, Amnesty International argued that Article 28 of the Rome Statute provides for a much weaker standard of responsibility for civilian superiors than the relatively strict responsibility for military commanders. This is due to the political compromise arrived at in the drafting conference as a result of pressure from the United States of America and several other countries. It watered down a previously existing international standard. Article 28 of the statute does not accord with customary international law which holds that civilian superiors adhere to the same strict standards of responsibility for their actions as do military commanders.

Amnesty International believes, and I support it, that the Bill should be amended to be consistent with international law by including the same standards for civilian superiors as those covering military commanders. Nothing in the Rome Statute or international law prevents a state from adopting stricter standards of command or superior responsibility than the statute provides. It was strange that this responsibility was watered down at drafting stage, given that the existing international standard imposed equal accountability on civilian and military superiors. This is in part a legacy of the Second World War, in which military commanders and civilian superiors were responsible for genocide and other war crimes.

Once again, we have an opportunity to set the standard and encourage other countries, which

have not given effect to the Rome Statute or the International Criminal Court, to consider providing for the higher level of responsibility. Amendments Nos. 25 and 26 have the same intention. They simply state that whether one is in a military or civilian vehicle if one is responsible for an offence covered by the International Criminal Court the court will view both situations equally.

Mr. Fahey: These amendments seek to apply the same responsibility for acts committed to everyone, regardless of their status as civilians or non-civilians. Article 28, however, sets out additional responsibilities of military commanders and other superiors, and imposes added responsibility on such people. To accept the Deputy’s amendments would not accurately reflect the provision of the Rome Statute. Accordingly, I regret that I cannot accept amendment No. 25.

Aengus Ó Snodaigh: This amendment may not reflect the Rome Statute but it does not dilute the statute. It is a step forward from that and complies with international standards on this matter. It is a pity that we cannot adopt these standards and be to the fore in ensuring that other countries consider these provisions when they adopt the jurisdiction of the International Criminal Court in their legislation. My amendment strengthens the responsibility for such actions and the jurisdiction of that court in particular.

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

Amendment declared lost.

Aengus Ó Snodaigh: I move amendment No. 26:

In page 14, line 11, after “determination” to insert the following:

“and the standard of superior responsibility shall be the same for civilian superiors as for military commanders”.

Amendment put and declared lost.

An Ceann Comhairle: Amendment No. 28 is an alternative to amendment No. 27 and amendment No. 58 is related. Amendments Nos. 27, 28 and 58 will be taken together by agreement.

Mr. Fahey: I move amendment No. 27:

In page 14, to delete lines 13 to 26 and substitute the following:

“14.—(1) In proceedings for an offence under this Part—

[Mr. Fahey.]

(a) the measures specified in paragraphs 1 and 5 of Article 68 (protection of victims and witnesses and their participation in proceedings) shall, where appropriate, be taken during the investigation and prosecution of the offence, and

(b) the court concerned shall, where appropriate, take the measures specified in paragraphs 1 to 3 and 5 of that Article.

(2) Any such measures or the manner in which they are taken shall not be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

(3) An application may be made in any such proceedings by or on behalf of the Director of Public Prosecutions for necessary measures to be taken for the protection of any servants or agents of the State involved in the proceedings and for the protection of confidential or sensitive information; and the court may grant the application if satisfied that it is in the interests of justice to do so.”.

Section 14 of the Bill creates an obligation to have regard to Article 68 of the Rome Statute, paragraph 2 of which covers *in camera* hearings. Deputy Costello proposed an amendment seeking to overcome concerns about the narrow interpretation of protection in the Bill, which covered only intimidation. It was suggested that other forms of protection such as anonymity might be required.

The Minister undertook to examine the section to ensure that Article 68 of the Rome Statute was sufficiently effected by this section of the Bill. Following further consultation with the Office of the Attorney General and the Parliamentary Counsel a revised section 14 is now proposed which takes account of the concerns raised. I hope that the Minister’s amendment is acceptable to Deputy Howlin and allays the concerns expressed on Committee Stage, and will encourage the Deputy to withdraw his amendment.

Debate adjourned.

Private Members’ Business.

Energy Sector: Motion.

Mr. Durkan: I move:

That Dáil Éireann, mindful of the continued increase in the costs of energy arising from global instability and the threat this presents to our economy coupled with the economic impact of our failure to meet our commitments under the Kyoto Protocol,

- condemns the Government for its failure to act in a meaningful way to act on the alternative energy agenda; and
- believes the current measures in place to improve Ireland’s renewable energy output are totally inadequate;

calls for:

- the removal of all excise duty on bio-fuels to stimulate production;
- legislation compelling all filling stations to include a 2% mix of biodiesel in all diesel sold and a 5% mix of ethanol in all petrol sold;
- a system of labelling for all new motor vehicles based on energy efficiency and use of renewable energy sources, similar to that currently used on electrical appliances;
- reform of vehicle registration tax to reward those vehicles granted a more efficient energy rating; and
- the setting up of the appropriate agency to co-ordinate the research and development required to develop the renewable energy sector.

I propose to share time with Deputies Olivia Mitchell, Connaughton, Stanton and Deenihan.

This Fine Gael motion incorporates and encompasses a policy on an issue that has become more important every day. The question of renewable energy has taken on a new impetus in recent times. Most other EU countries, the European Commission and various groups and bodies in this country have decided to make energy a priority. The issue of security of supply is the one issue that focuses everybody’s attention. Security of supply does not mean much until such time as the supply disappears. For instance, just today in County Offaly, one part of the supply disappeared very quickly in the form of a new power station which had only been built a few years ago at a cost of €240 million.

This motion refers to the introduction of a reliable, renewable energy supply and a process of back-up which has not been achieved to date. Security of supply, economic viability and sustainability are all required, as is the requirement for the supply to be renewable. Most of all, we need the supply to be a clean one. We do not wish to have residues or waste which need to be disposed of at some later date with the obvious consequences for future generations.

It is essential to recognise that this country has a particular opportunity to move away from the trend in other European countries of taking the nuclear option as the easy option. This side of the House believes that the nuclear option is not an option and that we cannot afford it. I disagree strongly with recent newspaper headlines to the

effect that nuclear energy is safest and the cleanest. It may be the cheapest but it may not be the cleanest nor the safest. It is important that we develop the other alternatives to such an extent that we can rely upon them.

To develop security of supply, it is recognised by all that we need to have a back-up system for wind energy in the event of the wind not blowing all the time, despite what we would like. We need interconnectors to ensure that we can draw from our next door neighbours and from Europe if necessary. It should not follow that we should be forced to wait until the lights go out to start planning and thinking.

I would have thought that the Minister and his predecessor would have drawn up a policy for the future because oil and fuel prices have fluctuated over recent years and it was quite clear what would happen in the future. Even the smallest hint of a worldwide crisis immediately constitutes a major crisis in the fuel area with consequent price increases in a barrel of oil. The oil companies will laugh all the way to the bank for as long as this continues to be the situation and there is a doubt about security of supply.

This economy has been growing rapidly for the past ten to 12 years and it will continue to grow. However, it cannot unless there is an adequate and reliable supply of energy. It must be a supply that can be relied upon by the industrial, domestic and commercial consumer at all times. If this does not happen, public confidence in the economy will dwindle and investment will, in the future, go to areas where it is known there is a reliable source of energy.

I made the point in a debate last week that this country has a professional attitude and can dispose of the business in hand in an efficient, effective and economic fashion. We do not need to have the kind of ongoing running battles that have occurred with regard to the Corrib gas field, where all the issues that should have been resolved long beforehand were resolved afterwards, to the detriment of public confidence in the economy and in the system.

The other side of the House is in an urgent rush to privatise everything. The ESB has given very good service to this country through its provision of energy over the years. I recognise the need for competition to be introduced into the marketplace and the ESB, like everyone else, must compete in the marketplace. I am confident it will have no difficulty in doing so. I warn the Government to take care not to allow a situation develop similar to that with Eircom whereby the future of the development of a particular industry was suddenly put in the hands of investors. A utility service requires more than investment; it also requires customer satisfaction. Without customer satisfaction being involved, confidence in the future of the business will dwindle with obvious consequences. I ask the Minister to recognise the

potential for disaster. It is essential that renewables are introduced.

The Minister's amendment to the motion will state that the Government has introduced a programme for renewables. This is a watered down version of the policy document which Fine Gael produced. I thought that with all the spin doctors, advisers, national handlers, spokesmen and spokeswomen, the Government would have been light years ahead of the Opposition. However, it was we who produced the first documentation in this area and it was we who forged ahead and set an example for the Government, notwithstanding all the spin doctors and advisers bought and paid for at the taxpayers' expense. If energy were to be sourced from that area, we would have a great deal of it.

The two Government parties must together take responsibility for the failure to introduce a meaningful energy policy. One of the chief issues lacking in that area is the lack of co-ordination. There has been no joined-up thinking. The Departments of Agriculture and Food, Finance, Transport and the Department responsible for energy must all co-operate to bring together a policy which will be sufficiently broadly based and will receive support. The farming community has seen its sugar industry decimated by the failure of the Government to recognise what was happening. Fine Gael will offer some hope to the farming community in its policy on the sugar industry. Fine Gael has decided that each Department has a role to play in conservation as it pertains to the motor industry and in the issues of insulation, home heating and the general costs of home heating. It is regrettable that it fell to the Opposition, despite having none of the helping hands of advisers, spokespersons, spear carriers and helpers of all kinds, to set the example. In the course of this debate, my colleagues will set out our proposals further.

Ms O. Mitchell: I support this very timely motion. Global warming and practices such as climate change are slow impacting, difficult to identify and hard to detect, so it is very easy for us to bury our heads in the sand, as we have done for far too long. We could all look the other way, when there was no clear and immediate catastrophic impact on our way of life and no result of our indifference to our continued dependence on fossil fuels as almost our only energy source in Ireland. The rest of the population could be forgiven for hoping that we could all go on acting as we did in the past, but a Government cannot do that. The purpose of a Government is to show leadership and to prepare the country and the population for major and far-reaching changes — the undeniable and unavoidable lifestyle changes and economic changes that face us as the result of the dwindling of oil supplies.

[Ms O. Mitchell.]

Our Government throughout has shown a failure of leadership and has sat on its hands in the past nine years in office. If we could hope to deny the reality of climate change, we cannot deny the reality of rising oil prices. Oil has reached \$70 a barrel, which was inconceivable even five years ago, and it will continue to rise inexorably no matter what we do. It is time to take our heads out of the sand and, whether the cause of rising prices is dwindling supplies, global instability, minor wars here, there and everywhere, or a combination of those, the reality is our economy is in imminent and growing danger and we are becoming increasingly uncompetitive. We are becoming so more quickly than anybody else because while almost everyone is impacted on by rising prices of oil and dwindling supplies, we are more affected because we are more dependent on imported fossil fuels than almost any other country, certainly more than any other in Europe.

In recent times, the Government has paid lip-service to conservation and alternative energy, but the dynamic, imaginative and crisis-aware response that has been needed has been absent. Our European neighbours have been quietly preparing for a post-fossil fuel world with twin-track policies, based on the one hand on energy conservation and, on the other, on identifying alternative and, preferably, renewable energy sources. Our Government, however, has done nothing, or virtually nothing, on energy conservation in the past nine years.

We have had the biggest build in the history of the country, increasing the number of houses by 500,000 in the past nine years. It is probably the biggest build we will ever have, but it has been wasted in terms of energy conservation with no attempt whatever to improve insulation standards from their woefully low level. That was because the Government listened to interests in the building industry and ensured no attempt was made to move to better building techniques. All those houses and apartment blocks were built with the old standards of insulation and without any requirements for innovative measures such as the installation of solar panels. No prescience was shown to prepare the country for the EU obligatory energy rating which will astound people when it is visited upon them in their badly insulated homes.

During that same period, car ownership exploded, not only because people became richer, as the Taoiseach likes to tell us, but because they had jobs. To get to those jobs they had to have a car. In some cases they had to have two, especially if they were one of those unfortunate, forgotten families who had settled in the periphery around our cities, especially around the city of Dublin. We have a staggering 2 million cars on our roads, guzzling petrol, increasing congestion and polluting the atmosphere.

Transport is our biggest energy user, and huge savings of precious oil could be made if the many thousands who use a car could transfer to public transport. Travelling through congested cities and towns at 9 km/h is not just stressful for people, it is also the most wasteful use imaginable of the precious oil resources that could be put to more productive use in the economy and which will increasingly be needed for more productive uses, particularly in an economy that has no alternative energy resources.

Meanwhile, an ever-growing number of heavy goods vehicles pour onto our roads to distribute goods to and from every corner of Ireland. With petrol getting daily more expensive and the writing now clearly on the wall, one would think the Government would have an aggressive rail freight policy to ensure that what could be moved by rail was moved by rail. Instead, it is not so much that it has not got an aggressive policy but that it has no policy at all on rail freight. It has sat by and allowed all movement of container traffic out of Dublin port by rail to be abandoned. No rail freight comes out of the port. Throughout the country, capacity is being decommissioned and sold off in a way that will make it almost impossible to recommission it in future when the petrol eventually runs out.

The Government has promised public transport. It would make a major contribution to energy conservation if more people used public transport. The solution being offered is electrified rail, which is right and proper. Be it the DART, metro or Luas, that is exactly what we want. Where is the energy supply to come from, however, to power those facilities? Not enough energy is being generated at the moment to meet today's needs, never mind the needs for the metro, DART and Luas. We have neither the energy source nor the generating capacity, and there seems to be no plan or even an awareness of a need for a plan.

Yesterday we read of Airtricity's attempts to interest British MPs in its proposal for a sub-sea grid to distribute wind-generated energy around Europe. This is the kind of bold, imaginative solution that should come from Government. It should not be left to private individuals to lobby other countries. At the very least, the Government should grasp, drive and support alternative energy solutions like this one abroad, and at home we must push the biofuel switch in every way we can to ensure Ireland is not left out, abandoned and in the dark when the oil runs out. Other countries will find solutions and we, the island country, will be left behind and our economy in tatters unless the Government has a major shift in its mindset and approach to energy conservation and alternative energy.

Probably no other issue facing this country is more important. All other problems require a dynamic, thriving economy to provide solutions,

but such an economy requires energy and we are running out of that. The Fine Gael motion we have tabled contains some ideas to encourage the switch to the use of biofuels. Creating a sustainable market for biofuels though this series of initiatives will in itself create the dynamic to ensure ongoing research in the industry into alternative energies and optimum technologies which this country so desperately and urgently requires.

Mr. Connaughton: I am delighted to get the opportunity to speak on this very important motion that we in Fine Gael have tabled. I have watched this topic being kicked around, so to speak, by many Governments but, in more recent times and especially in the past nine or ten years, by the Fianna Fáil-Progressive Democrats Government. It is very difficult to understand why any Government in the past six to eight years would have stood aside and simply depended on other places throughout the world producing the sort of energy that we need to keep the wheels turning in this country.

There are a few important matters that I want to discuss. Even the dogs in the street know that the price of a barrel of oil has risen to \$70 and appears to be continuing to increase. All the experts tell us that it is very unlikely to fall below \$70. Many professionals in the field, especially the biofuels field, tell me that it has got to a stage, when energy costs of petrol and diesel are at \$70 a barrel, when all the projects that up to now would have been non-commercial kick in. We know down through the years what the problem was with all sorts of sustainable energy that were within our grasp, whether they were wind or solar energy or anything else, when we could get a plentiful supply of oil and diesel at a rate that we were used to paying. We thought the prices of those fuels were expensive at that time but they were not compared to current prices. A few brave warriors invested in organic energy but some of them were badly burned over the years. They had the right idea but were operating in the wrong environment.

Irrespective of what Government is in power, we have become accustomed to the availability of fuel supplies. We experienced fuel shortages on only two occasions and I remember the mayhem that ensued many years ago, but matters always seemed to come right. It is a psychological thought in the back of the mind of most people and that of the Government that this hurdle will always be overcome. There is a perception that diesel and oil will flow through the oil fields of the world, and in respect of fields to which we do not have access, that more oil fields will be found. However, science in this area proves conclusively this will not happen. Strategists and forecasters throughout the world inform us through programmes on television night, noon and morning that in the next five or six years the supplies of

oil producing nations will reach their maximum level and subsequently oil production will level out or decrease.

To put that scenario into context in terms of Ireland, a small country and only a dot on the map, we have a population of 4 million and are advised it will increase to 5 million in 15 years' time. We are also advised there will be double the number of cars on our roads in 15 or 16 years' time. If the size of this economy was multiplied 5,000 fold, one could imagine the impact on oil supplies. We can imagine the impact on oil supplies of the growth of economies of the size of America, Germany, France, Italy, India and China. Against that background, it is past time that all governments examined the possibilities of using sustainable energies from their own resources. They need to examine the harnessing of energy from the air, sea and land.

Minor progress was made in the development of wind energy, which was a buzz word a few years ago. However, for a variety of reasons, not least the problems encountered by the ESB in incorporating wind energy into the grid in which many farmers have been involved over the years, we have reached a point where the Government must give clear direction and objectives to the various factions involved in the sector. No one energy resource will solve the energy question and addressing it will require a multiplicity of approaches.

I am against proceeding along the nuclear energy route, as is every Member on this side of the House. Given our size and location, placed as we are on the edge of Europe, I cannot understand why we would go down that route, given that we do not know where it would lead and in light of the shadow of Chernobyl.

The development of our renewable energy sector presents a major opportunity to restore pride among members of the farming community. Irish agriculture is on its knees because the products farmers were trained to and wanted to produce are no longer required in the way they used to be. In terms of our 12 million acres of productive land, we could manage, as the European Union wants us to do, with 7 million or 8 million acres of productive land. Therefore, 4 million or 5 million acres of land could be used for the production of biofuels and various other sustainable crops. I see no reason a crop of willow could not grow alongside a crop of potatoes, carrots or parsnips.

The only way the production of such biofuel crops will be a success, and the Minister, Deputy Noel Dempsey, knows this more than most of his colleagues in Cabinet, and for this piece of the jigsaw to fit is for farmers to make a profit from growing such crops. Such an enterprise can be dressed up and the question of national pride, environmental protection and meeting commitments under the Kyoto Protocol can be raised, but the need for it to yield a profit is essential.

[Mr. Connaughton.]

Such an enterprise is no different from the exploration of oil wells throughout the world. Oil finds made millionaires out of property owners and they sprouted up like mushrooms in May because there was money to be made in the oil industry. The only way such an enterprise will work in the context of agriculture is if farmers engaged in it, who would have to be retrained in the growing of such crops, are able to process the crops, trust there will be contracts for their produce, and that it would yield a profit similar to the profit earned from dairying and beef production in the past.

The advice of scientists in the Agricultural Institute was the bible for Irish farmers 20 or 30 years ago. A similar structure will have to be put in place to co-ordinate research and development, involving a body of scientists and the development of a scientific approach to the development of the renewable energy sector. The putting in place of such a structure will cost money. Every person must understand there is a cost involved in developing such projects for the future stability and prosperity of the country. It is vital that such an institute is established where potential mistakes in the development of such projects can be detected to ensure farmers will not make them. That same principle applies to industry but I am speaking about the farming community.

We have the land for the development of such projects. Many young people wish to make a living from farming. If the price of a barrel of oil at \$70 has increased to a level that it will be expensive to use and alternative energy crops can be produced at that cost or slightly higher, we need to establish an institute to collect and analyse information and science in this area from throughout the world and detect mistakes associated with such production. All such institutes make or detect mistakes in the process from an experimental viewpoint — that is the reason they exist. However, almost none of that analysis is taking place here and it is time we engaged in it.

The production of alternative crops was a buzz term among the farming community. Some farmers decided to rear deer and rabbits and even some went into the worm business. That was a fanciful journey for a few farmers who went out of business over night as soon as the commercial reality kicked in. The enterprises I am dealing with are far removed from raising deer or rabbits. Such enterprises will prove to be sustainable for farmers, but many steps need to be taken that they are unable, or could not be expected, to take. It comes down to the question of research and development. Potential mistakes need to be made and farmers need to be shown what can be done. I have not the slightest doubt that the development of such enterprises will not solve all our problems but it will do two things at the one

time. It will ensure hybrid production on our farms. Farms will be reinvigorated in every townland in the country because there will be a market for their produce. There will be no such thing as willow mountains. I expect that every crop produced here will be consumed here. It will replace costly imported fuels and reduce our dependence on influences outside our control. Any Government should take note of that. I welcome the bit of a journey the Government took in this respect at the last budget, but it was far from being the real thing. I hope the Government intends to build on it. If and when Fine Gael gets into Government, this will be the subject of one of its big future investment programmes. Whoever is standing behind the Government desks in ten years' time will encounter much more trouble in respect of this issue than is the case at present.

Mr. Stanton: I am very happy to contribute briefly to the debate on this motion, the first part of which calls on the Dáil to condemn the Government for its failure to act “in a meaningful way” on the alternative energy agenda.

The overall aim of Sustainable Development: A Strategy for Ireland, which was published in 1997, was “to ensure that the economy and society in Ireland can develop to their full potential within a well protected environment, without compromising the quality of that environment, and with responsibility towards present and future generations and the wider international community”. It is clear that in April 1997, the then Government saw this entire area as a major priority. In April 1998, the new Department of Public Enterprise placed a more pronounced emphasis on the environment in energy policy, leading to a greater focus on energy efficiency. In 1996, the Government launched a programme, Renewable Energy — A Strategy for the Future, to promote the generation of energy from renewable energy sources. The Government of ten years ago saw this issue as a major priority.

There was great excitement in 1999 when the Green Paper on Sustainable Energy was published. I was involved in the debate on the Green Paper at that time from the Opposition benches. I was quite interested in the publication and I hoped a great deal would come from it. A number of Deputies went to Gotland in Sweden around that time to examine what had been done there. We were very impressed with the progress made and we hoped that similar progress would be made here. That was not to be the case, unfortunately.

The renewable energy development group established in May 2004 has published All-Island Energy Market, which sets out the group's vision for the renewable energy sector in the years to 2020. It is clear that many reports and documents have been produced over many years, but not much has happened on the ground. I have exam-

ined some of the submissions made by many people as part of the consultation process that preceded the publication of the 2020 vision document. For example, an independent external observer from the University of Limerick said it was “heartening to see the very recent but somewhat belated interest being expressed by Government Ministers and their agencies in renewable energy”. He went on to point out:

The changes in EU farm policy particularly the single farm payment scheme offer opportunity to the agricultural sector in Ireland to become significant providers of primary energy through the provision of land for wind farms or through the use of arable land to grow biomass crops. These crops and agricultural residues can have an impact on transport energy and the energy required for production of electricity. The transport sector has been recognised recently with the decision to alleviate the duty payment on seven million litres of biodiesel and rapeseed oil.

As Deputy Connaughton said, the Government did not start to appreciate the importance of this area until very recently. The submission made by the representative of the University of Limerick also stated:

Currently although farmers might grow these crops there are neither large scale facilities for combustion nor sufficient small scale CHP plants available. There is recognition at EU level that if penetration of bioelectricity is to grow that it will be through co-combustion in existing solid fossil fuel facilities.

According to the man in question, “the use of biomass in these facilities would offer the additional benefit of extending the lifetime of the peat resource.” That is an issue that has been debated today. It is certain that the use of renewable energy sources has huge potential. We need to grasp those possibilities.

I note that the Environmental Protection Agency has called for cross-compliance in the agricultural sector. It has argued that “the Single Farm Payment may afford considerable opportunities to develop energy crops, however, this is unlikely to occur unless agricultural and energy policies are harmonised”. That is exactly what Fine Gael has been saying in its policy document. There is a need for cross-departmental action on this. It is estimated that the agricultural sector will spend up to €1 billion on the construction of additional animal slurry storage capacity. The EPA has mentioned the potential of such development in terms of the production of energy. The EPA maintains that the replacement of existing solid fuel-fired plants with biofuels would contribute to the achievement of this country’s Kyoto targets, which is an issue that has been mentioned by other speakers.

When I examined where we stand in respect of this issue compared with other EU member states, I came across an EU fact sheet from September 2005. It showed that Sweden, Finland, Austria and Portugal got a far greater proportion of their energy from renewable sources than the other member states. If I understand the figures correctly, by 2002 Austria had achieved 68% of its national renewable energy targets, Denmark had achieved 20%, Finland had achieved 24%, Italy had achieved 16%, Portugal had achieved 21% and Ireland had achieved just 5%. We have a long way to go by comparison to our EU counterparts. I welcome some of the things the Government is doing, but it needs to do much more. It needs to spend more on research, for example.

Mr. Durkan: Hear, hear.

Mr. Stanton: OECD data indicate that just 10% of the research and development budgets of EU Governments are related to renewable energies, whereas more than 50% of such budgets are devoted to conventional energy technologies. We need to spend much more on research into renewable energy.

On an issue that affects the Munster area and was touched on by Deputy Connaughton, it is possible that the Minister, Deputy Noel Dempsey, is aware of the closure of the Mallow sugar plant. There is substantial interest in this matter in my local area. I draw the Minister’s attention to this important subject. I have been told that the Mallow plant has the capacity to produce thick sugar juice that can be fermented to ethanol. I appreciate that the Mallow plant is a commercial and privately owned operation, but I ask the Minister to use his influence to ensure it is not dismantled. We may regret it in the future if it is dismantled because it would take a long time to construct a similar plant. The existing plant has the capacity, facilities and machinery to produce thick sugar juice. Some companies are interested in converting that juice to ethanol. The ConocoPhillips plant in Whitegate, which is not too far from Mallow and has already been involved in the production of biofuels, is anxious to get involved in this sector. As an official from the Department of Communications, Marine and Natural Resources said at last week’s meeting of the Joint Committee on Agriculture and Food:

There are three projects relating to biodiesel, the first of which was a pilot project by ConocoPhillips at the Whitegate refinery. It produced a million litres of biofuel. This was an innovative process, not quite the same as the regular biodiesel process. It complied with the diesel standard and could be put into every tanker.

The committee was also told that Maxol and Ford are co-operating on a bioethanol project. It is possible to make progress in this area.

[Mr. Stanton.]

Young farmers in Munster are very anxious to grow wheat or sugar beet that can be converted into thick sugar juice in the Mallow plant. It is obvious that such a development should not affect the compensation that sugar beet farmers will receive to help them to cope with their huge losses of income. If we allow the Mallow plant to be dismantled, sold and transported abroad, it will be a national disgrace, especially if we have to build a new plant in a few years' time. I am not sure where one would get planning permission to build such a plant. I was told last night that the Mallow plant has the capacity to generate enough electricity to power the town of Mallow, although I am not sure how true that is. I was also told that there is an electricity generator in the plant. When I was in Sweden, I came across a combined heat and power plant that was 10 km from the nearest town. The plant was burning forestry cuttings to generate electricity. The hot water that was produced was pumped into the town, which was involved in a district heating system. The water was taken to heat houses, using this renewable source.

We need to undertake much more research into this important topic. We need to start looking at geothermal, solar, wave, tidal, wind and hydro energy, as well as biomass.

The main point I want to make is about something that is imminent and is happening as we speak, namely, the closure of the plant in Mallow. I ask the Minister to consult his Cabinet colleagues, especially the Minister for Agriculture and Food, Deputy Coughlan, and possibly the Commissioner tomorrow when she is here, in this regard. If I get the opportunity I will raise with her as well the fact that we should retain that plant. It is stated that if the plant is dismantled, 100% compensation will be granted and if it is left there for bioethanol production 75% compensation will be granted. The main point is that sugar will not be produced there. If we can convince the European Commission to have ethanol produced there, that will be a win-win solution for everyone. I have much time for the Minister, Deputy Noel Dempsey, whom I have seen to be innovative and positive in the past, and I ask him to treat this as a serious matter. If the Mallow plant is let go we will not be able to get it back.

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I move amendment No. 1:

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

"recognises the:

- ongoing imperative to develop innovative renewable and sustainable energy policies to ensure security of energy supply, economic competitiveness and

environmental sustainability, and the major progress being made by the Government in achieving these objectives;

- wide range of investments and supports initiated by the Government to deliver an ambitious programme of renewable and sustainable energy development; and
- comprehensive and holistic strategy of Government in addressing renewable energy priorities, through all-island co-operation and a fully cohesive policy approach involving all relevant Departments, agencies and stakeholders;

commends the Government for:

- the €205 million biofuels excise relief package announced in budget 2006, underpinned by capital grant aid, which will allow Ireland to exceed 2% market penetration by 2008;
- the introduction of the renewable energy feed-in tariff, which will enable Ireland to exceed its target of 13.2% renewable electricity consumption by 2010;
- the introduction of the €27 million "greener homes" domestic grants programme for renewable heat and the success of that programme to date;
- the commitment to further grant schemes shortly to support commercial scale biomass heating and combined heat and power;
- the implementation of a targeted ocean strategy to capitalise on Ireland's unique maritime environment which will position Ireland at the forefront of international research and development in this area;
- the reduced rate of vehicle registration tax introduced for hybrid electric vehicles and flexible fuel vehicles capable of running on 85% biofuels;
- its commitment jointly with the UK Government to the development of sustainable energy on an all-island basis in the context of the all-island energy market;

notes:

- that Fine Gael refused the opportunity to constructively participate in an all-party approach to develop renewable energy policies for the future;
- the Government is strongly committed to promoting and assisting the sus-

tainable production, supply and use of energy through SEI, the statutory agency established for this purpose;

- the wide range of support and research and development programmes which SEI implements in the industrial, commercial, public and domestic sectors in support of those objectives;
- the imminent establishment of the Irish Energy Research Council which will co-ordinate and advise on priorities for energy research technology development and innovation to 2013 and beyond;
- that VRT already takes into account the fuel usage of the car, with bigger cars incurring higher VRT rates, and that review of vehicle tax is the subject of a current European Commission proposal; and
- that EC Directive 1999/94 already requires member states to implement requirements in relation to the provision of information on CO2 emissions and fuel economy in the case of all new passenger cars.”

I would like to share my time with the Chief Whip, Deputy Kitt.

I thank Fine Gael for tabling this motion. It is a welcome opportunity from my viewpoint to do three things. First, it gives me the opportunity to outline in detail the extensive measures that have already been put in place by this Government to radically increase the contribution of renewable energy to Ireland's energy mix. Contrary to what Deputy Durkan said when he talked about Fine Gael producing a policy document that gave the lead to the Government, from what I have seen of it, all it did was to copy some of the policies that we are pursuing.

Mr. Durkan: The Minister did not produce them in time.

Mr. N. Dempsey: The saner parts of the document were copied from what is actually happening at the moment. The Deputy is welcome to the rest of it.

Mr. Durkan: It is a new Government policy.

Mr. N. Dempsey: Addressing the motion gives me the opportunity to inform Deputies opposite who tabled it what is actually happening, since they appear to be totally oblivious to it. It is clear that they are woefully ill-informed and singularly ill-equipped to speak with any authority on renewable energy policy developments, at national and EU levels. It also gives me the opportunity to highlight the hypocrisy of Fine

Gael Deputies who tabled the motion. When they had an opportunity to contribute positively to the development of an agreed policy on renewable energy on an all-party basis, they refused that opportunity.

Mr. Durkan: The Minister should mention some of the Government's other policies.

Mr. N. Dempsey: That was an initiative from Deputy Eamon Ryan of the Green Party, a colleague in opposition. It was not a Government initiative, and they just could not agree with it.

Mr. Durkan: We thought the Government was encouraging it.

An Ceann Comhairle: The Deputy should allow the Minister to continue, please.

Mr. N. Dempsey: It does not augur well. Perhaps if they had joined in that all-party consensus to move forward together, they might know somewhat more about energy policy.

Mr. Durkan: If we had joined the Government side in the electronic ballot boxes endeavour, we would have saved it. There is far too much consensus.

Mr. N. Dempsey: For the benefit of Opposition Deputies who appear to be unaware of initiatives, I will provide a detailed outline of the progress we have made. We have made major progress. We have set an ambitious agenda across the three principal renewable energy sectors: renewable electricity, transport and heat.

By way of background, the key factors driving the development of renewable energy sources include carbon and other environmental imperatives, rising oil and gas prices and exponential increases in global energy demand. In the area of renewable electricity our immediate programme is to increase the efficient contribution from renewable electricity from 3.6% in 1997 to 13.2% by 2010. That requires a capacity of 1,450 MW and we are on track to achieve and exceed this target. In the past two years alone, Ireland has doubled its renewable generating capacity to 846 MW and there is a further 630 MW in signed connection agreements. Sustainable Energy Ireland, SEI, will tomorrow announce a 70% increase in wind generated electricity over the past 12 months.

To ensure all the projects in the pipeline are delivered I recently launched the renewable energy feed-in tariff, REFIT. That is an investment which will require €119 million over 15 years. It will underpin the viability of these projects by offering 15 year contracts to developers so that they can plan ahead. These measures will ensure that we reach the target. Not only will we reach the 2010 target on time, but we will be

[Mr. N. Dempsey.]

ahead of schedule and we intend to do more than that. In support of that particular aim, an additional 1,300 MW of wind project has been released into the connection process in the past few weeks. Contrary to what has been said across the House, we are moving forward, we have set ambitious targets and we will achieve them. Even more ambitious targets will be set in the future.

We are committed to the major development of renewable energy sources and I do not intend in any way to limit our ambition. That is also, crucially, a shared ambition for the island as a whole in the joint commitment to enhance energy sustainability on an all-island basis. The 2004 all-island energy market development framework sets out the blueprint for the achievement of an island energy market. North-South co-operation in the area of sustainable and renewable energy is progressing apace. I take the opportunity of acknowledging and thanking former Minister Angela Smith for her work and co-operation in that area. She took a great interest in the whole energy area and I wish her well in her new position.

The all-island 2020 vision for renewable energy, referred to by Deputy Durkan, I believe, and published as a consultation paper last July, will culminate in an agreed joint policy paper later this year with a particular focus on renewable electricity and generation. To ensure the implementation of the strategy for renewables we have commissioned a joint all-island grid study into the accommodation of different renewable energy technologies into the electricity grid system. Both Governments have completed an analysis of the potential for bioenergy to form a critical part of the long-term renewables mix across the island. Both Governments have stated their common view on the need to actively support the drive to mainstream the use of renewable energy and significantly increase energy efficiency on an all-island basis.

It is significant that the Fine Gael motion does not refer to the all-island dimension of renewable energy policy, or indeed energy policy generally.

Mr. Durkan: It does, and we did not have the same number of advisers that the Government side has.

Mr. N. Dempsey: The party's policy document is fairly scant in that regard as well. While wind will provide the majority of additional renewable generation capacity in the medium term, there is every scope for broadening our renewable portfolio by encouraging biomass and other technologies, which will increasingly become economically and technically viable. For that reason I have provided for a significantly higher biomass feed-in price in REFIT to take account of the higher costs involved — at €72 per MW

hour as compared to €57 per MW hour for wind powered plants. That is part of the solution towards encouraging other forms of renewable energy. I will continue to work closely with the European Commission and my colleague, the Minister for Agriculture and Food, in developing the required supports and ensuring that the outcomes are delivered.

We are also working in Europe to ensure that the potential for renewable energy sources is fulfilled in support of the EU's three main energy policy objectives, sustainability, competitiveness and security of supply. I have welcomed the Commission's Green Paper on energy policy which sets an ambitious agenda for the development of renewable energy sources. The EU policy framework needs to be supportive if we are to stimulate the increasing competitiveness of renewable energy sources. Ireland has been particularly supportive of the Commission's proposals to develop a framework plan to strengthen the European research effort and ensure better-integrated Community and national research and innovation programmes. Europe needs to mobilise all players to develop an EU vision for the transformation of the energy system and to develop the lead in energy innovation.

The International Energy Agency has stated that the research and development programmes of individual governments will play a vital role in enabling renewable technologies to deliver their potential. Because of the diverse nature of renewable energy sources, each country must promote technologies and options best suited to its own resources and needs. I agree that this is the correct approach and the Government has already demonstrated its commitment by providing significantly enhanced funding as well as new structures to ensure the prioritisation, co-ordination and support of energy research and development.

Following a strategic review of energy research and development, it is clear that national energy research activities should be better aligned with national energy economic and innovation policies. The strategic direction for energy research will focus on security of supply, renewable energy technologies and energy efficiency. In that context, I will shortly announce the establishment of the Irish energy research council, which will advise on the development of policy for energy research—

Mr. Durkan: Fair play to the Minister. That is Fine Gael policy once again.

Mr. N. Dempsey: —and on priorities for Irish energy research in the medium to longer term. I am somewhat disappointed the Deputy did not listen to me more carefully when I answered questions on these matters in the House. I told him some considerable time before the Fine Gael

policy document emerged that this is what we were doing.

Mr. Durkan: The Minister tells us many things but they do not all follow.

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

Mr. N. Dempsey: My objective is to ensure that all of the policy and programmes are fully aligned with overall energy policy, as well as with policies for transport, environment, agriculture, enterprise, science and education. I am working in close co-operation with my colleague the Minister, Deputy Martin, to ensure that energy research and development is fully aligned to the Government's overall national research and development objectives.

The Government is forging ahead with research and development into other forms of renewable energy. Unlike the Fine Gael Party, which has clearly been sleepwalking as we have been forging ahead, the Government has commissioned and finalised the critical research—

Mr. Durkan: If the Minister calls his activity forging ahead I would hate to see him if he was sleepwalking.

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

Mr. N. Dempsey: —and analysis to underpin ocean technology, bioenergy — which is not mentioned in any of the Fine Gael documents I saw—

Mr. Durkan: The Minister did not read them.

Mr. N. Dempsey: —CHP and renewable electricity development. Two weeks ago, in Galway, I launched a new ocean energy strategy, which was developed by Sustainable Energy Ireland, SEI, and the Marine Institute. This is further evidence of the Government's integrated approach to delivery. As the first stage in implementing this strategy, we have recently upgraded the hydraulics and maritime research centre in UCC as well as opening an ocean energy test site a mile and a half off the coast of Spiddal, County Galway. This 37 hectare site will be open to test prototype ocean energy devices. The first wave energy device, WaveBob, has been deployed on the Spiddal site.

SEI and the Marine Institute are also currently supporting a number of other ocean energy research and development initiatives. Ireland has one of the most promising ocean energy resources in the world and we are positioning ourselves at the forefront of development of this resource.

Mr. Stanton: It is about time.

Mr. N. Dempsey: We are making significant progress in developing a new renewable heat market in Ireland. We are currently rolling out a €65 million multi-annual package in support of this sector. The rolling out of this package commenced on 27 March when I launched a €27 million greener homes grant programme for the domestic sector. This five-year programme includes funding for wood chip and wood pellet boilers and stoves and solar and heat pump technologies. Grant aid of up to €6,500 is available to individuals, depending on the technology being employed. I am sure people will be disappointed to note that in its policy document Fine Gael has proposed that the grants should be cut by half.

Mr. Durkan: We are not. We have stated we would pay them.

Mr. N. Dempsey: They were again caught napping on this issue. I am sure people will be most disappointed in that.

Mr. Durkan: At least we will not do what the Minister's party did with the disabled person's grants. We will pay them.

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

Mr. N. Dempsey: Our incentives package is ambitious and is delivering. Fine Gael has entirely missed the point on this issue and is clearly out of touch with the general public. The scheme has been a huge success to date, with 1,600 applications being received in its first month of operation, of which 1,100 have been approved. The scale of this programme and the level of grant aid available — typically at 40% of the capital cost — underlines the Government's commitment to encourage and help people install renewable heat technology in their homes. The programme will support the conversion to renewable energy in more than 10,000 homes and is an excellent start on which I intend to build.

Following on the success of this programme, I will launch a grant aid package for commercial scale biomass boilers in the coming weeks. The programme will build on SEI's highly successful pilot bioheat programme and will encourage industry and commercial interests to invest in biomass heating technologies. This initiative, together with the greener homes scheme will stimulate the demand for renewable technologies and, in particular, biomass products such as wood chip and wood pellet, thereby providing valuable support for rural economies supporting sustainable jobs and growth.

I am working closely with my colleagues the Ministers for Finance, Agriculture and Food,

[Mr. N. Dempsey.]

Transport, the Environment, Heritage and Local Government, Enterprise Trade and Employment and Enterprise Ireland, to ensure that the appropriate supports are in place across the supply chain. These initiatives are designed to reinforce the potential for renewable energy to become a significant economic sector in its own right, in the context of rural development objectives.

The biofuels excise relief programme, and biomass heating grants programme, which were developed and supported by the relevant Departments, show the value of this close co-operation. Several complementary initiatives have also been developed by the Department of Agriculture and Food, including forestry grants to promote alternative timber use and reduce dependence on fossil fuels, a scheme of supports for the purchase of specialist wood biomass harvesting equipment, grant assistance for research projects relating to biofuels and energy crop uses.

Mr. Durkan: An election must be coming.

Mr. N. Dempsey: Fine Gael has suggested it would provide a community dividend for those communities located close to new infrastructure that will act as compensation for those living close to important renewable energy infrastructure. This is already happening and will be expressly included in the planning code in the strategic infrastructure Bill that will be published shortly.

The Government's objective is to reward and empower communities in developing their own renewable energy industries and enable individuals, as well as the business and industrial community, to avail of cheaper and cleaner renewable energy heating systems. The best way to ensure the acceptability of such infrastructure in any area is to have proper planning structures in place and to ensure that local communities can share in the benefits of any development.

Our policy to integrate renewable energy with the development of the rural economy is particularly evident in the development of renewable transport fuels. Biofuels offer major potential to support the development of the rural economy. Deputy Connaughton referred to this point. They also provide one of the few opportunities to effect a meaningful reduction of emissions in the growing transport market.

The original pilot mineral oil tax relief scheme for biofuels has resulted in the emergence of eight innovative biofuels projects which will produce 16 million litres of biofuels by the end of next year. Following on the success of this initiative I agreed with my colleague, the Minister for Finance, a further targeted package of excise relief valued at €205 million. This was announced in the last budget. The new excise relief programme will be rolled out between now and 2010 and will enable

us to exceed 2% of market penetration by biofuels by 2008.

Our 2% target can be met from energy crops based on existing land use patterns. I am working with my colleague, the Minister for Agriculture and Food, to encourage and support

8 o'clock a change in land use patterns to achieve even more ambitious targets.

However, in the short term it should be noted that any target above 2% would most likely be met through imports of biofuels or a change in crop production leading to imports of feedstocks. I am, therefore, surprised at Fine Gael's policy commitment to remove all excise duty on biofuels. If Fine Gael's aim is merely to replace existing food crops for imported food crops or to replace existing fossil fuels with imported biofuels—

Mr. Durkan: The Government has sucked the life out of the sugar industry. It is trying to offload beet.

An Ceann Comhairle: The Deputy should allow the Minister to continue without interruption. He will have another opportunity to contribute when he closes the debate.

Mr. N. Dempsey: Fine Gael's proposals on biofuels would result in the taxpayer paying significant sums for imported biofuels and I am not prepared to take that route.

Mr. Durkan: Beet farmers have nothing to grow this year.

Mr. N. Dempsey: I am delighted to have had the opportunity to contribute but I am sorry I do not have another 15 or 20 minutes to enlighten Opposition Members.

Mr. Durkan: I am also sorry because the Minister could entertain me.

Minister of State at the Department of the Taoiseach (Mr. Kitt): I am delighted to have an opportunity to contribute to the debate. I agree with Deputy Stanton's statement that the Minister has been innovative in this area. He has given great leadership and it is a great pity that Fine Gael did not co-operate with his suggestion to work on an all-party basis.

Mr. Durkan: Why did the Government not do that in regard to the health service or electronic voting and the other issues it made a hames of?

Mr. N. Dempsey: The Deputy should have led the way.

Mr. Kitt: As the Minister, Deputy Noel Dempsey, pointed out, the motion has given the Government a valuable opportunity to set out

comprehensively the range of initiatives on which it has given leadership.

As we celebrate Europe Day, it is timely that we position the national renewable energy agenda within the EU context. I endorse President Barroso's statement that growth and jobs are the central priorities for the Commission and I welcome the Commission's emphasis on setting a positive agenda for Europe, which provides added value for citizens. Growth and jobs need secure, sustainable and competitive energy. European energy policy, as the Commission acknowledges, is critically important for Ireland. Unlike Opposition Members who seem blithely unaware of major developments in EU energy policy, the Government has made it clear that Ireland has much to gain from the development of a European energy policy.

A key dimension of Ireland's input into the Commission's Green Paper and in discussions at the Spring Council is the importance of renewable energy. The Government is working positively and productively in Europe to address the collective energy challenges of security of supply, competitiveness and sustainability. We are pleased the EU's ambitious new energy work programme is very much in line with the Government's approach and we welcome the strategic focus on renewable energy, energy efficiency and research and innovation, which will underpin the development and commercialisation of renewable technologies. We look forward to working with our European colleagues in delivering on the energy agenda.

The Government clearly recognises the increasingly important role of renewable and sustainable energy across all sectors of the economy and, working together, ministerial colleagues have developed a series of integrated and innovative programmes that are addressing energy production, supply and demand across the entire economy, from the farmer in the field, to the electricity supplier, the business community and the private individual, all of whom have an interest in the strategic development of this resource.

I refer to our key priorities and achievements. We have doubled our renewable electricity capacity in the past two years and are on track to meet our 2010 targets, if not exceed them. We are developing renewable and sustainable energy policies on an all-island basis that will ensure the best outcomes. We are working in Europe to deliver solutions and opportunities for Ireland in key energy policy priorities. We have rolled out an innovative pilot biofuels excise relief programme which has resulted in eight biofuels projects coming on stream. We have put in place a five-year excise relief package of €205 million, which will result in Ireland exceeding 2% market penetration of biofuels by 2008. We are introducing grant aid to underpin the excise relief programme and support indigenous production of bio-

fuels. We are delivering an ocean energy strategy and we are supporting important EU initiatives in the areas of energy efficiency, energy research, biomass and biofuels. We are providing funding for energy research technology development innovation, RTDI. We have launched a €27 million domestic renewable heat grants programme, which has been greeted with enthusiasm by the public. A total of 1,100 grants have been approved since the programme was launched over a month ago. At least 10,000 renewable energy systems will be installed in homes under the programme, which will give a boost to individual householders who face rising fuel bills and who are anxious to play their part in developing a sustainable energy economy.

We will launch a major grant aid package for commercial scale biomass boilers, which will allow businesses to avail of lower cost heating. We will also launch a combined heat and power programme, which will assist the commercial sector in switching to more efficient electricity and heat generation, including electricity generated from biomass. We have introduced forestry grants to promote alternative use of timber and we will introduce a scheme of supports for the purchase of specialist wood biomass harvesting equipment. We have provided grant assistance in the agricultural sector for research projects relating to biofuels and energy crop uses and provided supports and studies to support biofuel deployment and policy development. We will shortly launch a major national energy efficiency campaign targeting individual consumers as well as specific economic sectors, through industry, SMEs, schools and the public sector. We will shortly publish an energy policy Green Paper, which will set out the framework for national energy policy for the medium to long term.

Our record to date simply cannot be matched by the simplistic and ill-informed rhetoric contained in Fine Gael's so-called "National Plan for Alternative Energy". Fine Gael's plan is worryingly devoid of strategic thinking and is clearly not as ambitious or all-embracing as the policy being rolled out by Government. It certainly does not stand up to scrutiny. For example, Fine Gael suggests that all fuels should be required to contain 5% and 2% of bioethanol and biodiesel per litre of petrol and diesel respectively. This is clearly not permissible under EU legislation and the Commission has cautioned that it could not be done on a unilateral basis by member states, even if the legislation were to change.

Mr. Durkan: They use nuclear power.

Mr. Kitt: The Government, by comparison to Fine Gael, is working with the Commission to explore whether this option, or a biofuels obligation or other support systems are the optimum

[Mr. Kitt.]

approach to securing greater market penetration of biofuels.

Second, Fine Gael proposes grants of between €500 and €3,500 for householders wishing to convert their home heating to renewable energy. The Government's greener homes scheme, offers grants of up to €6,500 and includes new homeowners and not only those wishing to convert existing systems. Ironically, Fine Gael, in its policy document, is more familiar with the UK grants scheme than it is with the scheme introduced by its own Government.

Mr. Durkan: What is the Government's total spend on its energy policy? It is afraid to tell us.

Mr. Kitt: Third, Fine Gael says it will "consider" a complete separation of the ESB from the national grid. The Government is not only considering this but the process is under way with a view to total separation by 1 July 2006. Fine Gael wishes to provide a "community dividend" to act as compensation for those living close to important infrastructure projects but it is clearly unaware that an initiative of this nature is being incorporated into the strategic infrastructure Bill. Fine Gael states it will prioritise the creation of a network of turbines to harness the potential of wind energy. Such a network is developing through the AER programme and the more recent REFIT programme.

The party will single-handedly reform the energy crops scheme, notwithstanding that this is an EU scheme and that reforms can only be carried out at EU level. The Government by comparison is actively engaging with the Commission on this issue. Likewise, Fine Gael says it will consider whether sugar beet should be included under the scheme. I hate to disappoint the party but the Commission has decided that sugar beet will be eligible for aid under the scheme and may be grown as an energy crop on set aside land to activate payments under the single farm payment scheme.

We can do more to exploit the potential of energy crops based on existing land use patterns. Oilseed rape can be used to produce pure plant oil for use in modified diesel engines and biodiesel for use in diesel engines without modification. Traditionally, the crop was grown in Ireland as a break crop to prevent disease caused by continuous wheat and to improve yields in the following year's cereal crops. Production of oilseed rape is relatively small. In 2005, 3,800 hectares was sown with oilseed rape. Irish farmers can achieve satisfactory yields of oilseed rape and many cereal growers could produce it with their existing complement of farm machinery. The total amount of oilseed rape that can be grown is limited by the need to keep successive crops at least four years apart in a cereal rotation and to

keep a two-year interval with beet. This and other factors would reduce the potential area for oilseed rape to approximately 30,000 hectares. This does not take account of the 30,000 hectares previously sown with sugar beet, some of which could be used for oilseeds.

Mr. Stanton: Beet cannot be grown because it cannot be processed. The factories have been closed.

Mr. Kitt: I refer to the important work done by a number of people in this area. Professor Austin Darragh in the University of Limerick is doing work on biomass research supported by the Shannon Development Authority.

Quite clearly, Fine Gael is out of touch, not only with the public it seeks to serve, but also with what is happening in policy development. It is little wonder the party did not wish to participate in the all-party consensus, but I still hope it will get involved. The Government will continue to forge ahead with its innovative and ambitious plans to develop Ireland's renewable energy sector.

Mr. Stanton: There is no beet left.

Mr. Broughan: I am delighted to have an opportunity to speak on this motion about renewable energy, especially renewable transport energy. Deputy Durkan's motion rightly condemns the failure of the Government to develop adequately alternative energy in this country. I commend Deputy Durkan and Fine Gael for tabling such an important motion. It is repetitive and almost a cliché to state that we are heavily dependent on imported fossil fuels and that there is a necessity to diversify our energy mix for security, environmental and financial reasons.

According to Sustainable Energy Ireland, our import dependency is nearly 90%. Although our total energy demand has soared since the late 1990s, the actual contribution of renewable energy technologies to the overall fuel mix has remained static at a negligible 2.2%. Wind power was responsible for 0.4%, biomass, 1.4%, landfill gas and other biogas, 0.2%, solar, 0.0019% and geothermal, 0.0003% of Ireland's overall fuel mix. When looking at the record of the Minister, Deputy Noel Dempsey, the important thing is to get the right number of zeros behind the decimal point. His achievement in zeros — it stretches to five zeros for biofuel — gives an adequate indication of the failure of the Government in its last year of office.

Next year, a few of us on this side of the House will hopefully get an opportunity to begin a significant and sensible energy policy for this country. People with an interest in energy matters are sick and tired of repeating that Ireland's high import dependency is dangerous and how vulnerable this position leaves us, yet it seems that the

message still has not got through to the Government. Examining the measures in place to improve Ireland's energy portfolio, it is clear that the Government is operating in an *ad hoc* and disjointed way, with a pilot project here and a stopgap measure there, but no vision, drive or proper support in place to achieve the advances in renewable energy that are necessary.

I received an email today, which included a picture of the dictator of North Korea, Kim Jong Il, known as The Dear Leader, sitting beside the Minister, Deputy Noel Dempsey, at a UN-sponsored conference for failed broadband countries. I have to admit that the picture may well have been fabricated, but it is very appropriate because—

Ms F. O'Malley: It is false. The Deputy cannot present something that is false.

Mr. Broughan: The Korean dictator lives in a fantasy world.

Ms F. O'Malley: So is the Deputy as he is presenting something to the House that is false.

Mr. Broughan: He believes that he has a dynamic fisheries policy, that he has provided the whole country with broadband, that he has an intensive renewables policy and a series of fiscal measures for energy expenditure. Kim Jong Il is a fantasist, just like the Minister.

Ms F. O'Malley: Someone in this Chamber is also a fantasist. The Deputy is making up these stories.

Mr. Broughan: A constituent contacts me regularly about broadband and he believes that the Minister and the North Korean dictator have a great deal in common. They live in a fantasy world.

Mr. B. Smith: The Deputy knows that what he is saying is nonsense. Deputy Noel Dempsey is an excellent Minister.

Ms F. O'Malley: On a point of order, is it appropriate for a Deputy to come into the House, admit to a fabrication and continue? Should he not withdraw such a remark?

Mr. Broughan: The photograph is a fabrication, but the comparison is apt regarding policies which are just dreams.

Mr. B. Smith: It is an absolute fabrication.

Mr. Broughan: I will withdraw it. It is astonishing to read in the Government's amendment to this motion that it believes that it has taken a comprehensive, holistic and cohesive policy approach involving all relevant Departments, agencies and stakeholders. I recently accused the

Minister and the Government of sleepwalking on the issue of energy and being complacent and short-term in its attitude. Sadly, that charge can be sustained. There have been numerous announcements on new schemes that would give the impression that the Government has a comprehensive plan in place. However, when the details of these announcements are examined, it turns out that the bulk of the money is to be spent in 2008 and beyond, when the Government may not be in power.

Mr. B. Smith: Fianna Fáil Governments have often had to pick up the tab for mistakes made by Fine Gael-led Governments in the past.

Mr. Broughan: According to the quarterly renewable energy country attractiveness indices from the consultants Ernst & Young, Ireland is now ranked in 12th place, dropping six places since 2005. This league table is based on an assessment of national renewable energy markets, especially the fiscal supports and tariffs that are in place, a state's renewable energy infrastructure and the potential renewable resources that a state possesses. Ireland's ranking in the long-term index is especially disappointing because this index reflects unexploited resources of a state and Ireland has very significant sources of untapped wind and wave power. This indicates that the mechanisms in place to facilitate the development of renewable resources are simply not in place to allow greater investment in the renewables sector.

Spain and the US remain at the top of the long-term renewables index for attracting investment in the renewables industry because both continue to show strong growth in the renewables sector and attract the bulk of capital investment. Several countries from emerging markets, including India and China, also figure prominently as they greatly expand their renewable energy resources.

In December 2005, the European Commission presented a biomass action plan that aims to double the use of bio-energy sources, that is, energy derived from wood, waste and agricultural crops, in the EU's energy mix by 2010. At the moment, about 4% of the EU's energy needs are met through biomass. The European action plan advances 31 measures to promote the use of biomass in heating and cooling, electricity production and transport. The plan proposes that all member states develop their own national biomass plans. Germany, the UK and the Netherlands already have, or are preparing, such national action plans.

Ireland had been receiving support under the alternative energy requirement programmes up until last year, and we were given some funding under the new renewable energy feed in tariff. However, biomass is still a very underdeveloped resource in Ireland and accounts for a derisory

[Mr. Broughan.]

amount of our energy system. The adoption of a national biomass action plan should be prioritised. Given the vast changes that are taking place in agriculture and given the needs for energy, the Government should put energy at the top of its agenda and develop a biomass energy plan following consultation with farming and energy interests.

There has been little advancement in solar power under the current Minister, even though we read of many exciting developments abroad. I was disappointed to hear him state that solar powered water heating units had been installed in just 687 homes out the 1.7 million in the State. The greener homes scheme includes grant aid for homeowners if they wish to install a solar thermal space. However, it gives no support or encouragement to business users or larger operators who may be interested in developing their solar power capabilities.

The Government's record on biofuels is deplorable. President Bush recently admitted that his country is addicted to oil and the same could be said for Ireland. Our transport sector is 100% dependent on imported oil. In other countries, rapeseed, corn, soya beans and other crops have been used to produce biodiesel and bioethanol.

I commend the Minister, Deputy Noel Dempsey, on introducing a biofuels mineral oil tax relief last August, which allows for €3 million in forgone excise duty per year. However, this was only a pilot project. The 2006 budget introduced an excise relief package for biofuels of more than €200 million, but an analysis of the figures reveals a pathetic level of investment, with €20 million to be spent this year, €35 million next year and €50 million in the following year. In other words, €150 million will be spent during the lifetime of the next Government. Almost certainly, the next Government, regardless of its composition, will have more ambitious and determined programmes because the current investment is too little too late.

In 2005, the Government failed to comply with the European Commission directive on the development of alternative fuel sources which required all EU states to bring the proportion of biofuels in the fuel mix to a minimum of 2% by the end of 2005 and 5.75% by 2010. Even with the introduction of the aforementioned programmes, we are nowhere near that target. The Irish Government has opted instead for a meagre 0.06% biofuels target for the period until 2005. A Minister in the previous Government was well known for his zero tolerance but this is a zero achievement Government in terms of biofuels. At the end of these programmes, we will still only produce approximately 165 million litres of biofuel. The most recent figures released by the Minister indicate that Cork City Council is using small quantities of biofuels in its transport fleet,

which is commendable. However, When the Minister announced this initiative at a meeting of the Committee on Communications, Marine and Natural Resources, he also revealed that our national achievement in biofuels stands at 0.00002%.

Ms F. O'Malley: Has the Labour Party taken any initiative on the matter?

Mr. Broughan: The Deputy is welcome to attend the upcoming publication of Labour's energy plan.

Ms F. O'Malley: I am glad the party is getting around to publishing a plan.

Mr. Broughan: We have always planned for this issue. The former leader of the Labour Party, Mr. Spring, who distinguished himself as a Minister for the Environment, took the first steps towards ending Ireland's dependence on oil.

The new EU strategy presented on the 8 February calls on each member state to take more action to reach the 2010 target of 5.75% of market share, a modest aim. The next Government should be even more ambitious. The EU programme makes some useful proposals but I am still waiting for the Minister to tell us when he plans to introduce them to Ireland.

Internationally, even an old fashioned politician like President Bush has extolled the virtues of biodiesel, seeing it as an interesting opportunity for America and the rest of the world. A number of countries have tried proactively to address oil dependence. In the EU as a whole, biodiesel output rose by 65% to 3.2 million tonnes in 2005, making the bloc the world's largest producer of the green fuel, according to the European Biodiesel Board. Germany is the top biodiesel producer, with an output of 1.6 million tonnes in 2005, followed by France and Italy. The Czech Republic and Poland also have interesting levels of biofuels production. By adopting Fine Gael's proposals, we will only be starting on the road towards ending our dependence on oil.

Brazil stands out in terms of biofuels. As far back as the mid-1980s, Brazil had a thriving ethanol industry which made use of the country's plentiful sugar cane resources. The industry shrank somewhat in the late 1980s and early 1990s but in 2003, the Brazilian Government decided that a new generation of alcohol powered cars should be taxed at 14%, instead of the 16% rate for exclusively petrol powered vehicles. Brazil's decision demonstrates that, if biofuel crops are to be grown or clean energy vehicles to be driven, incentives are needed. President Luiz Inacio da Silva of the Workers' Party has stated that he wants Brazil to become the world leader in renewable energy. We could learn a lot from the Brazilian example.

The United States has also begun large-scale biofuel developments. The issue of refining biofuels will have to be addressed through capital investment programmes. The US bought cheap oil for such a long time that, as can be seen on American news programmes, the price of imported oil is beginning to hurt and the country is beginning to respond. We should emulate the many other countries that have embarked on the path set out by the motion before us.

What will happen in the aftermath of the plant closures in Mallow and Carlow? Many people believed Carlow represented a lost opportunity. I received numerous e-mails and telephone calls from Labour Party members in Munster asking whether the Government planned to take action with Greencore, a privatised State company. The fermentation and distilling machinery in Mallow is expensive and critical to the production of ethanol from sugar beet. I ask the Minister of State at the Department of Agriculture and Food, Deputy Brendan Smith, to address this issue because we need to know what is happening.

The Labour Party believes that a renewable fuels obligation should be introduced. Last year, the UK Government moved to boost biofuel use in cars by bringing forward a renewable transport biofuels obligation to ensure that 5% of all petrol sold in the UK would come from renewable sources by 2010.

An interesting discussion was held by the Committee on Communications, Marine and Natural Resources in respect of a comparison between excise duties and renewable obligations. Some of the committee's members believe a renewables obligation is the preferable option because that would put pressure on oil companies to roll out a biofuels network, whereas although excise duty relief is important for consumers, it would mean a loss in revenue to the Exchequer. An academic study conducted by UCD on stimulating the use of biofuels in the European Union, which merits close reading, found that excise duty relief is a key factor in persuading consumers to use biofuels.

I support the motion in general terms and commend Deputy Durkan on bringing it forward. It is timely and would be progressive. I urge the Minister, even in the dying months of this Government, to try to launch a dynamic renewables strategy.

Debate adjourned.

Adjournment Debate.

Cross-Border Projects.

Mr. Boyle: I am grateful for the opportunity to raise this sensitive issue. It relates to the employment practices and recruitment policy of

Safefood, an all-island agency responsible for food protection on the island of Ireland. It saddens me to raise this issue. Is the Minister of State informing me that he is not taking the adjournment? The Minister is not in the Chamber yet. Must I wait for a Government representative to appear? It is somewhat strange considering Deputy Smith is the Minister of State in the Department of Agriculture and Food.

Mr. B. Smith: The Food Safety Authority comes under the Department of Health and Children.

Mr. Boyle: I realise that but it is part of the Deputy's responsibility.

An Leas-Cheann Comhairle: The Deputy may proceed.

Mr. Boyle: If the Leas-Cheann Comhairle will allow me I will give the Minister of State at the Department of Health and Children, Deputy Brian Lenihan, the opportunity to hear how I opened my contribution.

This is an issue of some sensitivity and relates to the recruitment practices and employment policy of Safefood, one of the important North-South bodies established in recent years. It saddens me that it is necessary to raise this matter. As I will explain, I have used other mechanisms to ascertain information but that information has not been of a sufficient standard or appropriate. It particularly saddens me as a Cork Deputy, as Safefood is based in the Cork area, however there are important issues of accountability that the Minister of State on behalf of the Government should take the opportunity to place on the record.

My interest in this issue was sparked by a constituent, Mr. John Masson of Currabinny, County Cork, who applied for a position of co-ordinator of the research team on investigating the spread and control of cryptosporidium. This was a five-year, part-time position that paid €10,000 per year. That position is subject to hearings in authorities in this State and Northern Ireland and I do not want to compromise the decision. However, it is clear the process, which involved only three candidates, seems to have been solved by some form of osmosis and Safefood is guilty, at the very least, of gross discourtesy to two candidates on how decisions were made, who was given the eventual position and the appropriate qualifications that such persons have. One of the candidates is my constituent and another, Dr. John Moore from Ballymena, County Antrim, is in the Gallery. As I said, the position will be ascertained by both authorities in the North and the South. It leaves a bad taste about the confidence in which the agency can held.

I have asked two parliamentary questions in this House, both of which were addressed to the

[Mr. Boyle.]

Office of the Taoiseach, given that he had prime responsibility for establishing North-South bodies on behalf of the Government. Both questions were referred to the Minister for Health and Children, who has responsibility for Safefood, and she, as the senior Minister transferred them to her Minister of State, Deputy Seán Power. The answers received on the number of complaints against Safefood on recruitment practices and employment policies were incorrect and this has added more fuel to the fire.

Mr. B. Lenihan: Were there two complaints?

Mr. Boyle: There were more than two complaints and I will explain how that arose. Either Safefood has supplied the Minister with incorrect information or — I do not even want to think in these terms — the House has been misled. I subsequently received a communication from Dr. Cherie Millar, also from Ballymena, County Antrim, who in 2004 applied for a full-time position as chief specialist of microbiology with the science and technical directorate of Safefood. This ongoing complaint was not recorded in either of the answers to my recent questions. I seek a reply and if it is not in the Minister's prepared answer it should be supplied at the soonest opportunity. It leads to an accumulated lack of confidence that the information supplied by Safefood and the practices it deploys are not what they should be. It is vital that recruitment by all-island bodies is seen to be done correctly. The essence of Dr. Millar's complaint, which was subsequently sent in a substantial portfolio to the Taoiseach, was that the employment statement published by Safefood was not followed and in a key respect was demonstrably flawed. Advertisements for this important position were placed only in *The Irish News*, *Lá* and *Foinse* but not in the media of the other tradition in Northern Ireland, namely *The Belfast Newsletter* or *The Belfast Telegraph*. On these grounds a substantial wrong has been done on recruitment procedures.

The other issue I would like to raise is that Safefood has, either unwittingly or intentionally, offended people. In issuing invitations to a network for scientists and doctors involved in the study of cryptosporidium it sent out a series of mixed messages to many scientists who work on the island of Ireland, another of whom is in the Gallery tonight—

An Leas-Cheann Comhairle: I should point out that it is not in order to refer to people in the public Gallery.

Mr. Boyle: I respect the Leas-Cheann Comhairle's ruling on that.

An Leas-Cheann Comhairle: It is a Standing Order.

Mr. Boyle: I am merely pointing out the source of my information, which I received from Dr. Rao. This doctor received an invitation from Safefood, as did other doctors of foreign extraction including Chinese and Japanese. The invitation was framed in such a way that it seemed to exclude people working in the field who may not have been Irish. To send out documentation of this nature speaks of a culture in Safefood that must be addressed quickly. On those grounds, the fact that ongoing complaints are being dealt with by authorities North and South, that wrong information has been supplied in answers to two parliamentary questions and that Safefood is sending information that is needlessly insensitive to the feelings of the people with whom it should be working closely, I appeal to the Minister to pass on the information to the Government, particularly to the four Ministers who have been contacted on this, the Taoiseach, the Minister for Foreign Affairs, the Minister for Justice, Equality and Law Reform and the Minister for Health and Children, to implement the parity of esteem that should exist in all North-South bodies and to give meaning to the respect agenda about which we hear others in the House speak.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I am taking this matter on behalf of my colleague, the Tánaiste and Minister for Health and Children. I thank Deputy Boyle for raising this matter as it gives the Minister an opportunity to outline to this House the position on this matter. The Food Safety Promotion Board, Safefood, is a North-South implementation body established under the Good Friday Agreement. Its remit is to promote awareness and knowledge of food safety issues on an all-island basis. The Deputy has raised this issue via parliamentary questions on four previous occasions this year, the most recent being Question No. 230 on Tuesday, 4 April last. In replying to those questions the Minister of State at the Department of Health and Children, Deputy Seán Power, stated the Department was not aware of complaints on employment practices or recruitment procedures. However, the Department was advised that Safefood has received two complaints on the appointment of a co-ordinator for a research network on cryptosporidium. Deputy Boyle maintains there were more than two and I will draw this to the attention of the Department.

The co-ordinator's role attracts a grant of €10,000 per annum for a period of five years to facilitate the setting up and maintenance of the research network, but it is not considered by Safefood to be a contract of employment.

The complaints are currently being processed by the appropriate employment equality machinery, one within this jurisdiction and one within Northern Ireland. Officials of the Department have been advised by Safefood that no additional complaints of this nature are being dealt with by the body. The position as set out previously to the Deputy remains unchanged and the Tánaiste fails to see how this issue could have been addressed more fully.

National Health Strategy.

Ms F. O'Malley: I am grateful for the opportunity to discuss the need for a national sexual health strategy and I always take the opportunity to do so when it arises. I have been afforded the opportunity this week because it is National Condom Week.

Fewer than 100 people have died worldwide of the avian flu virus, yet the international community is galvanised in an extraordinary way to tackle it. The Government has put together a plan in this regard involving the Ministers for Health and Children, Agriculture and Food, and Finance. This is commendable, but the approach to sexually transmitted diseases is not so commendable.

Last month the Joint Committee on Health and Children heard from Dr. Susan Clarke, a consultant in the field of infectious diseases at St. James's Hospital, and the statistics she outlined are quite alarming. There has been an increase in the incidence of chlamydia in Ireland in the order of 2,000% in ten years, a 426% increase in the incidence of herpes in five years and a 45% increase in gonorrhoea over two years. These figures are from 2003 and 2004. There was a 12% increase in the incidence of sexually transmitted infections. Dr. Clarke introduced her figures by issuing a caveat to the effect that these infections are widely recognised as under-reported. The increase in sexually transmitted infections represents a runaway problem despite the fact that a certain condom manufacturer is highlighting what can be achieved through condom use in protecting against sexually transmitted diseases, not to mention HIV and AIDS.

The usual suspects condemn any highlighting of increased use of condoms or sexual activity generally. Sexual health is the one area in which people are criticised for trying to inform and educate the public. The figures speak for themselves. It is high time we had a national sexual health strategy. The good news is that we do not need to reinvent the wheel. The Minister of State is probably aware that the former North Eastern Health Board had prepared a sexual health strategy. Much of the groundwork has, therefore, been done in this area and I hope, on foot of the alarming and unreported annual increases in sexually transmitted infections, we finally grasp the nettle.

Young people are looking for access to services and information that is presented in a non-judgmental way, but unfortunately they do not always get that. In an article in *The Irish Times* this week, a commentator stated it is most unfortunate that people are being asked to consider the use of condoms. The commentator is an individual with particular religious beliefs, which I respect, but it is not sensible to tell people not to use a product that is very effective in combating sexually transmitted diseases.

In the United Kingdom a group of young students has launched a campaign called Just Say Know. "Know" is rooted in the word "knowledge", which is what the students want. There is no point in keeping people in the dark about sexual activity. Statistics show how sexually active young people really are. Given that our population partly comprises such people, we need to face the reality and inform them.

A core element of the Just Say Know campaign is to demand from the UK Government services in both the education and health sectors. Those behind the campaign are perfectly right to do so. In any other area of health one is provided with the necessary information. Why are people not presented with information on sexual health? Is it because of our traditions and prudishness regarding the subject? I hope we can overcome this and consider seriously the development of a national sexual health strategy.

We need to be mature in our approach and it is important that we educate and protect the young. If we do not do so and fail to treat sexually transmitted diseases, many difficulties associated with infertility will arise. I hope, therefore, that the Minister will listen to my request to devise a national sexual health strategy.

Mr. B. Lenihan: I am speaking on behalf of my colleague, the Tánaiste and Minister for Health and Children, Deputy Harney. I thank the Deputy for raising this matter.

The Department of Health and Children has supported sexual health at strategic and executive levels across the health sector for a number of years. At national level, policy has been formulated clearly in the report of the national AIDS strategy committee, the national health promotion strategy and the strategy of the Crisis Pregnancy Agency. All these strategies contribute to maintaining and improving sexual health in terms of education and awareness, service delivery, capacity building and research and surveillance.

The National Health Promotion Strategy 2000-2005 recognises that sexuality is an integral part of being human and healthy sexual relationships can contribute to an overall sense of well-being. The strategic aim is to promote sexual health and safer sexual practices among the population.

[Mr. B. Lenihan.]

The health promotion unit of the Department works closely with the Health Service Executive on a range of awareness and education initiatives and interventions. These include working in partnership with the Department of Education and Science, the Health Service Executive and other youth structures to support schools and other bodies in the introduction and delivery of social personal and health education, of which relationships and sexuality education is an integral part. Included also is a national public awareness advertising campaign to promote sexual health. It is aimed at men and women in the 18 to 35 age group and is designed to increase awareness of safe sex and sexually transmitted infections.

The overall goals are to increase safe sexual practices and reduce the incidence of sexually transmitted infections and unwanted pregnancies among young people. The campaign runs in third level colleges, places of entertainment, such as pubs, clubs and discos, and youth venues and health centres. The initiatives also include the production of a range of awareness-raising leaflets on STIs and safe sex practices, and these are available nationwide.

In response to the specific issues regarding unplanned pregnancy, the Crisis Pregnancy Agency was established by statutory instrument in 2001 and is funded in its entirety by the Department of Health and Children. The agency is a planning and co-ordinating body established to formulate and implement a strategy to address the issue of crisis pregnancy through a reduction in the number of crisis pregnancies by the provision of education, advice and contraceptive services, a reduction in the number of women with crisis pregnancies who opt for abortion by offering services and supports which make other options more attractive and the provision of counselling and medical services after crisis pregnancy.

The first strategy to address the issue of crisis pregnancy was officially launched in November 2003 and provides a framework for understanding the causes and consequences of crisis pregnancy and a clear set of actions to address the complex and interacting factors that contribute to the experience of a crisis pregnancy. The agency works on an ongoing basis with statutory and non-statutory agencies to ensure successful implementation of the strategy.

The Crisis Pregnancy Agency is committed to the use of research as a basis for understanding behaviour, assessing need, building on previous practice and promoting the use of evidence-based practice. The goal of the agency's research programme is to foster greater understanding of the contributory factors and solutions to sexual risk taking and crisis pregnancy at individual, community, policy and social level.

Through the national AIDS strategy committee and the structures in place to implement the recommendations of the AIDS strategy, more than €6 million additional annual funding has been provided to health services since 1997. This has been used to address the treatment of HIV/AIDS and other STIs and to develop, deliver and expand initiatives, in partnership with NGOs, for vulnerable groups, such as sex workers, drug users, and those from migrant populations who come from high endemic areas for HIV as well as homosexual men.

At present there are seven consultants specialising in the treatment of HIV/AIDS and STIs, five of whom are in Dublin and one of whom deals with children. In addition, routine antenatal testing was introduced in 1999 and is effective in identifying women who are HIV positive at an early stage in pregnancy which allows for treatment to greatly reduce the perinatal transmission rate.

In recent years with the growth in demand for services and significantly increased government investment, all of the key national players from the statutory and non-statutory sector have come together under the guidance of the Department and the Crisis Pregnancy Agency to plan a common way forward. This has resulted in the first ever national survey of sexual knowledge, attitudes and behaviours in Ireland. This study is now in its final stages and has been carried out in line with those in other European countries. The research is being carried out by a consortium from the Economic and Social Research Institute, the Royal College of Surgeons in Ireland, Trinity College and an independent research consultant.

The aim of the research is the collection of reliable nationally representative baseline information. The key issues on which the research will focus include social and demographic characteristics, risk reduction practices, adverse and positive outcomes and the degree of knowledge and learning about sex. The first of four reports detailing the research findings will be published in September of this year. It is intended that the findings will inform all future sexual health policy and practice developments.

National Development Plan.

Ms Cooper-Flynn: I welcome the opportunity to speak of the under spending in the National Development Plan 2000-2006. The plan was negotiated under Agenda 2000 and set up the BMW and the southern and eastern regions for the purposes of drawing down EU structural funding. Is under spending in breach of a legally binding agreement between Ireland and the EU? The National Development Plan 2000-2006 states the position negotiated under Agenda 2000. The agreement was made under the community support framework for Ireland 2000-06. I tabled a question on the status of the situation to the

Minister for Finance. He states that the regulations do not permit the transfer of the overall allocation of Structural Funds between the BMW region and the southern and eastern region. A transfer of resources has not been sought by the Government and no proposals have been considered for such action. The reply informs us that the BMW region has under spent to the tune of €3.6 billion in the National Development Plan 2000-2006.

If the Minister informs us he has kept within the regulations of the Community Support Framework as far as Structural Funds are concerned, it is clear that the under spending is occurring within the Exchequer funding of the plan. While that may not be in breach of the regulations and the legally binding contract, it goes against the spirit of the National Development Plan 2000-2006 in which the Government committed Exchequer funding as well as EU Structural Funds. The National Development Plan 2000-2006 is a contract between the Government and the people. The under spending must be rectified but it is difficult to understand how this can be achieved. If the Government spent an extra €10 million per day for the next year, it would not make up the ground it has lost.

More than one year ago the Minister of State at the Department of Finance stated on behalf of the senior Minister that the Government was committed to redressing the imbalance. In 2002 the Government supported the campaign for regionalisation. It fought the battle to retain Objective One status in the BMW region, resulting in Objective One and transition funding for the rest of the country. Having won the battle and drawn up the national development plan to put it into effect, the Government is now going against the spirit of its policy as outlined in the National Development Plan 2000-2006.

Dr. Cowley: It is a disgrace.

Ms Cooper-Flynn: The gap between the east and west is widening. In recent weeks my attempts to discuss an issue have been rejected by the Ceann Comhairle. I asked the Minister for Finance about the under spending on national roads but the question was transferred to the Department of Transport. The Minister for Transport informed me that there is under spending of €500 million on national roads in the BMW region. My efforts to raise this matter on the Adjournment were refused by the Ceann Comhairle on the basis that the Minister was not answerable to the Dáil on this question and that the NRA was responsible. This is part of the National Development Plan 2000-2006 for which the Government is responsible. This is utter nonsense and I could use stronger language to express myself.

There is disbelief in County Mayo and the BMW region at this situation. The county council has sent several deputations to the NRA seeking the delivery of roads included in the National Development Plan 2000-2006, including the N5 from Castlebar to Westport, the N26 from Bohola to Ballina, the Ballinrobe bypass, the Castlebar orbital route, the Westport ring road, the Castlebar to Claremorris road and the Castlebar to Belmullet road, which is a regional route. When the deputations meet the NRA they are told they should be happy with the Charlestown bypass. In a response from the Minister on 29 March I am informed that there is under spending of €500 million on national roads. Because there is no investment in infrastructure jobs are not being created and this affects every aspect of the development plan. If there are no jobs, no power and no access to our county, the gap between east and west is widening and the Government has only six months to honour its obligation. When the new plan comes into effect in 2007 we are aware that it will be non-specific, making it more difficult to hold the Government accountable. The Government should not think this shortfall can be made up.

Dr. Cowley: Deputy Cooper-Flynn should have spoken up before now.

Ms Cooper-Flynn: Deputy Cowley is trying to piggyback on this issue.

Dr. Cowley: Deputy Cooper-Flynn had many years in which to speak up.

Ms Cooper-Flynn: The sad reality is that Deputy Cowley must piggyback on many other issues also. It is sad that this is the only way in which he can get attention. He is devoid of all original notions.

Dr. Cowley: I am glad the Deputy is speaking up now.

Ms Cooper-Flynn: I speak on an issue that is important to the people of County Mayo and I am being heckled by a Deputy from my county who has no regard for the serious issues affecting the people of our county. If he thinks wasting time is a valuable contribution as a Deputy for the county he is seriously mistaken.

Dr. Cowley: I am delighted she is speaking up now but she should have done it years ago.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): The Minister for Finance apologises for not responding to this debate. Ireland will draw down its full entitlements under the Structural Funds for each region. This means that investments will continue to take place in

[Mr. B. O'Keeffe.]

both regions leading to further improvements in living standards. These large-scale co-financed investments have occurred in roads, water services, child care, enterprise, and in the other extensive range of areas involved. Enterprises, employees, parents and children, commuters and others have benefited as a result through, for example, expanded service availability, access to employment and improved transport infrastructure. The Minister emphasises that the results achieved with the resources from the Structural Funds have been good based on independent analysis. The update evaluation of the Community support framework completed by independent consultants states that an analysis of data on Ireland's relative performance within the EU in the broad infrastructural and socio-economic areas that are co-financed shows it to be above the EU performance economically. The analysis also states that, while the Border, midlands and west region has not yet converged with the southern and eastern region, it has converged with the EU average.

Agenda 2000 was the negotiation process on the European Union's financial perspectives from 2000 to 2006. That determined Ireland's allocation of €3.3 billion in Structural Funds for the current programme period of 2000 to 2006. Ireland's allocation of Structural Funds is governed by the regulations and an agreement between the Government and the European Commission known as the Community Support Framework for Ireland 2000-2006.

To prepare for the framework, the Government, with the agreement of the European Commission and the Statistical Office of the European Communities, made new regionalisation arrangements changing Ireland's single region status with the aim of retaining Objective One status for the greatest possible area and optimising Ireland's entitlement to Structural Funds for the period to the end of 2006. As the Deputy stated, the outcome was the designation of two regions for Structural Funds purposes.

The Border, midlands and west region, incorporating the existing regional authorities of Border, west and midlands areas, retained full Objective One status for the full period from 2000 to 2006 because its gross domestic product at the time was less than 75% of the EU average. The remaining five regional authorities of Dublin, mid-east, south-east, south-west and mid-west were grouped into the NUTS II southern and eastern region. That region qualified for phasing-out arrangements under Objective One because it was a region that had qualified for Objective One levels of funding under the previous planning period but that now had a GDP above 75% of the average.

Under the Community Support Framework for Ireland 2000-2006, the country was allocated €3.3

billion in Structural Funds for the period. Of that allocation, the BMW region qualified for Structural Funds of €1.4 billion, with the balance of €1.9 billion going to the southern and eastern region. Regionalisation has the effect of increasing the Structural Funds allocation to the BMW region and of allowing that region to receive EU co-funding of up to 75% for individual projects, whereas the southern and eastern region only receives EU co-funding of 50%. Where state aid applies, lower rates are applicable. It should be emphasised that the Structural Fund regulations do not permit the transfer of the overall allocation of Structural Funds between the BMW and the southern and eastern regions. No transfer of the resources has been sought by the Government, and no proposals for such action are being considered.

Under the Structural Fund regulations, expenditure on co-funded measures must be incurred before the end of December 2008 to be eligible for the drawdown of Structural Funds for the 2000 to 2006 programming period. Reports to the monitoring committees for each of the operational programmes for the period January 2000 to December 2005 indicated that expenditure on co-funded measures for each region is on target. Based on those reports, the Minister expects that both regions' entitlement to Structural Funds will be fully drawn down in line with the timetable set out in the regulations. In those circumstances the proposal outlined in the Deputy's motion is not expected to arise.

Citizenship Applications.

Dr. Cowley: I am grateful to the Ceann Comhairle for the opportunity to raise this important matter. Will the Minister for Justice, Equality and Law Reform explain why the wait for a certificate of naturalisation from his Department's citizenship section is, without exception, over two years?

I am aware of the situation because of the case of a consultant plastic surgeon who is giving sterling service to the Irish health service and who was five years of age when she first came here. She attended school here but left when she was 13, to return at the age of 19 to study medicine in Ireland. She has been living here for more than half of her 29 years on this earth. Both her parents are naturalised Irish citizens and have lived here for the past 20 years. Her father is a consultant pathologist also giving sterling service to the health service in the west. Both he and his daughter pay their taxes to the State.

This girl has been in Ireland for 18 years. She is a Catholic, and she is now a consultant plastic surgeon. She holds an Iraqi passport, which is problematic for her as she must renew it every two years. She is employed in Ireland full-time and regularly travels abroad to represent her profession at various conferences she is required to attend. It is galling that she must apply for per-

mission before leaving Ireland, where she has been all her life, where all her friends are, where her family is based, and which she regards as home. She must seek a visa to be allowed to re-enter the country.

It does not seem right that her situation should be so in a country that she regards as her own and of which her father and mother have been naturalised citizens for the past 20 years. This is her permanent home and the only place that she has known as such; it is where all her friends are. The passport she holds is also problematic, since she has difficulty securing visas to visit certain countries. She feels that her lack of an Irish passport interferes with her professional career and future prospects. Like her father, she has dedicated her life to the care of the Irish people.

I ask that the Minister examine this case. I know that a timetable is involved. When I previously asked a question, I was told by the Minister, Deputy McDowell, that the average processing time for a naturalisation application was 24 months. I was also told by the Minister that it would be September 2007 before the file was presented to him for a decision although it was received in his Department's citizenship section on 26 September 2005. That is a 24-month period. Will the Minister examine the case as a priority in view of the special circumstances of the case, which I suggest dictate a speedier response than two years? I hope the Minister will look into the situation.

Mr. B. O'Keefe: I thank the Deputy for raising a very important humane issue. The Minister for Justice, Equality and Law Reform, who cannot be present, has asked me to respond to the matter raised by the Deputy.

The average processing time for applications for certificates of naturalisation is 24 months. The lengthy processing time for such applications is primarily due to the significant increase in the volume of applications received in recent years. In the three-year period from 2000 to 2002, a total of 6,009 applications for naturalisation were received. However, in the following three-year period, from 2003 to 2005, the number of applications received increased by over 100% to 12,177. With almost 2,000 applications received in the first four months of 2006, the increase in applications being received shows no sign of slowing.

At the start of 2001, the average processing time for an application for naturalisation was two and a half years. Additional staff were assigned to the citizenship section of the Department and by the beginning of 2002, the average processing time had been reduced to 15 months. However, the processing time started to rise again as officials began to process the 3,574 applications received in 2002.

The Minister has informed the House on a number of occasions that the major reduction in the number of asylum applications has given him an opportunity to refocus resources in areas of service provision for non-nationals. Since November 2004, the number of staff working exclusively on citizenship matters has doubled to 41. This resulted in a stabilising of the processing time at 24 months, notwithstanding the continuing increase in the volume of applications being received. Citizenship is but one of the services provided by the Irish naturalisation and immigration service. Other sections within the broad immigration area, such as those dealing with visas and residency applications, have also been expanded to cope with the additional workload in those areas. While Department officials continue to examine ways to reduce processing times, in view of the significant increase in the volume of applications being received it is unlikely that an early reduction can be achieved in the current processing time of 24 months.

The application for naturalisation of the person referred to by the Deputy was received in the Department on 26 September 2005. Officials in the citizenship section are processing applications which were received in the first quarter of 2004 and it is estimated that approximately 6,300 applications are awaiting processing before the application of the individual in question is reached.

All persons awaiting decisions on their applications require or desire to be Irish citizens for a variety of reasons. Some wish to become part of Irish society because they have settled here and wish to become integrated into our community and way of life. Others may wish to avoid the necessity of having to register with the Garda Síochána or seek visas when travelling outside the State. However, naturalisation is not an entitlement, it is a privilege and an honour granted by the Minister for Justice, Equality and Law Reform. Consequently, the Minister has the responsibility to ensure that all applications are processed in a way which preserves the necessary checks and balances to ensure that the naturalisation process is not undervalued and is given only to persons who are suitably qualified.

The Minister has informed the House on a number of occasions in response to parliamentary questions that applications for naturalisation are dealt with as far as possible in chronological order and that this policy is only departed from in very exceptional circumstances. The details supplied by the Deputy on the matter raised in the House tonight seem to suggest that the person concerned is inconvenienced by our immigration requirements while travelling abroad. A possible solution to this problem, while she is awaiting a decision on her application, would be to apply to the Department for a multiple re-entry visa, thereby obviating the need to apply for a re-entry visa each time she travels abroad. I understand

[Mr. B. O'Keeffe.]

that she applied for and was granted such multiple re-entry visas in the past.

Having regard to all of the circumstances involved, the Minister does not consider it appropriate to expedite the processing of the application of the person concerned. Based on the cur-

rent processing time of 24 months the person concerned can expect a decision on her application in or around 2007.

The Dáil adjourned at 9.15 p.m. until 10.30 a.m. on Wednesday, 10 May 2006.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received from the Departments [unrevised].

Questions Nos. 1a to 7 answered orally.

Questions Nos. 8 to 59, inclusive, resubmitted.

Questions Nos. 60 to 68, inclusive, answered orally.

Emergency Planning.

69. **Mr. McEntee** asked the Minister for Defence the amount of funding allocated to the Office of Emergency Planning by his Department on a yearly basis since 2002 and 2005 inclusive; and if he will make a statement on the matter. [17112/06]

Minister for Defence (Mr. O'Dea): The Office of Emergency Planning was established, following a Government decision in October 2001, as a joint civil and military Office within my Department. The Office supports the work of the Government Task Force on Emergency Planning, which I chair, and continues to work with Government Departments and other public authorities in order to ensure the best possible use of resources and compatibility between different planning requirements. There is no specific budgetary allocation for the Office of Emergency Planning as the funding for the Office is included in the Defence Vote.

The lead responsibility for specific emergency planning functions remains with the relevant Government Departments, as do budgetary, exercise programmes and resource management requirements. Emergency plans are coordinated by the various lead Government Departments at a national level and through the Local Authorities, including the Fire Service, the Health Service Executive and the Garda Divisions at local and regional levels.

A key area of activity for the Office of Emergency Planning is oversight of emergency planning; to refine and develop the arrangements that exist, to continuously improve them through

review and revision, and to generally provide the basis for an increased confidence in the emergency planning process.

An Inter-Departmental Working Group (IDWG) on Emergency Planning supports the work of the Task Force and carries out studies and oversight of emergency planning structures and processes. The IDWG encompasses all Departments with lead roles in the various Government emergency plans and those key Public Authorities, which plan to support such activities. This Working Group, under the guidance of the Government Task Force, continues to meet and is chaired by the Office of Emergency Planning. It is a forum for developing strategic guidance to all those involved in emergency planning and for sharing information on emergency planning.

Defence Forces Equipment.

70. **Mr. Coveney** asked the Minister for Defence the number and location of ambulances on permanent standby in the Defence Forces; if same are available as back-up for the Health Service Executive; and if he will make a statement on the matter. [17118/06]

464. **Mr. Ó Feighaill** asked the Minister for Defence the extent to which the military ambulance service on the Curragh Camp acts in support of the Health Service Executive ambulance service; the extent of investment by his Department in the provision of ambulances at the Curragh or elsewhere; if speed restrictors have been fitted to new ambulances acquired by his Department; the reason such restrictors might be fitted; and if he will make a statement on the matter. [17265/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 70 and 464 together.

Responsibility for the provision of a public Ambulance service in this country is a matter for

[Mr. O'Dea.]

the Health Services Executive (HSE). The Defence Forces maintain a small ambulance fleet to meet their own needs. These ambulances are primarily used to transfer Defence Forces patients to and between hospitals and to attend Risk Training Exercises. Risk Training exercises would include operational exercises, Artillery shoots, Infantry Support Weapons shoots and Live Battle practices. In late 2005/early 2006 there was an investment of €850,000 on 6 road ambulances by the Defence Forces to replace an aging fleet.

There are a total of 17 Defence Forces ambulances in service at present 15 of which are deployed across the country in the various brigades and 2 of which are overseas, one in Kosovo and one in Liberia. One of these vehicles is located at the Defence Forces Training Centre at the Curragh Camp.

The maximum speed permitted in the 6 new Army Ambulances is 90 KPH. The vehicle is governed by the manufacturers (Ford Motor Company) to prevent exceeding this limit. In order to implement this restriction a speed limiter, also known as a governor, may be fitted to the vehicle. There is a legal requirement that such governors are fitted, on import, as the vehicles exceed 3,500 kg. The Defence Forces decided when these ambulances were delivered in late 2005 not to interfere with the governor. The vehicle is designed for a gross vehicle weight of 4200 kg and taking into consideration the routine use of such vehicles for military purposes it was felt that 90 KPH was adequate. Such governors are not on the older ambulances since they are lighter in weight and only require a Class A driving licence. The new ambulances are much heavier in weight and require a Truck Drivers Licence.

While these ambulances are for Defence Forces needs and are configured accordingly, arrangements exist between the HSE and the military authorities in three locations nationwide whereby the HSE receives very occasional support from the Defence Forces ambulance units. These areas are Finner Camp, Co. Donegal, the Defence Forces Training Centre, the Curragh, Co. Kildare and Custume Military Barracks, Athlone, Co. Westmeath. Ambulances from these locations are used on a very occasional basis to meet additional demands on HSE services. The Defence Forces ambulance crews are under the direct control of the HSE ambulance service during their deployment in support of the HSE ambulance service.

The National Ambulance Office of the HSE has advised my Department that the fitting of the governor on Defence Forces ambulances is not a major issue for them. Their priority is the standard of the equipment on the ambulances and the qualifications of the Defence Forces ambulance

personnel. In this regard ambulances which the Defence Forces offer for assistance to the HSE are equipped to the standard set by the HSE and have Defence Forces ambulance personnel on board who are qualified to Emergency Medical Technician standard.

Question No. 71 answered with Question No. 68.

High Court Case.

72. **Ms O'Sullivan** asked the Minister for Defence if he will comment on the recent High Court case of a person (details supplied); if relevant procedures have been reviewed as a result of this case; and if he will make a statement on the matter. [17212/06]

Minister for Defence (Mr. O'Dea): The position is that the judgement referred to in the Deputy's Question, delivered in the High Court in this case on 7th April, 2006, is to be the subject of appeal to the Supreme Court. In the circumstances, I cannot comment further as regards the particulars of this case.

Defence Forces Funding.

73. **Mr. Deasy** asked the Minister for Defence the percentage of GNP which has been allocated to the Department of Defence for the years 1997 to 2006; and if he will make a statement on the matter. [17119/06]

Minister for Defence (Mr. O'Dea): Expenditure under the Defence and Army Pensions Votes has increased from €646 million in 1997 to an estimated outturn of €958 million in 2006. This represents an increase in defence spending of some 48% over that period.

Details of the allocations to Defence for each year from 1997 to 2006, together with the GNP figures and the percentage of GNP represented by defence spending, are set out in the following tabular statement.

The level of expenditure on defence in any particular country is influenced by a variety of factors, including that country's political and security environment, its history, demography and economy. While defence spending in this country has fallen as a percentage of GNP in recent years, this is not due to any reduction in the level of defence expenditure, but rather because of the massive increase in GNP.

There has been an unprecedented level of expenditure on infrastructure and equipment for the Defence Forces in recent years. This was made possible by the Government's decision that pay savings arising from the reorganization of the Defence Forces, set out in the White Paper 2000, along with proceeds from the sale of surplus properties, would be fully reallocated for investment in modern facilities and equipment.

Defence Expenditure as a % of GNP 1997 to 2006.

Year	GNP	Defence Expenditure	Defence Expenditure as a % of GNP
	€m	€m	%
1997	59,577	646	1.08
1998	68,733	662	0.96
1999	77,062	702	0.91
2000	88,891	759	0.85
2001	97,939	858	0.88
2002	106,316	861	0.81
2003	116,374	855	0.73
2004	124,250	887	0.71
2005	135,623	920	0.68
2006	144,650	*958	*0.66

*Estimated.

Overseas Missions.

74. **Caoimhghín Ó Caoláin** asked the Minister for Defence if members of the Defence Forces operating in Afghanistan have had involvement with the operators of a detention site at Bagram holding some 500 so-called terror suspects in primitive conditions, indefinitely and without charges. [17161/06]

85. **Mr. Morgan** asked the Minister for Defence if the Defence Forces personnel holding appointments at the International Security Assistance Force Headquarters in Kabul have had dealings with the operators of a detention site at Bagram holding some 500 so-called terror suspects in primitive conditions, indefinitely and without charges. [17163/06]

92. **Mr. Ferris** asked the Minister for Defence if the International Security Assistance Force operating in Afghanistan has dealings with the operators of a detention site at Bagram holding some 500 so-called terror suspects in primitive conditions, indefinitely and without charges. [17162/06]

130. **Aengus Ó Snodaigh** asked the Minister for Defence if the Defence Forces personnel based at the Multinational Brigade Headquarters in Kabul and serving as members of a liaison team with the Afghan National Directorate of Security have had dealings with the operators of a detention site at Bagram holding some 500 so-called terror suspects in primitive conditions, indefinitely and without charges. [17164/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 74, 85, 92 and 130 together.

Ireland has participated in the UN authorised International Security Assistance Force (ISAF) in

Afghanistan since 5 July, 2002, following Government approval on 2 July, 2002, authorising the provision of seven members of the Permanent Defence Force for service with this force.

ISAF was established under the authority of UN Security Council Resolution 1386 of 20 December, 2001 to assist the Interim Afghanistan Authority in the maintenance of security in Kabul and the surrounding areas. The UN authorisation of ISAF has been extended, by the UN Security Council since then. NATO assumed the lead in ISAF on 11 August, 2003.

The detention centre at Bagram is not part of the ISAF operation. The detention centre, which is situated at the Bagram Air Base north of Kabul, is part of the Operation Enduring Freedom (OEF). Operation Enduring Freedom is the US-led anti-terrorist operation whose role includes, the destruction of terrorist training camps and infrastructure within Afghanistan, the capture of al Qaeda leaders, and the elimination of terrorist activities in Afghanistan. ISAF has no role in this regard. Defence Forces personnel serving with ISAF have not had any dealings with the detention centre in Bagram, or its staff.

Reserve Defence Force.

75. **Mr. Crawford** asked the Minister for Defence if leases on property used by the Reserve Defence Forces have not been renewed since 1 January 2006; and if he will make a statement on the matter. [17151/06]

119. **Mr. Hayes** asked the Minister for Defence if the Reserve Defence Forces had to vacate the premises at the Coast Guard Station, Dún Laoghaire, which housed C company of the 62 Reserve Infantry Battalion; the impact same had on the unit; if the lease will be renewed; and if he will make a statement on the matter. [17158/06]

133. **Mr. Costello** asked the Minister for Defence the reason the coastguard station leased by his Department has been sold to the Dún Laoghaire Harbour Commission thus depriving the local Battalion of the Reserve Defence Forces of their training centre; if this development is contrary to the criteria under which the reserve was established in 2005; and if he will make a statement on the matter. [17188/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 75, 119 and 133 together.

A letting of the Coastguard Station at Dún Laoghaire had been held by my Department from Dún Laoghaire Harbour Company for a period of 4 years 9 months ending on the 31st March, 2006 for use by the Reserve Defence Force. The company informed the Department that it was not in a position to renew the existing letting agreement and a notice to quit was issued on 31st March 2006. The property was vacated on the 28th April, 2006. The local unit will be served

[Mr. O'Dea.]

from its Company headquarters at Rockbrae House, Bray. Arrangements have been made to reactivate training at the Oatlands College in Stirlorgan and other training needs will continue to be reviewed by the Department in consultation with the military authorities.

Prudent management dictates that the requirement to lease properties to provide for the training and administration requirements of the Reserve Defence Force is kept under continual review. Among the factors attendant on the acquisition of properties for the Reserve Defence Force are the availability of suitable properties in the individual localities, conditions governing their letting, including the matter of cost effectiveness, and the changing requirements of both the lessors and the Reserve Defence Force Units from time to time. A total of 8 properties have been vacated this year. My Department will continue to source suitable properties for the Reserve Defence Force as the need arises.

Commemorative Events.

76. **Mr. M. Higgins** asked the Minister for Defence if there have been further meetings of the all-party group to plan commemorations of the centenary of the 1916 Easter Rising; if the group has reviewed the outcome of the recent 90th anniversary commemorations; and if he will make a statement on the matter. [17220/06]

458. **Mr. Costello** asked the Minister for Defence if the Government has proposals for the GPO, O'Connell Street, and No. 16 Moore Street, Dublin 1, in the context of the commemoration of the events of 1916; and if he will make a statement on the matter. [16839/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 76 and 458 together.

The all-party group held their first meeting on Wednesday 1 March, 2006. Arrangements for the 90th Anniversary Commemoration were outlined and preliminary discussions were also held in relation to the framework for the centenary programme. I envisage that the next meeting of this group will be held shortly and the group will continue to meet as necessary to plan commemorations of the centenary of the 1916 Easter Rising. Contributions of members will doubtless be informed by the coverage and commentary of this year's events.

I believe that there was general public approval and support for the commemorations of the Easter Rising. This was very evident at the military parade and at the other events organised by the National Museum of Ireland and the National Library (and not overlooking other initiatives by colleges, community groups and within political parties which were not part of the official programme). The keen interest in the period and the readiness to explore this

important heritage reflects a willingness to address anew the events of those turbulent years with a view to an enhanced appreciation of the different traditions in Ireland. I look forward to engaging again soon with the group members on how that process might best be advanced.

I do not think it would be appropriate to put forward any particular plans with regard to the commemorations in advance of the all party group's final consideration of a balanced programme. However, without prejudice to the deliberations of the all-party group, the government would be favourably disposed towards an initiative in relation to the GPO and its environs.

Ministerial Transport.

77. **Mr. Ring** asked the Minister for Defence the tasks carried out by the Bombardier Aerospace 45 since 1 January 2006; and if he will make a statement on the matter. [17148/06]

Minister for Defence (Mr. O'Dea): The Learjet 45, which entered operational service as part of the Ministerial Air Transport Service (MATS) in January 2004, operates in tandem with the Gulfstream IV in providing a Ministerial Air Transport Service for members of the Government. The Learjet is occasionally tasked with other missions when not in use by the Ministerial Air Transport Service. These include supporting the civil community by flying air ambulance missions, and supporting the Air Corps in its wider operational role. There are also occasional requirements for pilot training and post-maintenance test flights from time to time. Since 1 January 2006, the Learjet has carried out 31 MATS missions, 4 Air Ambulance missions, 1 Air Corps support mission and 9 test flight missions.

Question No. 78 answered with Question No. 68.

Defence Forces Property.

79. **Mr. Allen** asked the Minister for Defence if lands at St. Bricin's Hospital, Parkgate Street, Dublin 7 have been conveyed to the local authority or any other body or person; if so, the amount of land which was involved; the remuneration which was received; and if he will make a statement on the matter. [17122/06]

Minister for Defence (Mr. O'Dea): The Government agreed on 16 December 2003 to the release of circa 2.5 acres at St. Bricin's Military Hospital, Dublin for inclusion in the Sustaining Progress Affordable Housing Initiative. The primary purpose of the Initiative is to maximize the early delivery of affordable housing units. The site is being transferred to Dublin City Council as specified by the Department of the Environment, Heritage and Local Government for a nominal consideration. It is the responsibility of Dublin City Council, as advised by the

National Development Finance Agency, to ensure that value for money is achieved in respect of the use of the site for the initiative. The legal formalities in relation to the transfer of the site to Dublin City Council are nearing completion.

Naval Service.

80. **Mr. Neville** asked the Minister for Defence if he will report on the journey of the LE Eithne to Argentina; and if he will make a statement on the matter. [17129/06]

Minister for Defence (Mr. O’Dea): The Naval Service flagship LE EITHNE sailed from the Naval Base in Haulbowline, Co. Cork, on 8th of February this year to visit Argentina, on foot of an invitation from the Argentine Government, where it participated in celebrations to commemorate the memory of Foxford-born Admiral William Brown, the founder of the Argentine Navy. LE EITHNE also visited Montevideo in Uruguay and Rio De Janeiro and Fortaleza in Brazil. Over 6,000 people visited the ship. In all, the ship hosted or participated in over 150 separate events of both a cultural and trade-related nature.

Much of LE EITHNE’s time was dedicated to a humanitarian programme. Having received donations of toys from a broad cross-section of Irish institutions, organisations and citizens such as the Archdiocese of Dublin, Higher Education Authority, Royal St George Yacht Club and Cork University Hospital, as well as a generous cash donation from the Naval Association, the ship’s company hosted hundreds of sick, deprived and abused children.

While in Argentina and building on its links with Our Lady’s Hospital for Sick Children, Crumlin, the ship’s company visited seriously ill children in a number of paediatric hospitals and hosted many children on board. A delegation from Our Lady’s Hospital for Sick Children, Crumlin travelled to Buenos Aires in conjunction with the visit. A large diesel generator carried from Ireland by the ship was installed by the crew in a remote school (named for Admiral Brown) accessible only by boat several hundred kilometres up the Parana river.

While in Brazil and working with the Non Governmental Organisation ‘Task Brazil’ LE EITHNE hosted the street children of Rio De Janeiro on board ship while the ship’s crew, including electricians, carpenters and engineers, carried out essential repairs to their shelter and prepared a vegetable garden at the NGO’s farm. Working through the Irish Catholic Missionary network the crew of LE EITHNE linked up with the Redemptorist missionaries in Fortaleza and helped in the restoration of housing for the poor. The visit underlined the very strong potential role of the Naval Service in trade promotion and in generating a positive image of Ireland.

The men and women of LE EITHNE impressed all as professional sailors and excellent representatives of Ireland. A very positive dimension of the visit to Argentina was the focus it provided for the Argentine-Irish community who enthusiastically participated in the social events organised by LE EITHNE, the Embassy and the community itself. The visit and associated events served to boost the sense of Irish identity among the community. The ship returned to Ireland on 7th of April.

Defence Forces Recruitment.

81. **Mr. Stagg** asked the Minister for Defence the criteria for recruitment to the Defence Forces; when the next recruitment drive is planned; if a criminal offence committed by a minor is an impediment to recruitment; and if he will make a statement on the matter. [17194/06]

Minister for Defence (Mr. O’Dea): Recruitment into the Permanent Defence Force is ongoing and will continue in order to maintain the strength at the level set out in the White Paper as required to meet military needs. It is expected that in excess of 500 will be enlisted in 2006.

The White Paper on Defence of February 2000 sets out a figure of 10,500 personnel for the Permanent Defence Force, comprising 930 for the Air Corps, 1,144 for the Naval Service and 8,426 for the Army. It is my intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. All applicants for enlistment in the Permanent Defence Force must satisfy certain eligibility criteria which include age limits, minimum height, education, medical and physical standards. The policy regarding the enlistment in the Permanent Defence Force, of persons who have committed a criminal offence, is governed by Defence Force Regulations.

In this regard, Defence Force Regulations stipulate that the following persons will not be enlisted in the Permanent Defence Force—

1. a person who has been convicted of a serious offence by a civil court,
2. a person who has been convicted by a Special Criminal Court of a scheduled offence under the Offences Against the State Act, 1939, unless—
 - (i) a period of seven years has elapsed since the date of the conviction, or
 - (ii) a free pardon has been granted in respect of such conviction, or
 - (iii) the disqualification incurred as a result of such conviction, from holding office or employment remunerated out of public funds has been remitted by the Government under subsection (5) of section 34 of the said Act.

[Mr. O'Dea.]

Defence Force Regulations also stipulate that a person who has been convicted of a serious offence by the Special Criminal Court or by a Civil Court shall be ineligible for enlistment in the Reserve Defence Force. Regarding a minor who has committed an offence, it is not possible to give a general answer. Each case is considered on its merits having regard to the principles set out above.

Air Traffic Control.

82. **Mr. Connaughton** asked the Minister for Defence if the Air Corps air traffic control was aware of the details of the two recent Ryan Air flights that had to be diverted due to bomb hoaxes; if so, the person who informed them; the role they had in the operation; and if he will make a statement on the matter. [17140/06]

Minister for Defence (Mr. O'Dea): Air Corps Air Traffic Control were not made aware of the details of the recent Ryan Air and Aer Arann flights that had to be diverted due to bomb hoaxes. Both aircraft involved were at the time under the control of British Air Traffic services. Air Corps Air Traffic Control provides services in areas of Irish airspace designated for use by the Defence Forces and do not handle commercial airline traffic.

Defence Forces Property.

83. **Mr. P. McGrath** asked the Minister for Defence the revenue obtained from property sales from 1997 to date in 2006; the position regarding this funding; and if he will make a statement on the matter. [17113/06]

473. **Mr. Durkan** asked the Minister for Defence the receipts to date from the sale of military installations, decommissioned in 1998 and since either disposed of, rented, leased or otherwise; the amount accruing to the State on an annual basis from such rents or leases; and if he will make a statement on the matter. [17420/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 83 and 473 together.

The Government, on 15 July 1998, approved a programme of evacuation and sale of six barracks considered surplus to military requirements. The barracks in question were located at Ballincollig, Fermoy, Castleblayney, Naas, Kildare and Islandbridge, Dublin. The value of sales/disposals completed to date in respect of the six barracks the subject of the July 1998 Government decision, together with additional military property which was surplus to military requirements, is in the region of €90 million. Where properties are identified as surplus to military requirements, they are disposed of by way of sale rather than lease or rental.

In accordance with the Government's commitment under the White Paper on Defence the funding realised from the sale of properties has been used for an ongoing equipment and infrastructure modernisation programme. This programme has ensured that the Defence Forces are fully equipped with the most modern of equipment for their day-to-day roles, both at home and on overseas missions.

Emergency Planning.

84. **Ms Enright** asked the Minister for Defence the number and type of exercises carried out by the office of emergency planning, since its inception; if a report on same has been published; if it is available; and if he will make a statement on the matter. [17116/06]

131. **Ms Lynch** asked the Minister for Defence if he will expand on his recent comment that he has increased the number and frequency of simulated emergency response exercises since he was appointed Minister; the number of such exercises that have taken place in that time; the reason for the increase in the number of simulations; and if he will make a statement on the matter. [17214/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 84 and 131 together.

The Office of Emergency Planning was established, following a Government decision in October 2001, as a joint civil and military Office within my Department. The Office supports the work of the Government Task Force on Emergency Planning and continues to work with Government Departments and other public authorities in order to ensure the best possible use of resources and compatibility between different planning requirements.

The lead responsibility for specific emergency planning functions remains with the relevant lead Government Departments and those bodies under their aegis. Emergency plans are coordinated and exercised by the various lead Government Departments at a national level and through the Local Authorities, including the Fire Services, the Health Service Executive and the Garda Divisions at local and regional level.

As chairman of the Government Task Force on Emergency Planning, I have requested Departments and key public authorities to ensure that there are structured exercise programmes in place and to report to the Task Force on the status and progress of these programmes.

I believe that the development of structured exercise programmes is essential in order to refine and develop the arrangements that exist, to continuously improve them through review and revision, and to generally provide the basis for an increased confidence in the emergency planning process. A comprehensive programme of exercises for 2006 is in train.

Question No. 85 answered with Question No. 74.

Question No. 86 answered with Question No. 68.

Commemorative Events.

87. **Mr. Sargent** asked the Minister for Defence if, in view of the success of the Easter commemoration, he intends to make this an annual event; and if he will make a statement on the matter. [17186/06]

128. **Mr. Deenihan** asked the Minister for Defence if he intends to hold a military parade at Easter 2007, similar to the 2006 parade; and if he will make a statement on the matter. [17132/06]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 87 and 128 together.

I would like to take this opportunity, to congratulate the Defence Forces on their magnificent display at the Easter Parade. I believe that there was great public approval and support for the commemorations of the Easter Rising. I have received a lot of positive feedback from members of the public, both written and oral, who were delighted to see the modern Defence Forces given an opportunity to parade through our capital city.

This widespread public approval was also evident at the other events organized by the National Museum of Ireland, the National Library and at other initiatives by colleges, community groups and within political parties which were not part of the official programme. It was also visible at the annual 1916 Defence Forces commemorative event at Arbour Hill last Wednesday.

In relation to Easter 2007 and future years, no fundamental decision has yet been reached regarding the format of the commemoration. Obviously, there was a huge significance to this year’s event being the 90th Anniversary and also marking the reinstatement of an annual commemoration. From this year on, there will be a significant annual commemoration of the Rising of 1916 on Easter Sunday with a military component. However, the exact nature of this event has not yet been formulated. Indeed, given that we have some time to plan for Easter 2007 and subsequent years, I would welcome suggestions from all sides of the House in relation to the format that should be taken for these events.

I would propose that such suggestions should be channelled through the various opposition representatives who have been nominated to the All Party Oireachtas Committee on the Centenary celebrations. I would hope that the next meeting of this group will be held shortly and that time would be spent at that meeting considering any suggestions regarding the format of ceremonies

for 2007 and subsequent years. I await your suggestions with interest.

Question No. 88 answered with Question No. 68.

89. **Ms Lynch** asked the Minister for Defence the cost arising from the Defence Forces’ participation in the military parade to mark the 90th anniversary of the Easter Rising; and if he will make a statement on the matter. [17215/06]

Minister for Defence (Mr. O’Dea): The Total costs to the Defence Forces in respect of the 90th Anniversary of the Easter Rising was €214,663.69. This figure is broken down as follows:

Subsistence Allowance	7,637.78
Rations	41,072.47
Aviation Gas	13,879.00
Fuel	30,741.46
Sundries	4,235.98
Preparation of Vehicles	26,640.00
Transport costs	90,457.00
Total	214,663.69

Overseas Missions.

90. **Mr. Cuffe** asked the Minister for Defence the legislative changes which are necessary in order to remove the voluntary nature of Defence Force personnel being deployed abroad in humanitarian operations in response to natural and man-made disasters; and if he will make a statement on the matter. [17181/06]

Minister for Defence (Mr. O’Dea): It is necessary to update The Defence (Amendment) (No. 2) Act, of 1960 to clarify and modernise the legislation in relation to our participation in humanitarian operations. The issue here is that the Government, under the existing legislation, cannot dispatch troops for service on emergency or disaster relief operations. As a matter of course, there is normally no UN Security Council resolution for such situations, since they do not generally represent a threat to international peace and security.

Under current regulations, Defence Forces personnel must volunteer to serve outside the Defence Forces on secondment to a civil undertaking, similar to any other citizen, so as they can deploy to a disaster zone. They cannot be otherwise deployed under the current legislation. The intention of the particular amendment to the Defence Acts is to enable them to be deployed as Defence Forces personnel on such operations whereby they will operate under normal Defence Forces command and control arrangements and where their seniority and other rights are fully

[Mr. O'Dea.]

protected as a norm. The proposed amendment will enable the Government to dispatch a contingent of the Defence Forces and Defence Forces capabilities to assist in humanitarian situations.

Defence Forces Investigations.

91. **Ms McManus** asked the Minister for Defence if he will institute an investigation into the loss of a person (details supplied); and if he will make a statement on the matter. [17193/06]

Minister for Defence (Mr. O'Dea): On 15 September, 1961, Trooper Patrick Mullins and Corporal Michael Nolan were killed in action in the Congo when their armoured vehicle was hit by anti tank fire from armed elements. While the remains of Corporal Nolan were recovered, those of Trooper Mullins were not. An investigation into Trooper Mullins's death by the military authorities at the time concluded on 29 January, 1962, that he was killed in action at Ave Du Cuivre, Lubumbashi, Elisabethville, Katanga in the Republic of the Congo as a result of the hostile action. Trooper Mullins was posthumously awarded "An Realt Mileata" (The Military Star).

Given the remove of forty-five years since the incident, it is difficult to anticipate whether a re-opening of the case would yield any information not already known. However, as I previously advised the House, I requested the military authorities to inquire into this matter and provide me with a report. The military authorities have conducted a detailed review of all material available to them. All relevant files in Administration section have been examined as well as those held by military archives, including the unit history of the 35th infantry battalion with whom Trooper Mullins served. The information elicited in this process has been quite limited and would indicate that while ongoing enquiries were made through the normal sources including through the Red Cross etc in an effort to locate and recover the bodies, Trooper Mullins body was never located. The military authorities have been unable to locate any UN or contingent Board of Inquiry reports on the incident at this time and it is not clear as to whether any such enquiry was ever established. Inquiries at the UN are continuing in this regard.

As the Deputy will appreciate, the standards and requirements in relation to Courts of Inquiry and investigations, which were in place in 1961, may not have been up to the type of standards we would expect today. A preliminary report has been provided to me on the enquiries made by the military authorities to date. I am awaiting additional information and I will consider the matter further when this is to hand.

Question No. 92 answered with Question No. 74.

Defence Forces Property.

93. **Mr. J. O'Keeffe** asked the Minister for Defence if a review of the property portfolio of his Department has been carried out; if so, the details of same; if a copy of the report is available; and if he will make a statement on the matter. [17127/06]

Minister for Defence (Mr. O'Dea): The Department of Defence reviews its existing property portfolio on an ongoing basis, taking account of current and possible future military requirements. Such a review is presently in progress. It is the Department's policy to dispose of properties which are surplus to military requirements.

Question No. 94 answered with Question No. 68.

Defence Forces Recruitment.

95. **Mr. J. O'Keeffe** asked the Minister for Defence the position regarding the height entry requirement for females into the Permanent Defence Forces; and if he will make a statement on the matter. [17125/06]

Minister for Defence (Mr. O'Dea): The minimum height requirement for entry to both the Permanent Defence Force and the Reserve Defence Force is 162.5 cm (5 ft. 4 ins) for both men and women. This limit was set in April 2002 based on the professional advice of the Medical Corps and the actual experience of training units. The advice at that time was that, having regard to the nature of the job and of the duties of military service and the training exercises undertaken by members of the Defence Forces, persons of shorter stature are more likely to incur back and lower limb injuries. A key element in military life is the need for personnel to maintain a level of fitness for combat readiness. Inherent in this physical requirement is the ability to carry heavy loads and execute physically demanding tasks in training and on operations. The Personal Load Carrying Equipment and personal weapon place considerable weight on the musculoskeletal system. The advice in 2002 was that the recommended height requirement of 162.5 cm (5 ft. 4 ins) for entry is the minimum necessary to meet the demands of military life.

As I indicated to the House on 29 September, 2005 I have asked the military authorities to report to me on the height requirement and I will review the height requirement in the light of that report. I expect to have the military authorities' report on or before 1 June, 2006. I would point out to the House however that the height requirement is only one element of the overall matter of how more women might be encouraged to enlist in the Defence Forces. In this context I believe it is important that we look at the whole range of possibly contributing factors. To that end I intend shortly to award a contract for research into

women's attitudes to military life and a career in the Defence Forces. I would envisage such research to include interviews with currently serving female members of both the Permanent Defence Force and the Reserve Defence Force.

Defence Forces Strength.

96. **Mr. English** asked the Minister for Defence the strength of the Permanent Defence Force as of 1 May 2006, including recruits in training; and if he will make a statement on the matter. [17108/06]

474. **Mr. Durkan** asked the Minister for Defence his views on increasing the strength of the Defence Forces in accordance with requirements arising from future overseas assignments; and if he will make a statement on the matter. [17421/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 96 and 474 together.

The White Paper on Defence of February 2000 sets out a figure of 10,500 personnel for the Permanent Defence Force, comprising 930 for the Air Corps, 1,144 for the Naval Service and 8,426 for the Army. It is my intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. Recruitment into the Permanent Defence Force will continue to maintain the strength at the level set out in the White Paper as required to meet military needs. The Defence Forces continue to have a proactive approach to all aspects of recruiting.

The White Paper on Defence provides for an allocation of up to 850 Permanent Defence Force personnel to be deployed overseas at any one time through the United Nations Standby Arrangements System (UNSAS). While this may be exceeded for short periods, deployments above this level are not sustainable on an ongoing basis within existing resources. Any commitments to EU or UN missions will be met within this context. There are no plans to increase the numbers serving in the Defence Forces above the levels provided for in the White Paper.

The strength of the Permanent Defence Force including recruits, as on 31 March 2006, the latest date for which figures are available, as advised by the military authorities, is as follows:

Strength of the Permanent Defence Force as on 31 March, 2006

	Officers	NCOs	Privates	Recruits	Total
Army	1,042	3,036	4,384	3	8,465
Air Corps	135	404	308	0	847
Naval Service	163	490	381	32	1,066

Defence Forces Property.

97. **Ms Shortall** asked the Minister for Defence the number of barracks and other living quarters

used by the Defence Forces for accommodation in 2006; and if he will make a statement on the matter. [17202/06]

Minister for Defence (Mr. O'Dea): There are a total of 33 locations across the 6 Military Formations which are used by the Defence Forces for accommodation purposes. The accommodation provided caters for the operational, living, recreational and training needs of the Defence Forces. The locations are as follows:

Accommodation for the Defence Forces 2006

Formation Location

Eastern Brigade

McKee Barracks, Dublin

Cathal Brugha Barracks, Dublin

Gormanston Camp

Aiken Barracks Dundalk

Monaghan Military Post

St. Bricin's Hospital Dublin

Kilbride Camp

Southern Brigade

Collins Barracks Cork

Sarsfield Barracks Limerick

Kickham Barracks Clonmel

Stephens Barracks Kilkenny

Kilworth Camp

Bere Island Co Cork

Lahinch Camp Co Clare

Fitzgerald Camp Tralee

Western Brigade

Custume Barracks Athlone

Columb Barracks Mullingar

Renmore Barracks Galway

Connolly Barracks Longford

Finner Camp, Donegal

Lifford Military Post

Rockhill Military Post Letterkenny

Cavan Military Post

Defence Forces Training Centre

Pearse Barracks

McDonagh Barracks

Clarke Barracks

Plunkett Barracks

Mc Dermott Barracks

Connolly Barracks

Ceannt Barracks

Glen of Imaal

Air Corps

Baldonnel Co Dublin

Naval Service

Haulbowline Co Cork

Defence Forces Investigations.

98. **Ms O. Mitchell** asked the Minister for Defence the situation in relation to the investigation into the death of a person (details supplied); and if he will make a statement on the matter. [17105/06]

118. **Mr. O'Shea** asked the Minister for Defence if he has held further meetings with the family of a person (details supplied); if the Gardaí have concluded their examination of his Department's and the Defence Force's files on the matter to determine whether or not they can provide assistance; and if he will make a statement on the matter. [17218/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 98 and 118 together.

On 2 February, 2006, I received a report from Mr. Sean Hurley, who I had appointed to carry out an independent review of the interaction between the Department of Defence/Defence Forces and parents and family of Private Kevin Barrett in the aftermath of his tragic death, on 18 February, 1999, while serving with the 84th Infantry Battalion in Lebanon.

Immediately on receipt of Mr. Hurley's report, I contacted the Garda Commissioner and asked him to provide me with his early views in relation to any possible assistance that the Garda Síochána might be in a position to provide. A Garda officer has since been assigned to the case and is currently examining my Department's and the Defence Forces files in the case with a view to determining whether the Gardaí can provide any assistance in the matter. Liaison arrangements have been set up between the Gardaí and the Defence Forces, who continue to provide the fullest co-operation to An Garda Síochána. To date the Defence Forces have assisted in providing access to the considerable number of witnesses associated with the case and have also facilitated the visit by the investigation team to Lebanon and Israel. The Garda inquiries are ongoing and when completed, the Commissioner will provide a report, which I will then consider.

On 8 March, 2006, my colleague, the Minister of State at the Department of the Taoiseach and Defence, Mr. Tom Kitt, T.D., at my request, met with the parents of the late Private Barrett. This meeting had been arranged with the family after they had sufficient time to consider Mr Hurley's report and to outline to them the actions I had taken to date. Minister Kitt updated the parents on the status of my request to the Garda Commissioner. It was agreed that a further meeting would be held with the family when I have further information. In the meantime, the family will be kept informed of any developments.

99. **Mr. M. Higgins** asked the Minister for Defence the position regarding the investigation into allegations of the theft of diesel by a Defence Forces' member in Donegal; and if he will make a statement on the matter. [17221/06]

Minister for Defence (Mr. O'Dea): The military authorities advise that the Military Police investigation into the alleged larceny of diesel oil from military vehicles in Donegal has been completed. I am advised that disciplinary proceedings are imminent.

Overseas Missions.

100. **Mr. Penrose** asked the Minister for Defence the number of Irish soldiers travelling to Liberia on the 16 May 2006 on peace keeping duties; the nature of their duties; the other countries in which Irish soldiers are engaged in peace keeping duties under the UN mandate; the number of soldiers involved in each case; and if he will make a statement on the matter. [17200/06]

122. **Mr. Naughten** asked the Minister for Defence the situation with respect to Irish troops serving in Liberia and Sierra Leone; and if he will make a statement on the matter. [17157/06]

123. **Mr. Gormley** asked the Minister for Defence the position regarding Irish troops serving with UNMIL in Liberia; and if he will make a statement on the matter. [17177/06]

129. **Ms B. Moynihan-Cronin** asked the Minister for Defence if he will provide an assessment of the security situation in Liberia; his views on whether the situation necessitates the extension of involvement of Irish troops in the UNMIL mission beyond the November 2006 withdrawal date; if further consultations have been held with the UN Secretary General on this issue; and if he will make a statement on the matter. [17217/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 100, 122, 123 and 129 together.

Ireland is currently contributing approximately 765 Defence Forces personnel to 19 different missions throughout the world. Full details of all personnel currently serving overseas are listed in the following tabular statement.

The main commitments are to the United Nations Mission in Liberia (UNMIL), with 422 personnel, to the NATO-led International Security presence (KFOR) in Kosovo, with 213 personnel and to EUFOR, the EU-led operation in Bosnia and Herzegovina, with 60 personnel.

Ireland has participated in UNMIL since December 2003 following a decision of the Government on 24 June, 2003, and the subsequent approval by Dáil Éireann of the neces-

sary enabling motion. Since then, the UN Security Council has authorised the continuation of UNMIL for successive periods and the Government have approved continued Irish participation.

Ireland, together with an Infantry Company Group from Sweden, provides the Quick Reaction Force (QRF) to the UNMIL Force Commander. The Irish contingent currently comprises 422 personnel. The role of the QRF is to respond rapidly to any crises that arise within the area of operations and support other UNMIL deployed contingents, including through long-range patrols into the countryside. While it has been a difficult mission, particularly in terms of the operating environment, it is working very well for the Defence Forces.

In December 2005, Ireland agreed to a request from the UN for support in expanding the area of operations of UNMIL to include Sierra Leone, as authorised under UN Security Resolution 1626 of 19 September, 2005, and in particular to allow Irish troops to be made available for extraction operations should there be a requirement to evacuate the staff and detainees of the Special Court of Sierra Leone in Freetown. The Irish contingent assumed its additional responsibilities in late December 2005 following Dáil approval on 15 December, 2005. UNMIL is currently providing a permanent guard of 250 personnel of the Mongolian contingent at the Special Court.

In addition to conducting normal patrolling and security operations in Liberia, the Irish contingent currently conducts limited operations in Freetown, Sierra Leone in support of the Special Court for Sierra Leone. Since 30 March, 2006, a small detachment of the QRF, including both Irish and Swedish troops, have been deployed to

Freetown, prepared to support the security of the Special Court, if necessary.

The current Irish commitment to UNMIL is until November 2006, when we are due to withdraw from the mission together with our Swedish partners. In a letter to An Taoiseach on 3 March, 2006, the UN Secretary-General requested Ireland to consider postponing the withdrawal of its troops from UNMIL for a period of at least six months, in order to give the UN time to find a suitable replacement for the Quick Reaction Force (QRF) capability. This request is currently under consideration.

Our current assessment is that the security situation in Liberia, while continuing to be fragile, is stable and progressing positively. We are also of the view that the remaining forces should be well capable of handling the ongoing security situation generally.

That said, I can assure the House that Ireland remains committed to Peace Support Operations in Africa under a UN flag. Detailed consultations have taken place with the UN including at a high level meeting at UN Headquarters in New York on 24 April involving representatives of my Department, the Defence Forces and our Ambassador to the UN. We are now in the process of finalising our consideration in the matter in light of these discussions. I am confident that we will be able to respond positively to the Secretary General's request for one further 6 month extension to May, 2007, whereupon we will then withdraw the contingent. I am advised that the UN is actively engaged in efforts to find a suitable replacement for the capability provided by the Irish/Swedish contingent and that the period to May 2007 will enable them to complete this process.

Members of the Permanent Defence Force serving Overseas as of 01 May, 2006

1. UN Missions	
(i) UNIFIL (United Nations Interim Force in Lebanon)	5
(ii) UNTSO (United Nations Truce Supervision Organisation) — Israel, Syria and Lebanon	13
(iii) MINURSO (United Nations Mission for the Referendum in Western Sahara)	4
(iv) UNMIK (United Nations Interim Administration Mission in Kosovo)	4
(v) MONUC (United Nations Mission in Democratic Republic of the Congo)	3
(vi) UNOCI (United Nations Mission in Ivory Coast)	2
(vii) UNMIL (United Nations Mission in Liberia) FHQ	6
UNMIL 94th Inf Bn	416
TOTAL	453
UN Mandated Missions	
(viii) EUFOR (EU-led Operation in Bosnia and Herzegovina)	60
(ix) KFOR (International Security Presence in Kosovo)	213
(x) ISAF (International Security Assistance Force in Afghanistan)	7
Total number of personnel serving with UN missions	733

[Mr. O'Dea.]

2. EU Missions	
(i) European Union Monitor Mission (EUMM) to the former Yugoslavia	5
(ii) EU support to UN authorised African Union Mission in Sudan (AMIS)	3
(iii) ACEH Monitoring Mission (AMM)	1
TOTAL NUMBER OF PERSONNEL SERVING WITH EU MISSIONS	9
3. Organisation for Security and Co-operation in Europe (OSCE)	
(i) OSCE Mission to Bosnia & Herzegovina	1
(ii) OSCE Mission in Montenegro	1
(iii) OSCE Presence in Albania	2
(iv) OSCE Mission in FRY	2
(v) OSCE Mission in Georgia	1
(vi) Staff Officer, Higher Level Planning Group, Vienna	1
Total number of personnel serving OSCE	8
4. Head of Military Staff (Brussels)	1
5. EU Military Staff (Brussels)	4
6. EU Military Staff (New York)	1
7. Liaison Office of Ireland, PfP (Brussels)	2
8. Permanent Representative to EU (Brussels)	3
9. Military Representatives/ Advisers	
(i) Military Adviser, Permanent Mission to UN, New York	1
(ii) Military Adviser, Irish Delegation to OSCE, Vienna	1
(iii) Military Representative to Partnership Co-ordination Cell/Supreme Headquarters Allied Powers Europe (SHAPE), Mons, Belgium	1
10. Appointments — UN HQ (New York)	
(iii) Officer seconded to DPKO (Department of Peace Keeping Operations)	1
TOTAL NUMBER DEFENCE FORCES PERSONNEL SERVING OVERSEAS	765

Emergency Planning.

101. **Mr. Boyle** asked the Minister for Defence if the Civil Defence services have participated in exercises under the national emergency plan for nuclear accidents; and if he will make a statement on the matter. [17178/06]

Minister for Defence (Mr. O'Dea): The Civil Defence is a declared resource of the Radiological Protection Institute of Ireland (RPII). They have a specific role in the National Emergency Plan for Nuclear Accidents. Civil Defence volunteers are exercised regularly in their role in relation to the National Emergency Plan.

In May 2005 they exercised their assigned role in the national emergency plan for nuclear accidents with regard to the monitoring of radiation and collection of samples for analysis. The exercise was undertaken in conjunction with the RPII who provided positive feedback to Civil Defence with regard to the conduct of the Exercise. The RPII is represented on the Civil Defence Board and the organization will be continuing with ongoing training with regard to exercising its role in the plan.

Emergency Services.

102. **Mr. Noonan** asked the Minister for Defence if the Naval Service made a report to the Irish Marine Emergency Service with respect to pollution since 1 January 2006; and if he will make a statement on the matter. [17133/06]

Minister for Defence (Mr. O'Dea): The Irish Coast Guard, formerly the Irish Marine Emergency Service, under the aegis of the Department of Transport, is the State Agency with responsibility for marine emergency management within the Irish Pollution Response Zone (IPRZ). The role of the Naval Service in pollution control involves the provision of aid to the civil authority, i.e. the Irish Coastguard, as and when required, through the monitoring and reporting of pollution, the clearing up of pollution and the enforcement of regulations pertaining to Dumping at Sea. The Naval Service has not made any report to the Irish Coast Guard in respect of pollution since 1 January 2006.

Question No. 103 answered with Question No. 68.

Defence Forces Investigations.

104. **Mr. Broughan** asked the Minister for Defence the position regarding his request to military authorities to examine all aspects of the Niemba Ambush in the Congo in November 1960; when he expects this investigation to conclude; and if he will make a statement on the matter. [17222/06]

Minister for Defence (Mr. O’Dea): I undertook during Priority Questions on Thursday 23 February, 2006 to ask the military authorities to revisit this matter in light of the questions raised on that date. The Chief of Staff has appointed a Senior officer to examine all aspects of the Niemba ambush in the Congo in November 1960. So far contact has been made with both survivors. One has been interviewed already and the other is unavailable for interview until later this month. The examining officer has also contacted other interested parties both at home and abroad. Due to the diversity of this investigation it is unlikely that it will be completed for some time. I will contact the Deputy when this process has been completed.

Reserve Defence Forces.

105. **Mr. McGinley** asked the Minister for Defence if adequate clothing and equipment is available to members of the Reserve Defence Force; and if he will make a statement on the matter. [17152/06]

Minister for Defence (Mr. O’Dea): Adequate clothing and equipment is available to Reserve Defence Force personnel, and the scale of issue reflects the recommendations of the Reserve Defence Force Review Implementation Plan. The military authorities have advised me that with regard to clothing an enhanced scale of personal issue has been approved and will be published in the near future. In addition to personal issues there is provision for the issue of specialised and protective equipment i.e. sleeping systems, protective boots and rain gear as requested. The military authorities have advised that earlier in the year there have been delays with the issue of clothing and equipment. These problems have now been sorted and personnel will be issued with the necessary clothing.

Investment in new equipment, clothing and infrastructure for the Defence Forces is provided for under various Subheads of the Defence Vote. All elements of the Defence Forces, the Army, Air Corps, Naval Service and the Reserve have benefited from this investment in new equipment.

Overseas Missions.

106. **Mr. Cuffe** asked the Minister for Defence the way in which the Defence Act 1960 needs to

be amended in order that its wording more closely reflects current practice in the formulation of UN Security Council resolution endorsing peace support operations; the implications for Irish defence policy of such a change; and if he will make a statement on the matter. [17180/06]

Minister for Defence (Mr. O’Dea): Ireland’s participation in Peace Support Operations is subject to what has come to be known as the Triple Lock — i.e. Government decision, Dáil Éireann approval and UN authorisation. This will also be the case for any operations which may be undertaken on EU Battlegroups. This is entirely consistent with our foreign policy commitment to collective security which recognizes the primary role of the UN Security Council in the maintenance of international peace and security and our tradition of support for the United Nations.

I intend to introduce amending legislation, which will, amongst other things, update and amend the definition of “International United Nations Force”, as provided for in current legislation. The amendment will reflect the changes in the organisation and structure of forces deployed on peace support operations by the UN, in particular, the use of regional organisations to organise forces to undertake peace support operations under a UN Security Council Resolution.

Over the years, UN authorisation of peace support operations has come in different forms in terms of the specific formulation of the mandate. The terms “establish”, “authorise”, “authorise/support the establishment of”, “calls on member States”, have all been used at various junctures in UN Security Council Resolutions. It is important to ensure that future participation in peace support operations is not precluded due to the specific form of language in a UN Security Council Resolution. As such, the amendment to the definition of “International United Nations Force” will also encompass and reflect the wording of previous Security Council Resolutions and the variations in the language used in such Resolutions.

Question No. 107 answered with Question No. 68.

Emergency Planning.

108. **Mr. O’Shea** asked the Minister for Defence if there have been further meetings of the inter-Departmental Working Group on Emergency Planning to prepare for the anticipated arrival of avian flu here; the outcome of such meetings; and if he will make a statement on the matter. [17219/06]

Minister for Defence (Mr. O’Dea): The most recent meetings of the Government Task Force on Emergency Planning and the Inter-Departmental Working Group on Emergency Planning

[Mr. O’Dea.]

were specifically convened to provide the various Government Department representatives with updated briefings from the Department of Agriculture and Food with regard to avian flu and from the Department of Health and Children with regard to a possible human influenza pandemic. The Inter-Departmental Working Group on Emergency Planning is due to meet again on the 18th May.

The Department of Agriculture and Food is represented on both the Task Force on Emergency Planning and the Inter-Departmental Working Group on Emergency Planning and has been providing regular briefings on avian flu developments at these meetings over the past number of months and will provide a further briefing at the meeting on the 18th May. The situation with regard to avian flu will continue to be monitored and reviewed by that Department in close co-operation with the Department of Health and Children.

My colleague, the Tánaiste and Minister for Health and Children who has lead responsibility in this area, is addressing the various issues that may arise in relation to a flu pandemic. Avian flu or H5N1 is primarily a disease of birds. To date, there have been a very small number of human cases of H5N1 infection documented, in situations where there has been very close contact with infected birds. There is no evidence of human-to-human transmission. The representative from her Department will also provide an up to date briefing at the meeting of the Inter-departmental Working Group on Emergency Planning on the 18th May.

A detailed plan for a response to an influenza pandemic was prepared in 2004. This plan is currently being refined to reflect the most up-to-date advice of the Influenza Pandemic Expert Group and the World Health Organisation.

An Inter-Departmental Standing Committee chaired by the Department of Health and Children has also been meeting, most recently on 24th April. This Committee will support the Department of Health and Children in planning for and responding to any possible flu pandemic. Both the Task Force and the Inter-Departmental Working Group will continue to be briefed and updated on these matters and related emergency planning issues on a regular and ongoing basis.

Questions Nos. 109 and 110 answered with Question No. 68.

Overseas Missions.

111. **Ms B. Moynihan-Cronin** asked the Minister for Defence the position regarding the proposed participation of Irish troops in the EU support operation for the UN mission in the Democratic Republic of Congo; when a Govern-

ment decision will be made; when troops will be committed to the mission; and if he will make a statement on the matter. [17216/06]

Minister for Defence (Mr. O’Dea): Elections are due to take place in the Democratic Republic of the Congo (DRC) under UN supervision in July 2006. In December 2005, the UN Department of Peacekeeping Operations (DPKO) invited the EU to consider the possibility of providing “a suitably earmarked force reserve that could enhance MONUC’s quick reaction capabilities during and immediately after the electoral process.”

MONUC is the UN mission in the Democratic Republic of the Congo and was established in February 2000 by the United Nations Security Council. It is headquartered in Kinshasa and consists of about 16,000 troops. Ireland contributes three military observers to the mission.

United Nations Security Council Resolution 1671 of 25 April, 2006 authorised the EU to deploy a European Union Force, codenamed “EUFOR RD Congo”, in the Democratic Republic of the Congo (DRC) in support of MONUC, during the electoral period in the DRC, for a period ending four months after the date of the first round of the presidential and parliamentary elections there. The DRC authorities have welcomed possible EU military support to MONUC during the electoral process. On 25 April, 2006, the Council of the EU adopted a “Joint Action” to launch the mission.

Ireland from the outset has been positively disposed towards the proposed mission and has supported a positive response from the EU to the UN request. In this regard, Ireland advised the Chairman of the EU Military Staff that, subject to national decision-making procedures, Ireland was prepared to offer up to ten Headquarters personnel for the mission. Today, the Government approved the despatch of up to ten (10) members of the Permanent Defence Force for service with the new mission. Ireland’s proposed contribution is well in line with that of other contributing member States and has to be looked at in the context of our existing major commitments to peacekeeping operations.

Two Defence Forces officers have been assigned to the Operational Headquarters for the mission in Potsdam (Germany) for pre-deployment training and familiarisation. Ireland is currently awaiting details from the EU Military Staff regarding the deployment of the remaining personnel.

Defence Forces Deployment.

112. **Mr. G. Mitchell** asked the Minister for Defence the incidents which have occurred between members of the Defence Forces providing security at Shannon Airport and protestors

since 1 January 2006; and if he will make a statement on the matter. [17101/06]

Minister for Defence (Mr. O’Dea): An Garda Síochána have the primary responsibility for law and order, including the protection of the internal security of the State. Among the roles assigned to the Defence Forces is the provision of aid to the civil power (meaning in practice to assist, when requested, an Garda Síochána), which duties include the protection and guarding of vital installations. I have been advised by the Military Authorities that there are no reported incidents between the members of the Defence Forces providing security at Shannon Airport and protesters since 1st January 2006.

Defence Forces Ombudsman.

113. **Mr. Allen** asked the Minister for Defence if the Office of the Ombudsman has been established; the number of cases which have been submitted to that office to date; the number of these which have been dealt with; the outcome of same; and if he will make a statement on the matter. [17124/06]

Minister for Defence (Mr. O’Dea): The Office of the Ombudsman for the Defence Forces was established under the Ombudsman (Defence Forces) Act 2004. In accordance with the terms of Section 2 of the Act, the President, acting upon the recommendation of the Government, appointed Ms Paulynn Marrinan Quinn SC as Ombudsman for the Defence Forces with effect from the 19th September 2005.

The Ombudsman (Defence Forces) Act 2004 (Commencement Order) 2005 brought the relevant parts of the Act into operation in two steps. Those parts of the Act relevant to the actual setting up of the Office of Ombudsman for the Defence Forces came into effect from the 31st August 2005. All other parts of the Act came into effect from 1st December 2005. Specifically, an action or decision that is the subject of a complaint to the Ombudsman must have occurred no earlier than the 1st December 2005.

Complaints in relation to any actions or decisions which occurred before 1st December 2005 will be dealt with under the present administrative arrangements, operating under Section 114 of the Defence Act 1954, and agreed with the representative associations in 1996, providing for the examination of complaints by the civilian Complaints Inquiry Officer (CIO). This separate ‘CIO’ stream will continue in parallel on a transitional basis until all remaining complaints about pre 1st December 2005 matters are cleared through that system.

In accordance with the terms of the Act, the Ombudsman for the Defence Forces is independent in the performance of her functions. There-

fore, I do not consider it appropriate for me to seek details as to the number of cases already submitted to the Office of the Ombudsman, the status of those complaints, or the current treatment of those cases by the Ombudsman. To date, I have received no reports or recommendations from the Ombudsman on the outcome of the investigation of any individual cases. The Ombudsman for the Defence Forces will produce an annual report for the Houses of the Oireachtas, in accordance with the requirements of the legislation.

I can inform the Deputy that since 1st December, 28 complaints have been made within the military system under Section 114 of the Defence Act 1954, as now amended by the Ombudsman (Defence Forces) Act 2004, seeking redress of wrongs. Those redress complainants, whose complaints relate to matters occurring on or after 1st December 2005, are eligible to refer their complaint to the Ombudsman if a complainant so desires.

Decentralisation Programme.

114. **Mr. McEntee** asked the Minister for Defence the number of Civil Defence personnel who have relocated to Roscrea, County Tipperary; the number of these who were in the Civil Defence headquarters in Dublin; and if he will make a statement on the matter. [17110/06]

Minister for Defence (Mr. O’Dea): The Civil Defence Board has completed its relocation from Dublin to its new premises in Roscrea, County Tipperary. The number of Civil Defence personnel who have relocated to Roscrea is 17; the number of those who were in the Civil Defence headquarters in Dublin is 11. This does not include 2 personnel who had re-located from Civil Defence headquarters in Dublin to Roscrea but have since left on decentralisation.

Air Corps Support.

115. **Mr. Ring** asked the Minister for Defence the number of aid to the civil power operations the Air Corps have been involved in since 1 January 2006; and if he will make a statement on the matter. [17146/06]

Minister for Defence (Mr. O’Dea): To aid the civil power (meaning in practice to assist, when requested, An Garda Síochána who have the primary responsibility for law and order, including the protection of the internal security of the State) is among the roles assigned to the Defence Forces. In this regard, the Defence Forces assist the Gardaí as required in duties, which include cash escorts, prison escorts and explosives escorts.

The Air Corps have completed three (3) Aid to Civil Power Missions since 1 January 2006. It

[Mr. O'Dea.]

is not the practice, for security reasons, to give details relating to these operations. In addition the Garda Air Support Unit provides a 24 hour, all year immediate response capability for air support within the State.

Question No. 116 answered with Question No. 68.

Defence Forces Property.

117. **Mr. G. Mitchell** asked the Minister for Defence the approaches which have been made to him or his Department to purchase or co-develop Casement Aerodrome, Baldonnel; and if he will make a statement on the matter. [17103/06]

Minister for Defence (Mr. O'Dea): Casement Aerodrome, Baldonnel is the principal base of the Air Corps. With the withdrawal of aircraft from Gormanston and the relocation of Air Corps headquarters to Baldonnel, the Air Corps has the basis for better management of its resources. Baldonnel will continue to be the centre of military aviation in Ireland.

Periodic interest by the private sector has been expressed during the past decade or so in relation to the use of Casement Aerodrome for Civil Aviation purposes. No recent approaches, however, have been made to my Department with regard to the purchase or co-development of the Aerodrome.

The establishment of facilities for civil aviation purposes is primarily a matter for the Minister for Transport. Under the Irish Aviation Authority Act 1993, however, aerodromes under my authority are precluded from regulation by the Irish Aviation Authority. Only the regulation of military aviation activities at military aerodromes comes within my remit.

Before any consideration could be given to having commercial aviation at Baldonnel it would be necessary to bring Casement Aerodrome within the licensing and regulatory control of the Irish Aviation Authority, which would require an amendment to Section 3 of the Irish Aviation Authority Act, 1993. This is a matter for consideration in the first instance by the Minister for Transport.

Question No. 118 answered with Question No. 98.

Question No. 119 answered with Question No. 75.

Overseas Missions.

120. **Mr. Eamon Ryan** asked the Minister for Defence if EU battlegroup exercises involving foreign armies will be allowed to take place here as part of our EU battlegroups commitments; and

if he will make a statement on the matter. [17184/06]

124. **Mr. Durkan** asked the Minister for Defence the extent to which members of the Irish Defence Forces have participated in EU or NATO lead or inspired, military training exercises in anticipation of EU battlegroup or PFP engagements; and if he will make a statement on the matter. [17015/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 120 and 124 together.

I am advised by the Attorney General that there is a constitutional impediment to the training and exercising of foreign troops in Ireland and, as such, there are no plans for the training of foreign troops in this country. It is expected that training for EU Battlegroups will normally take place in the country of the lead or framework nation. As Ireland is not a framework nation, the situation of foreign troops exercising in Ireland will not, therefore, arise.

As part of its study into possible participation in Battlegroups, the Interdepartmental Group recommended some changes to current legislation in light of the need for increased interoperability and training so that Irish troops can be more effective and more efficient once deployed. Overseas training, where our Defence Forces can learn from best practice in other countries, is essential to the development and maintenance of high standards in the military, and our existing peace support operations, where we work alongside many other armies. In this regard, in the proposed amendments to the Defence Acts, I plan to provide for participation by the Defence Forces in training and exercises abroad.

Question No. 121 answered with Question No. 67.

Questions Nos. 122 and 123 answered with Question No. 100.

Question No. 124 answered with Question No. 120.

Emergency Planning.

125. **Mr. McCormack** asked the Minister for Defence if there is an emergency plan for Dublin Harbour; if so, the role the Naval Service has in such a plan; and if he will make a statement on the matter. [17137/06]

Minister for Defence (Mr. O'Dea): The emergency plan for Dublin Harbour is a matter for the Dublin Port Harbourmaster. The Naval Service has no role in this emergency plan.

Question No. 126 answered with Question No. 67.

Defence Forces Deployment.

127. **Ms Shortall** asked the Minister for Defence the deployment of the Defence Forces throughout the country; the criteria for such deployment; and if he will make a statement on the matter. [17203/06]

Minister for Defence (Mr. O’Dea): The current deployment of the Permanent Defence Force, which comprises the Army, Air Corps and Naval Service, is based on and derives from the Defence Forces Review Implementation Plan 1996-1998 and the subsequent White Paper on Defence of February 2000. The main focus during this period was on the restructuring of the Defence Forces into a more rationally structured and streamlined organization.

The deployment of Formations is broadly as follows:

ARMY

The Army is structured into 3 all-arms Brigades, consisting of Combat, Combat Support and Combat Service Support elements. Each Brigade is designated a territorial area of responsibility, specific Garrison locations and a recruitment area as follows:

- 2 Eastern Brigade
Covers Counties Wicklow, Kildare, Dublin, Meath, Louth and Monaghan.
- 1 Southern Brigade
Covers Counties Cork, Kerry, Clare, Limerick, Tipperary, Waterford, Laois, Kilkenny, Carlow and Wexford.
- 4 Western Brigade

Covers Counties Galway, Mayo, Sligo, Leitrim, Donegal, Cavan, Roscommon, Longford, Westmeath, Offaly.

- Defence Forces Training Centre
The DFTC and the Defence Forces Logistics Base at the Curragh support the training and logistics functions for the Permanent Defence Force and the Reserve Defence Force.

AIR CORPS

The Air Corps, based at Casement Aerodrome, Baldonnel consists of an Operational Headquarters, 2 Operational Wings (consisting of a Training/Light Strike Squadron, Helicopter Squadrons, a Maritime Squadron, a Transport Squadron and a Fixed Wing Reconnaissance Squadron 2 Support Wings (tasked with specialist maintenance of the aircraft fleet), an Air Corps Training College and a Communication and Information Services Squadron.

NAVAL SERVICE

The Naval Service is based at Haulbowline in Co. Cork. It consists of an Operational Headquarters, an Operations Command, a Support Command and a Naval Service College. It has a flotilla of 8 Ships consisting of a Helicopter Patrol Vessel (HPV) Squadron, a Large Patrol Vessel (LPV) Squadron, an Offshore Patrol Vessel (OPV) Squadron and a Coastal Patrol Vessel (CPV) Squadron. The Support Command is responsible for personnel and all logistical, engineering and maintenance functions.

The following table shows the strength of the Permanent Defence Force on 31 March, 2006 as per the above deployment:

	Officers	NCO's	Privates	Total
Army				
2 Eastern Brigade (including DFHQ)	419	994	1,313	2,726
1 Southern Brigade	188	657	1,152	1,997
4 Western Brigade	207	711	1,206	2,124
Defence Forces Training Centre	228	674	716	1,618
Total Army	1,042	3,036	4,387	8,465
Air Corps	135	404	308	847
Naval Service	163	490	413	1,066
Defence Forces	1,340	3,930	5,108	10,378

Question No. 128 answered with Question No. 87.

Question No. 129 answered with Question No. 100.

Question No. 130 answered with Question No. 74.

Question No. 131 answered with Question No. 84.

Defence Forces Strength.

132. **Mr. Penrose** asked the Minister for Defence the number of personnel in the Army, Marine and Air Force for each of the past 10 years; and if he will make a statement on the matter. [17201/06]

Minister for Defence (Mr. O’Dea): The White Paper on Defence of February 2000 sets out a figure of 10,500 personnel for the Permanent Defence Force, comprising 930 for the Air Corps,

[Mr. O'Dea.]

1,144 for the Naval Service and 8,426 for the Army. It is my intention to maintain the established Government policy of ongoing recruitment to the Defence Forces. Recruitment into the Permanent Defence Force will continue to maintain the strength at the level set out in the White

Paper as required to meet military needs. The Defence Forces continue to have a proactive approach to all aspects of recruiting.

The strength of the Permanent Defence Force for each of the years 1997 to 2006, as advised by the military authorities, is provided in the following tabular statement.

Strength of the Army

Date	Officers	NCOs	Privates	Total
31 Dec. 1997	1,111	3,479	4,905	9,495
30 Sept. 1998*	1,096	3,471	5,065	9,632
31 Dec. 1999	1,030	3,359	4,754	9,143
31 Dec. 2000	1,016	3,249	4,645	8,910
31 Dec. 2001	1,019	3,159	4,638	8,816
31 Dec. 2002	997	3,130	4,493	8,620
31 Dec. 2003	1,027	3,086	4,404	8,517
31 Dec. 2004	1,039	3,072	4,481	8,592
31 Dec. 2005	1,051	3,060	4,427	8,538
31 Mar. 2006#	1,042	3,036	4,387	8,465

Strength of the Air Corps

Date	Officers	NCOs	Privates	Total
31 Dec. 1997	132	419	495	1,046
30 Sept. 1998*	129	400	482	1,011
31 Dec. 1999	121	346	426	893
31 Dec. 2000	130	335	375	840
31 Dec. 2001	126	379	407	912
31 Dec. 2002	137	395	373	905
31 Dec. 2003	137	414	351	902
31 Dec. 2004	140	398	333	871
31 Dec. 2005	134	403	315	852
31 Mar. 2006#	135	404	308	847

Strength of the Naval Service

Date	Officers	NCOs	Privates	Total
31 Dec. 1997	126	434	455	1,015
30 Sept. 1998*	123	434	455	1,012
31 Dec. 1999	111	434	463	1,008
31 Dec. 2000	116	435	425	976
31 Dec. 2001	116	426	405	947
31 Dec. 2002	136	437	461	1,034
31 Dec. 2003	139	467	473	1,079
31 Dec. 2004	156	490	442	1,088
31 Dec. 2005	163	471	421	1,055
31 Mar. 2006#	163	490	413	1,066

*Due to the re-organisation of the Permanent Defence Force during the last Quarter of 1998 the military authorities did not compile the usual end of year strengths for that year. The latest available statistics for 1998 are the September 1998 Quarterly returns.

#Most recent available figures for 2006.

Question No. 133 answered with Question No. 75.

Emergency Planning.

134. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself regarding the degree to which the Defence Forces are prepared and equipped in the event of a terrorist attack; if an adequate and reliable early warning system is in place; the extent to which it is possible to contain or isolate such an incident; and if he will make a statement on the matter. [17016/06]

Minister for Defence (Mr. O’Dea): The most important defence against any terrorist attack is detection and prevention by the security forces. While An Garda Síochána have the primary responsibility for law and order, one of the roles assigned to the Defence Forces is the provision of aid to the civil power, meaning in practice to assist, when requested, an Garda Síochána. The various components of the Defence Forces are active in this regard, providing such assistance as is appropriate in specific circumstances. The level of any terrorist threat to Ireland is continually assessed. The advice available to me would suggest that while the terrorist threat to parts of Europe is currently high, in relation to Ireland, it is low. However it is prudent that we take precautions and keep matters under continuous review.

The Defence Forces make contingency plans for a range of scenarios where the State may be at risk. An urgent and detailed review to deal with a range of emergency situations was undertaken by the military authorities following the events of September 11. It included, inter alia, an up-date of the threat assessment: intensive contacts with other State Agencies, a reassessment of Operations Orders relating to vital installations, alert systems, the Army Ranger Wing, Ordnance and Engineer aspects in terms of Explosive Ordnance Disposal and Specialist Search and a review of equipment including the need for air defence. All matters arising were addressed and all procedures updated as required. However as the Deputy will appreciate it is not possible to expand on the operational details of such plans.

The capacity of the Defence Forces to deal with major emergencies is kept under constant review. Plans and procedures are updated as necessary and such additional equipment as is required to address any perceived deficiencies is acquired on the basis of identified priorities. Training and preparation for such events is also provided for in the Defence Forces Annual Training Plan.

The most important defence against any attack is of course external vigilance, detection and prevention by the security forces. All the necessary resources of the Garda Síochána and the Defence Forces are deployed to this end.

Census of Population.

135. **Ms C. Murphy** asked the Taoiseach his views on introducing a population registration system as a replacement of the Census of population system in view of the fact that such a system would have the benefit of real time information rather than historic information gathered at one point in time and in further view of the potential for such a system to be used for planning services together with providing an accurate electoral register; and if he will make a statement on the matter. [17346/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The introduction of a population registration system is not fundamentally a statistical issue — it would have major implications for the organisation and regulation of civil society. Countries which maintain population registers make registration a mandatory requirement before transactions such as change of residence, eligibility for school attendance and entitlement to a driver’s licence, can be undertaken. Registration might also involve members of the public carrying national identity cards.

The introduction and maintenance of a fully functioning population registration system could only take place if the necessary legal underpinning in relation to data protection and data privacy is in place. In particular the use of population register details for electoral register purposes would require the relevant legal backing bearing in mind the mandatory nature of population registration compared with the present voluntary nature of registration on the Register of Electors.

In devising a population register all relevant stakeholders would have to be consulted in an open and transparent way and the necessary agreement reached before committing to a project of this magnitude.

Clear statistical benefits would flow from a fully functioning and comprehensive population register. The administrative data derived from this source could form part of the corpus of official statistics. Some countries use information from administrative databases such as population and housing registers as a replacement for traditional population censuses. The costs of establishing and maintaining a register would be significant and it should be emphasised that realising the statistical benefits would require ongoing quality assessments of the up-to-dateness of the register details.

Among the benefits, which might accrue, are major cost savings and a reduction of respondent burden. However, the topics covered in any analysis of administrative sources would of necessity be confined to those on the relevant register. This might be a serious shortcoming as it is unlikely that the richness and variety of the topics covered in a census could be replicated in a population register.

[Mr. Kitt.]

Many of the countries with population registers adhere to the same frequency of publishing census type information as those which undertake traditional censuses only while the use of scanning and recognition technologies and automatic coding techniques have meant that the results of traditional censuses are now made available within a reasonable time-frame.

Tribunals of Inquiry.

136. **Mr. Quinn** asked the Taoiseach if he has received from the Tribunal of Inquiry into Certain Planning Matters and Payments notification of a decision of the Tribunal under paragraph J (2) of its terms of reference, being a decision to proceed with a public hearing on a matter additional to the matters listed in paragraph J (1) (a) to (g) of those terms of reference; if so, the number of such notifications and the nature of the additional matter or matters; and if he will make a statement on the matter. [16848/06]

The Taoiseach: It is assumed that the Deputy's question relates to my official position as Taoiseach. My Department has not received any notification of a decision by the Tribunal of Inquiry into Certain Planning Matters pursuant to paragraph J [2] of its amended terms of reference. I have no official role in relation to any such notifications that may have been issued to individuals on a personal basis. Such individuals are requested by the Tribunal not to disclose that fact or the names of other persons written to.

Programme for Government.

137. **Mr. Lowry** asked the Taoiseach the progress to date on the implementation of the Programme for Government; the measures he intends to take to ensure that the many outstanding items are addressed in the lifetime of this Dáil; and if he will make a statement on the matter. [16989/06]

The Taoiseach: Progress on the implementation of the Government Programme is kept constantly under review. For every full year that Fianna Fáil and the Progressive Democrats have been in Government, we have published an Annual Progress Report. The Third Annual Progress Report of this current administration was published on 25 July, 2005. Work has commenced on the Fourth Annual Progress Report and it is intended to publish this later this summer.

The Progress Reports set out the progress to date in implementing every single commitment contained within the Programme for Government. It is the responsibility of each individual Minister to ensure that the commitments in the Programme that fall within their particular portfolio are fully implemented. The Department of the Taoiseach derives its mandate from my role as Head of Government. As such, it is involved

to some degree in virtually all aspects of the work of Government. It provides support to me as Taoiseach and to the Government through the Government Secretariat, the Cabinet Committee system and through its involvement in key policy areas and initiatives.

The current key strategic priorities of the Department are set out in its Strategy Statement. They include:

- Northern Ireland;
- EU and International Affairs;
- Economic and Social Policy;
- Social Partnership;
- Public Service Modernisation; and
- the Information Society and e-Government.

Both I and the Ministers of State in my Department answer Questions in the House on these issues. In all of its work, my Department works closely with other Departments and Offices. Individual Ministers are of course answerable to the House in respect of their own specific areas of responsibility.

The key areas for which my Department is responsible in terms of the Agreed Programme for Government can be broadly summarised as follows:

- Supporting the development and implementation of social partnership;
- Working with the British Government and the parties in Northern Ireland to achieve the implementation of the Good Friday Agreement in all its aspects;
- Co-ordinating the eGovernment initiative to bring about an expansion in the range and quality of online Government services; and
- Ensuring that Ireland's key objectives in the European Union are carried forward in the context of my role as a member of the European Council.

Audit Committees.

138. **Mr. Kenny** asked the Taoiseach if he will provide a list of the membership of his Department's audit committee; and if he will make a statement on the matter. [17030/06]

The Taoiseach: My Department's Internal Audit Committee comprises four members, of whom two are external members. The members are appointed by the Secretary General of my Department in his capacity as Accounting Officer. The Committee is as follows: Mr John Malone, former Secretary General of the Department of Agriculture and Food (Chairman / external member); Ms Sylva Langford, Director General of the Office of the Minister for Children

(external member); Mr Peter Ryan, Assistant Secretary to the Government, Department of the Taoiseach; and Mr Martin Fraser, Director, Northern Ireland Division, Department of the Taoiseach.

Census of Population.

139. **Mr. Cuffe** asked the Taoiseach the population of each of the four Dublin counties at the year end for each of the past ten years for which figures are available. [17357/06]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The most up-to-date information for the population of each of the four Dublin counties is available from Censuses of Population. The following table gives the population of each of the four Dublin counties based on Censuses held in 1996 and 2002.

Population of Dublin in 1996 and 2002.

County	Total Persons	
	1996	2002
Dublin City	481,854	495,781
Dún Laoghaire-Rathdown	189,999	191,792
Fingal	167,683	196,413
South Dublin	218,728	238,835
Total	1,058,264	1,122,82

Health Services.

140. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children when standards will be set for the administration of assessments of personal needs arising out of disabilities and the drawing up of service statements specifying the services to be provided; and when a mechanism will be put in place to capture the data from the service statements. [16927/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Significant preparatory work related to the implementation of Part 2 of the Disability Act 2005 has been undertaken to date by my Department with the Health Service Executive. This includes a programme of consultation which is specifically designed to involve key stakeholders in the formulation of the structure which will support the delivery of the assessment of need process. The programme includes a conference which took place in February and a series of three consultation workshops which are being held in May in Dublin, Carrick on Shannon and Cork.

The ongoing preparatory work in relation to Part 2 of the Disability Act 2005 also has to take account of the related provisions in the Education for Persons with Special Educational Needs Act 2004. These relate to the assessment of children with special educational needs and the delivery of

appropriate health related support services by the HSE. These two legislative measures are complementary, with the same standards applying to the assessment of need processes provided for in both Acts. The Department of Health and Children and the HSE are working with the Department of Education and Science and the National Council for Special Education to progress these matters. The outcome of the consultation process, together with the other preparatory work will provide the basis for drafting the necessary regulations provided for in Part 2. This process will inform my Department in relation to the time-scale for commencement of the provisions of Part 2, which includes, inter alia, provision for service statements and data collection mechanisms.

Under Sections 31 and 32 of the Disability Act my Department is required to prepare a Sectoral Plan for the implementation of the Act. Work on this plan is currently underway.

Services for People with Disabilities.

141. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if she has studied the Comptroller and Auditor General's report on disability services which indicates that over 60 per cent of persons with intellectual disabilities are awaiting new or enhanced services or will require such services before 2010 and around half of all physical and sensory disability cases are either not getting the desired level of service or are awaiting assessment; and the steps he is taking to address this situation by meeting these new and existing needs. [16928/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The data referred to by the Deputy and used by the Comptroller & Auditor General in his Report on Value for Money Examination entitled "Provision of Disability Services by Non-profit Organisations" published in March, 2006 was taken from the 2005 Annual Report of the National Intellectual Disability Database 'Assessment of Need 2006-2010' and the First Annual Report of the National Physical and Sensory Disability Database 2004 'Service Requirements' 2005-2009.

It should be noted that the majority of individuals described as having service needs are already in receipt of a major element of service. For example, of the overall total of 2,270 people with an intellectual disability who require a major element of service in the period 2006 to 2010, 86.9% are already in receipt of at least one major element of service such as a day service.

An integral part of the National Disability Strategy is the Multi-Annual Investment Programme, published in December 2004 by the Government, which contains details of specific commitments in relation to the provision of specific high priority disability services over the period 2006 to 2009. These commitments include the development of new residential, respite and

[Mr. T. O'Malley.]

day places for persons with intellectual disability and autism in each of the years covered by the programme.

Additional funding amounting to €59 million is being provided in 2006 to meet costs associated with the various elements of this programme. This funding will be used to put in place 255 new residential places, 85 new respite places and 535 new day places for persons with intellectual disability and those with autism, and also to progress the programme to transfer persons with intellectual disability/autism from psychiatric hospitals and other inappropriate placements.

In addition to the specific high profile disability services which are included in the programme outlined above, further additional funding amounting to €41 million is being provided to enhance the multi-disciplinary support services for people with disabilities in line with the Government's commitment to build capacity within the health services in order to deliver on the various legislative provisions contained in the National Disability Strategy. Capital funding amounting to €55m is also being provided in 2006 to support these developments.

Sunbed Regulation.

142. **Dr. Upton** asked the Tánaiste and Minister for Health and Children her plans to introduce legislation to regulate the use of sunbeds in commercial premises; and if she will make a statement on the matter. [17405/06]

Tánaiste and Minister for Health and Children (Ms Harney): I am advised by the medical staff in my Department that ultraviolet light, either through natural exposure or sunbed exposure increases the risk of developing skin cancer, particularly melanoma. The use of sunbeds leads to damage from ultraviolet radiation in the same way as sunlight exposure. Exposure in childhood is associated with even greater risks of subsequent melanoma.

The National Cancer Forum has considered measures to reduce exposure to ultraviolet radiation in the context of the development of the new National Cancer Control Strategy. The Forum submitted the Strategy to me in January and my Department is currently considering the document prior to submission to Government.

Hospital Services.

143. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children the reason for the closure of the sexual assault treatment unit in Kerry General Hospital; if funding will be made available for the development of a sexual assault treatment unit in Kerry General Hospital; and if she will make a statement on the matter. [17430/06]

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, 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.

144. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if urgent assistance will be given to a person (details supplied) in County Dublin by putting in a proper support service for them and by working with their family by providing a proper, safe place; and if this will be made a priority case. [16841/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

145. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the reason for the delay in assessing adoptive parents with respect to their suitability to adopt children in County Louth; the average waiting time for such assessments on a county basis; if social workers can be contracted privately to carry out such assessments in cases in which the waiting lists are very lengthy; the moneys allocated to each county for this service in the past three years; if social workers can be allocated cases from other areas in which assessment waiting lists are small; if the assessments can be carried out as a matter of urgency in cases in which other States have already granted custody of a child to adoptive parents; and if such parents can be assessed while a child is in their care; and if she will make a statement on the matter. [16846/06]

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 (HSE) 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.

The Government did allocate €1 million to the HSE in additional ongoing funding commencing in 2005 to assist in tackling intercountry adoption

waiting times. I understand that this additional funding is being used to pilot measures which will, for example, allow for more flexible working arrangements within the HSE with a view to addressing waiting times. The registered Adoption Society, PACT, has also received significant additional funding to allow them to expand their intercountry adoption services.

Community Welfare Service.

146. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children if she will make a statement on the proposed amalgamation of the community welfare section of her Department to the Department of Social and Family Affairs; the reason for same; and the further reason the community welfare section retain its autonomy and ability to use its discretion on certain cases if the proposed amalgamation takes place. [16871/06]

Tánaiste and Minister for Health and Children (Ms Harney): I should explain at the outset that the Community Welfare Service of the Health Service Executive (HSE) administers the supplementary welfare scheme on behalf of the Department of Social and Family Affairs. It has now been decided to transfer the scheme, together with associated resources, to the Department of Social and Family Affairs. My colleague, the Minister for Social and Family Affairs and I believe that this presents an opportunity to bring about positive change for social welfare customers while advancing the Health Reform Programme.

The background to this decision is that the Commission on Financial Management and Control Systems in the Health Service (the Brennan Report) noted that, over the years, the health system had been assigned responsibility for a number of what might be regarded as non-core health activities. It recommended that the Government consider assigning non-core activities currently undertaken by agencies within the health service to other bodies.

An interdepartmental group was subsequently established to examine this issue. The Group's report (Core Functions of the Health Service Report) was submitted to, and accepted by, the Government recently. Among other recommendations, the Group considered that income support and maintenance schemes administered by the Health Service Executive, together with associated resources, should be transferred to the Department of Social and Family Affairs. I should also mention that this approach had been advocated previously in the Report of the Commission on Social Welfare in 1986 and in the Review of Supplementary Welfare Allowances by the Combat Poverty Agency in 1991.

An interdepartmental group has now commenced work to progress the implementation of the transfer. As indicated by the Deputy, community welfare officers have an important role in

addressing cases of immediate and urgent need. I am confident, along with my colleague the Minister for Social and Family Affairs, that this transfer process can be carried out without any negative effect on the standard of service currently provided by community welfare officers, or on the important role that they play in addressing issues of disadvantage in the community.

Cancer Screening Programme.

147. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children the costs of introducing a bowel cancer screening programme nationwide; her plans to introduce same; and if she will make a statement on the matter. [16894/06]

Tánaiste and Minister for Health and Children (Ms Harney): National population based screening programmes for cancer are considered where clear evidence exists of benefit to the health of the whole population to be screened. There is evidence in relation to some specific cancers which show that population based screening can improve population health in terms of survival, morbidity and quality of life. Population based screening programmes for two specific cancers, breast and cervical, have demonstrated their efficacy and planning is underway for the national roll out of these two programmes to all regions in the country.

I have received a Strategy for Cancer Control in Ireland 2006 from the Chairman of the National Cancer Forum. As part of this work, the Forum developed a framework for evidence based decision making in relation to the introduction of population based screening programmes and applied the agreed criteria to colorectal cancer screening. My Department is currently examining the Strategy with a view to bringing proposals to Government shortly. I will publish the Strategy shortly thereafter.

Health Services.

148. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children her views on the recent home helps protest; the cost of meeting the demands of home helps for a guaranteed income and proper contract of work; her plans to do same; and if she will make a statement on the matter. [16896/06]

Tánaiste and Minister for Health and Children (Ms Harney): I fully appreciate the valuable role played by the home help service in enabling people who might otherwise need institutional care to remain in their own homes. However the rate of pay and the conditions of employment for home helps have been very significantly improved since 2000.

I am advised that the appropriate hours of care for clients requiring home help services are deter-

[Ms Harney.]

mined following a clinical assessment. I have ensured that significant additional funding has been provided to the Health Service Executive (HSE) for home help services this year. An additional €33 million full year cost was allocated to the Home Help programme in Budget 2006 (€30 million of which will be for 2006 with the remaining €3 million in 2007), which will enable the HSE to provide an additional 1.75 million hours nationally in 2006. The additional resource will further enhance the service and facilitate the expressed wish of many more older people to continue to live in their own homes for as long as possible.

A comprehensive collective Agreement between health employers and SIPTU (on behalf of home helps) was finalised in 2000 regarding the terms and conditions for employment of home helps. This Agreement provided for a very significant improvement in the pay and conditions for employment for home helps. Home helps are paid in accordance with the agreed pay scale i.e. €25,590 — €28,451 per annum, or pro rata thereof for part-time staff. Home helps receive the benefits of all social partnership pay increases together with special increases under benchmarking. In addition, home helps receive the same benefits as all other staff in the health services which include premia pay, paid annual leave and paid sick leave.

I am aware that a High Level Group has been established, with representatives from the Health Service Executive and staff representatives from SIPTU and IMPACT, to address issues pertaining to the standardisation of home help services. The group held its first meeting on 23 March last and further meetings are scheduled. I understand that the group will be carrying out a detailed evaluation of outstanding issues including, for example, average hours worked since January 2001 and the aim is to have this work completed within a three month timeframe.

Hospitals Inspectorate.

149. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children the costs of introducing a hospitals inspectorate; and if she will make a statement on the matter. [16897/06]

Tánaiste and Minister for Health and Children (Ms Harney): A public consultation exercise is underway on the legislative proposals to provide for the establishment of the Health Information and Quality Authority (HIQA).

It is envisaged that HIQA will set standards on safety and quality of services, including hospital services, provided by or on behalf of the Health Service Executive (HSE). It will monitor and advise the Minister and the HSE on the level of compliance with those standards. It will also have the power to investigate, at the request of the Minister or the HSE, the safety, quality and stan-

dards of any service and make whatever recommendations it deems necessary.

As the Deputy will appreciate it is too early at this stage to attribute costs to aspects of HIQA's role in relation to hospitals until the coverage, range and operation of any standards have been determined.

Cancer Screening Programme.

150. **Mr. O'Connor** asked the Tánaiste and Minister for Health and Children the cost of introducing a cervical cancer screening programme nationwide; her plans to introduce same; and if she will make a statement on the matter. [16898/06]

Tánaiste and Minister for Health and Children (Ms Harney): I am fully committed to the national roll out of a cervical screening programme in line with international best practice. My Department has requested the Health Service Executive to prepare a detailed implementation plan for a national programme. The plan is to have cervical screening managed as a national call/recall programme via effective governance structures that provide overall leadership and direction, in terms of quality assurance, accountability and value for money. All elements of the programme, call/recall, smear taking, laboratories and treatment services must be quality assured, organised and managed to deliver a single integrated service.

Significant preparatory work is well underway involving the introduction of new and improved cervical tests, improved quality assurance training and the preparation of a national population register. The Vote for the Health Service Executive includes an additional €9m for cancer services development in 2006, including the continuation of preparations for the roll out.

I consider that the programme should be best rolled out in the primary care setting, subject to affordable and acceptable arrangements being agreed. A review of the contractual arrangements for the provision by general practitioners of publicly-funded primary care services is being conducted at present, under the auspices of the Labour Relations Commission. I have requested that the general practitioner elements of a national cervical screening programme be tabled at these discussions. Any remuneration arrangements agreed must be capable of delivering a high uptake among women. Payments must be primarily based on reaching acceptable targets.

I am convinced that we must also have in place tailored initiatives to encourage take up among disadvantaged and difficult to reach groups. I wish to see the programme rolled out as quickly as possible but only when the essential infrastructure, organisation and services are in place that are quality assured and meet international standards.

The Deputy will appreciate that, having regard to the foregoing, it is not possible at this stage to provide an accurate estimate of the cost of a nation-wide roll-out of the scheme.

Care of the Elderly.

151. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if an improved grant will be offered to a person (details supplied) in County Kilkenny for the provision of a stair lift; if she will expedite the approval of an increased grant in view of the financial and medical circumstances of the case; and if she will make a statement on the matter. [16903/06]

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.

Medical Certificates.

152. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a primary medical certificate will be issued in the case of a person (details supplied) in County Kilkenny; if a response will be expedited. [16904/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

153. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children if she will publish or make available to Deputies a Health Service Executive report completed in 2005 which, according to media reports, found that health authorities are failing to protect hundreds of separated children seeking asylum from the risk of abuse due to a lack of follow-up checks on young people reunited with adults claiming to be their relatives; and to make a statement outlining the progress of the Government in addressing the report's findings. [16925/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): This report is under examination in the Office of the Minister for Children and I have asked that a Working

Group be established to consider the issues involved. Nominations have been made by the relevant public bodies including the Health Service Executive and the first meeting of the group is to be held in the coming weeks.

This report was commissioned by the Health Service Executive and therefore the publication of the report is a matter for the Health Service Executive. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Charges.

154. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position in relation to a case (details supplied); and if the family will be given the maximum support on this matter. [16947/06]

Tánaiste and Minister for Health and Children (Ms Harney): As the Health Service Executive has responsibility for administering the National Repayment Scheme, enquiries relating to the scheme are referred to the Parliamentary Affairs Division of the Executive. My Department has asked the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

155. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children if she will instruct the Health Service Executive to purchase a device for a person (details supplied) in County Tipperary; the reason for not doing so in view of the fact that purchasing the device makes a saving over equipment rental; and if she will make a statement on the matter. [16991/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to have this matter investigated and to have a reply issued directly to the Deputy.

Environmental Health.

156. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children her views on the procedures adopted and enforced by environmental health officers regarding the policing of environmental health at farmer and country markets; her further views on the widely acknowledged view that the enforcement of EU regulations regarding same here is vastly different and more restrictive by comparison with other European countries; if she will work with the Depart-

[Mr. Lowry.]

ment of Agriculture and Food to streamline, clarify and establish a clear, simple, concise and sensible set of nationwide environmental health policies and procedures for the establishment and operation of farmer and country markets; and if she will make a statement on the matter. [16992/06]

Minister of State at the Department of Health and Children (Mr. S. Power): Food safety legislation in Ireland derives in the main from our membership of the European Union and in this regard on 1 January 2006, new European food and feed hygiene legislation came into effect. The new regime, known as the Hygiene Package, is a legislative package which merges, harmonises and simplifies detailed and complex hygiene requirements previously contained in a number of Council Directives and creates a single transparent hygiene policy which is applicable to all food operators. The principal objective of the new general and specific hygiene rules is to ensure a high level of consumer protection with regard to food safety. To this end, an integrated approach is necessary to ensure food safety from the place of primary production up to and including placing on the market or exporting.

The Hygiene Package is applicable to, and binding in its entirety on, all Member States and thus, food business operators in all Member States, must comply with its requirements. While the same rules must be complied with across the EU, it is a matter for each Member State to determine the particular enforcement provisions and penalties within its jurisdiction. My Department is currently finalising a Statutory Instrument which will include the necessary enforcement provisions to enable authorised officers to react to and deal with situations posing a food safety risk. The Minister for Agriculture and Food and I are satisfied that these legislative requirements are sufficient to ensure that food safety is not compromised and that public health is protected.

The Hygiene Package sets out specific requirements for food stalls, mobile food vans and other temporary and mobile food businesses such as those operating at markets. Requirements relate to the site, construction and condition of the premises, along with the need to make provision for facilities for hand-washing, cleaning, appropriate food contact surfaces, hygienic storage of food, temperature control and waste disposal. While the primary responsibility for food safety rests with food business operators, it is a matter for the Food Safety Authority of Ireland (FSAI) as competent authority for the enforcement of food safety legislation, to ensure compliance with the relevant legislation. The Authority carries out its enforcement functions through service contracts with official agencies and farmer and country markets are inspected accordingly. In order to ensure that the stalls operating at such markets

meet the highest food safety and hygiene standards, the FSAI has prepared a Guidance Note on Food Stalls in association with Environmental Health Officers and Irish food market traders. I am satisfied that these arrangements are appropriate.

Health Services.

157. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the number of temporary and full-time speech therapists currently employed in North Tipperary; the section where these posts are based; the number of therapists required to eliminate the waiting lists for assessments and therapy; when it is anticipated that extra permanent therapists will be appointed; and if she will make a statement on the matter. [16993/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Executive.

158. **Mr. McCormack** asked the Tánaiste and Minister for Health and Children the salaries of the Chief Executive of the Health Service Executive and his advisors and back-up staff; the salaries of the National Health Executive office; and the expenses which have been awarded to them since they were appointed. [16994/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to human resource management issues within the Health Service Executive. As this is a matter for the Executive under the Health Act 2004, 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.

159. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children the reason home help hours were reduced in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16995/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has

requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

160. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children if she has sought a report from the Health Service Executive on the decision to put a stay on central heating installation under the eastern community works programme; and if the Health Service Executive are confident that people who have been approved will get sanction to go ahead with the work in good time to have heating systems installed before the onset of winter. [17037/06]

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, 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.

161. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if an occupational therapist's report is available regarding the urgent need to replace a bed in the case of a person (details supplied) in County Kilkenny; if their assessment for a new wheelchair will be completed; if a timeframe will be expedited for the early delivery of a new bed and wheelchair; if the matter will be investigated; and if she will make a statement on the matter. [17051/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

162. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the person who nominated the people to go on a review board (details supplied); the person who selected the chairman of this board; the criteria which was used in the selection process of both the committee and the chairman of the board; the number of meetings which have taken place; when they took place; and the outcome of these meetings. [17052/06]

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. The Orthodontic Review Group referred to by the Deputy was established by the HSE. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Allowances.

163. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if, further to previous parliamentary questions, the extenuating circumstances relative to the case of a person (details supplied) in County Kilkenny, have been examined with a view to granting them a motorised transport grant and mobility allowance; if she will expedite a response in view of the health circumstances of the person; and if she will make a statement on the matter. [17053/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy regarding the mobility allowance. I can confirm that the person concerned has received the motorised transport grant.

Ambulance Service.

164. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the reason on 1 May 2006 that it took three and a half to four hours for an ambulance to arrive to a seriously ill person (details supplied) in County Wexford who was then put on a trolley for seven hours in Waterford Regional Hospital; and if she will make a statement on the matter. [17057/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Care of the Elderly.

165. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with a transfer from a nursing home; and if she will make a statement on the matter. [17060/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

166. **Mr. Noonan** asked the Tánaiste and Minister for Health and Children the facilities which are available for diabetic patients, particularly children, in the mid-west region; her plans to improve these services; if, insulin pumps will be provided as the norm to appropriate patients; and if she will make a statement on the matter. [17067/06]

196. **Ms O'Sullivan** asked the Tánaiste and Minister for Health and Children if the service for children with diabetes will be improved in the mid-west region including support for the use of insulin pumps, instead of injection, an additional diabetes nurse specialist and a community support team; and if she will make a statement on the matter. [17481/06]

Minister of State at the Department of Health and Children (Mr. S. Power): I propose to take Questions Nos. 166 and 196 together.

The Deputies' questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have replies issued directly to the Deputies.

Garda Investigations.

167. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if the full Garda investigation into the alleged misappropriation or otherwise of funds in the control of the South Eastern Health Board has been completed or if there is a timeframe for the conclusion of the investigation; and if she will make a statement on the matter. [17069/06]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has been informed that the investigation is ongoing and in the circumstances no further comment can be made until this process has been completed.

National Rehabilitation Board.

168. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children further to her responses to Parliamentary Questions Nos. 187,

189 and 190 of 5 April 2006, if her Department is responsible for residual matters that arise from the dissolution of the National Rehabilitation Board. [17074/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): In line with government mainstreaming policy the National Rehabilitation Board was dissolved and responsibility for its functions was transferred to a number of successor organisations/statutory bodies including, the National Disability Authority, Foras Aiseanna Saothair, the former Eastern Regional Health Authority and Comhairle by Statutory Instrument Number 170, National Rehabilitation Board (Transfer of Property, Rights and Liabilities) Order, 2000 and Statutory Instrument Number 171, National Rehabilitation Board (Dissolution and Revocation) Order, 2000.

169. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children if, noting the decision of the Employment Appeals Tribunal of 10 April 2002 concerning the treatment of the 184 staff of the National Rehabilitation Board at the time of dissolution on 12 June 2000 by her Department, the confirmation of this decision by the High Court on 1 July 2003, she will review implications of these decisions and make the necessary proposals to all of the staff so affected. [17075/06]

Tánaiste and Minister for Health and Children (Ms Harney): The matter referred to by the Deputy is a technical legal matter concerning a case taken by an individual to the Employment Appeals Tribunal (EAT) and appealed to the High Court. I am advised as follows: the Employment Appeals Tribunal (EAT) decision of 19 April 2002 referred to did not address the treatment of the 184 staff of the National Rehabilitation Board at the time of dissolution on 12 June 2000. The EAT decided to the effect that one named employee of the National Rehabilitation Board (NRB) had been dismissed (within the special meaning of the section 21 of the Redundancy Payments Act, 1967) by reason of redundancy, being therefore entitled to a redundancy payment. The EAT decided that the Minister for Health and Children was the appropriate respondent. The individual concerned had not accepted employment with any of the designated public bodies under the relevant Statutory Instruments on the dissolution of the NRB and filed a claim for redundancy with the EAT.

On appeal to The High Court against the decision that the Minister was the appropriate respondent, the Court in July 2003 found that the EAT had erred in law in determining that the Minister for Health and Children was the representative of the National Rehabilitation Board. It was not for the Court to legislate for someone

in the defendant's position i.e. being a person who had been found to have been made redundant in certain circumstances and liability for such circumstances had not been transferred under the SI.

On foot of the decision of the High Court, the EAT on the 13th February, 2004 made a finding of redundancy in the case of the individual concerned against the NRB (Dissolved), stating that the amount due was payable from the Social Insurance Fund. It is important for the Deputy to understand that the EAT did not address the position of the 184 staff of the NRB; it dealt solely with a claim by one individual who did not accept employment with one of the bodies under the SI.

Mental Health Services.

170. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the plans which are in place for persons currently in full-time care in St. Brigid's Hospital in Ardee and not fit to live in the community after the hospital's closure; and if she will make a statement on the matter. [17076/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Report of the Expert Group on Mental Health Policy, "A Vision for Change", which was published on 24 January 2006, recommends that plans be drawn up for the closure of all mental hospitals. The closure of large mental hospitals and the move to modern units attached to general hospitals, together with the expansion of community services, has been Government policy since the publication of Planning for the Future in 1984.

In "A Vision for Change", a four-stage process is recommended for the closure of the hospitals, as follows: Stage 1 — identify measures required to enable admission to cease and put these measures in place; Stage 2 — cease admission to the hospital and draw up plans for relocations of existing patients; Stage 3 — implement plans for the relocation of existing patients; and Stage 4 — the final closure of the hospital. The recommendations in the Report have been accepted by Government as the basis for the future development of our mental health services.

The Health Service Executive has stated that it anticipates the closure of mental hospitals and the reinvestment of the proceeds to take place on a phased basis. It has also emphasised that hospitals can only close when the clinical needs of the remaining patients have been addressed in more appropriate settings such as additional community residences, day hospitals and day centres together with a substantial increase in the number of well trained, fully staffed, community-based multidisciplinary Community Mental Health Teams as is recommended in a "A Vision for Change".

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

171. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a medical card will be issued to a person (details supplied); and if she will expedite the application. [17167/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

172. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the level of rheumatology service available at Mayo General Hospital; if she will confirm the appointment of a rheumatologist to the hospital; when this position will be filled; and if she will make a statement on the matter. [17168/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Staff.

173. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the number of urologists in hospitals here; the number there are to cater for each region; and if she will make a statement on the matter. [17234/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter inves-

[Ms Harney.]

tigated and to have a reply issued directly to the Deputy.

Hospital Services.

174. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the number of patients who are presently waiting on treatment or procedures to be carried out on prostate and urinary conditions in each of the regions; if in view of the massive publicity campaigns targeted at men regarding prostate cancer her view on whether it is reasonable the length of time some of these patients have to wait on receiving treatment which is vital for them; and if she will make a statement on the matter. [17235/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Departmental Properties.

175. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children when the lands at St Brendan's Hospital, Grangegorman were sold; the amount which was paid; when this money was handed over; and the proportion of this money which has been re-invested in the mental health services. [17250/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme.

Accordingly, my Department is requesting the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Nursing Home Charges.

176. **Mr. Ardagh** asked the Tánaiste and Minister for Health and Children if she will provide a report on the long-term stay charges repayment scheme; and when she expects that payments will be made to those presently awaiting payment (details supplied). [17274/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Health (Repayment Scheme) Bill 2006 provides a clear legal framework for a scheme to repay recoverable health charges for

publicly funded long-term residential care. The Bill was published on 16 March 2006 and the second stage reading of the Bill commenced in the Dáil on 30 March 2006, continued on 27 April and will resume on 16 May 2006. Committee stage will begin shortly thereafter.

It is my wish that the important legislative proposals contained in the Bill have a speedy passage through the Oireachtas prior to the summer recess. This will enable the implementation of the scheme to ensure the repayments can be made swiftly to those eligible for repayment, following the completion of an uncomplicated application process.

It is currently envisaged that repayments will commence shortly after the Bill is approved and signed into law and an outside company has been appointed to make the repayments. The time scale determined by the Health Service Executive for the selection process including the appointment of the successful company is the mid-May 2006, with repayments to claimants likely to commence in June 2006.

Specific enquiries relating to the scheme are referred to the Parliamentary Affairs Division of the Executive. My Department has asked the HSE to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

177. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children when it is expected that a clinic (details supplied) in County Kilkenny is to open in view of the fact that it was originally intended to open on 27 March 2006 and did not; the reason this long-awaited and urgently needed facility was delayed in delivering service to the people of Kilkenny; and if she will make a statement on the matter. [17275/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Clinic mentioned by the Deputy is a private health care facility. Therefore, the Deputy may wish to contact the Clinic directly in relation to the queries raised.

Medical Cards.

178. **Mr. Haughey** asked the Tánaiste and Minister for Health and Children if a medical cardholder who has been prescribed oxygen can obtain this medical equipment for free while on holiday in another EU State under EU rules; and if she will make a statement on the matter. [17276/06]

Tánaiste and Minister for Health and Children (Ms Harney): Irish residents are entitled to necessary health care in the public system of any EU/EEA member state during a temporary stay in that country on the same basis as if they were an insured resident of that member state. In this context it should be noted that charges or co-pay-

ments may apply for services in the accordance with each country's rules and regulations. Temporary stays are periods where the person cannot be considered resident in a member state under that country's legislation. In Ireland, the European Health Insurance Card may be issued to all those ordinarily resident in this country, and is not based on citizenship.

This entitlement to health care serves to enhance freedom of movement within the EU for all those covered by Regulation 1408/71, which governs the coordination of social security, including health care, within the Union.

It is recognised that people requiring certain specialised treatments, in particular oxygen therapy or dialysis, are entitled to such care under these arrangements while on a temporary stay abroad, on the basis that prior agreements are entered into in regard to the availability of appropriate services. This arrangement is accepted by all member states, given that such specialised treatments may not be available in all locations. The aim is to ensure that freedom of movement is not adversely affected for a person requiring such treatments.

Health Service Staff.

179. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children if she will provide funding for the employment of two full-time drug counsellors in the mid-west region in view of the abuse of hard drugs in this area; and if she will make a statement on the matter. [17277/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

180. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children the number of drug counsellors employed on a permanent basis by the Health Services Executive; and if she will make a statement on the matter. [17278/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Accommodation.

181. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if she will ensure that detoxification-designated beds be allocated for County Mayo, which will take the pressure off general beds; if she will evaluate the situation; and if she will make a statement on the matter. [17289/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

182. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if her Department will evaluate the need for a wet hostel in County Mayo; and if she will make a statement on the matter. [17290/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Pre-school Services.

183. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 228 of 4 April 2006, if her attention has been drawn to the Health Service Executive reply, which states that a report into hearing screening has been completed and is under consideration but no funding has been allocated to advance the project; if she will introduce the funding to advance this project in view of the fact that children here are being screened at 30 months, well in excess of the internationally recognised targets of four to six months. [17396/06]

195. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to provide funding to the Health Service Executive to introduce hearing screening for all newborn babies (details supplied); and if she will make a statement on the matter. [17480/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to deal with Questions Nos. 183 and 195 together.

[Ms Harney.]

I have received a number of submissions and representations on this issue. My Department has recently received a copy of the report in question and is in discussion with the Health Service Executive in relation to its implementation.

Health Service Staff.

184. **Mr. Eamon Ryan** asked the Tánaiste and Minister for Health and Children if he will confirm that there are 15 alcohol counsellors working in treatment centres run by the health authorities in comparison to a figure of 17 alcohol counsellors that were in place in 1989; and if she will make a statement on the matter. [17397/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to human resource management issues within the Health Service Executive. As this is a matter for the Executive under the Health Act 2004, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

185. **Mr. Carey** asked the Tánaiste and Minister for Health and Children the reason medical cardholders have to return to their general practitioners to get hospital prescriptions transferred to medical card prescriptions; and if she will make a statement on the matter. [17400/06]

Tánaiste and Minister for Health and Children (Ms Harney): As hospital doctors do not have GMS contracts, prescriptions written by them for medical cardholders are not reimbursable under the General Medical Services scheme. Where a medical cardholder is prescribed a drug or medicine by a hospital doctor, the prescription must be transcribed by his or her GMS-contracted general practitioner. The prescription can then be dispensed by a pharmacy that holds a community pharmacy contractor agreement. However, there is a facility for emergency dispensing of hospital prescriptions by community pharmacies, whereby GMS patients can obtain a short term supply of the prescribed medicine if it would not be possible or practical to contact their GP within a reasonable period.

This administrative arrangement provides not only for a measure of auditability and security within the GMS scheme, but also proves worthwhile because GMS patients have to contact their general practitioner after leaving hospital, thereby establishing a valuable link between primary and secondary care services that would otherwise be far less frequent.

Health Services.

186. **Caoimhghín Ó Caoláin** asked the Tánaiste

and Minister for Health and Children when a reply will issue from the Health Service Executive to Parliamentary Question No. 161 of 4 April 2006. [17412/06]

Tánaiste and Minister for Health and Children (Ms Harney): My Department has been in contact with the Health Service Executive in relation to the response due to the Deputy. My officials are now advised that the compilation of the information requested by the Deputy is now complete and a reply on the matter will issue shortly.

187. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children, further to Parliamentary Question No. 416 of 7 February 2006, the reason the person has not been called to be re-assessed as promised; if the assessment will be arranged and thereafter if full orthodontic treatment will be provided; and if she will make a statement on the matter. [17413/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

188. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if assistance will be given to a person (details supplied) in Dublin 3 in receiving a physiotherapy service. [17433/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Infectious Diseases Screening Service.

189. **Mr. Callely** asked the Tánaiste and Minister for Health and Children the procedures which have been adopted by her Department when a person is diagnosed with an infectious disease. [17474/06]

191. **Mr. Callely** asked the Tánaiste and Minister for Health and Children the policy of her Department in relation to the measures service-providers are expected to put in place when a patient is discovered to have contracted an infectious disease. [17476/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to deal with Questions Nos. 198 and 191 together.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

190. **Mr. Callely** asked the Tánaiste and Minister for Health and Children the list of infectious diseases identified by her Department as affecting patients in hospitals here; and if she will make a statement on the matter. [17475/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Infectious Diseases Regulations, 1981 (as amended) include a schedule of diseases declaring certain diseases to be infectious diseases and requiring notification of these diseases. The current schedule of infectious diseases is contained in the Infectious Diseases (Amendment) (No. 3) Regulations, 2003 (Statutory Instrument No. 707 of 2003) which came into force on 1 January 2004. This Department or the Health Service Executive have not produced a formal list of infectious diseases or Health Care Associated Infections (HCAIs) that particularly affect patients in hospitals. However, among the more serious infections associated with hospital treatment are surgical site infections and bloodstream infections and particularly those resistant to antibiotics such as MRSA, Vancomycin Resistant Enterococcus (VRE) and Clostridium Difficile.

Question No. 191 answered with Question No. 189.

192. **Mr. Callely** asked the Tánaiste and Minister for Health and Children if she has received representations from medical professionals to include new types of or strains of infectious diseases on the infectious disease register; and if she will make a statement on the matter. [17477/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Waiting Lists.

193. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person

(details supplied) in County Clare will be facilitated with an appointment for knee surgery; and if she will make a statement on the matter. [17478/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Services for People with Disabilities.

194. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children the help which is available for young people who suffer from Asperger's syndrome; the services which are available for them from age 18; and if she will make a statement on the matter. [17479/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 195 answered with Question No. 183.

Question No. 196 answered with Question No. 166.

Health Services.

197. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the reason for the delay in the introduction of a national immunisation database to replace the existing 50 separate databases; if she has taken cognisance of the difficulties created for agencies such as the national Disease Surveillance Centre in endeavouring to estimate uptake rates accurately; and if she will make a statement on the matter. [17482/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

198. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the interim plans for the accommodation of patients in accident and emergency at Our Lady of Lourdes Hospital, Drogheda prior to admission; her long-term plans for accident and emergency at the hospital; and if she will make a statement on the matter. [17483/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

199. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children the timescale for the relocation of the cardiac unit at Cavan General Hospital; the refurbishment of this area for use as an admission lounge; and if she will make a statement on the matter. [17484/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Tax Code.

200. **Dr. Cowley** asked the Minister for Finance if, as recently stated at the Irish Hotels Federation annual conference, he will address the issue of VAT refunds for visitors attending business conferences here; and if he will make a statement on the matter. [16840/06]

Minister for Finance (Mr. Cowen): I want to make sure any such relief can work, has a positive cost-benefit ratio, and does not open up the VAT system to other very costly demands. The examination of the matter is ongoing.

Price Inflation.

201. **Mr. Lowry** asked the Minister for Finance his views on the Economic and Social Research Institute's Quarterly Economic Commentary, Spring 2006; if he will commit to honouring the advice given by the ESRI regarding the additional inflationary pressure that a large pre-election increase in public spending would have

on economic competitiveness; and if he will make a statement on the matter. [16990/06]

Minister for Finance (Mr. Cowen): I welcome the latest ESRI Quarterly Economic Commentary, which was published in April 2006. The ESRI is forecasting economic growth this year of 4.8 per cent in GDP terms, and 5.1 per cent in GNP terms. Employment is forecast to increase by 3.4 per cent and unemployment is expected to average 4.4 per cent. These forecasts are broadly in line with my own Department's forecasts for 2006, which were published at Budget time. On Budget Day my Department forecast CPI inflation of 2.7 per cent in 2006, while the ESRI are currently forecasting a rate of 2.8 per cent. I share the ESRI's assessment on the need to contain inflationary pressures in the economy in order to improve competitiveness. In this regard, the planned budgetary policy stance is to continue with our prudent management of the public finances. We will keep the public finances in a sustainable position to ensure that room for manoeuvre exists to provide and enhance public services now and in the future.

Tax Code.

202. **Mr. Cuffe** asked the Minister for Finance his proposals to reduce the rate of VAT on repair and maintenance work on private dwellings which are protected structures in view of the EU Council of Minister's decision to ratify the extension of the sixth VAT Directive, which allows Member States to apply reduced VAT rates to labour-intensive services such as works to existing buildings; and if he will make a statement on the matter. [17390/06]

Minister for Finance (Mr. Cowen): The position is that under Irish law the services in question already qualify for the reduced rate of VAT of 13.5 per cent. Paragraph (xxix) of the Sixth Schedule to the Valued-Added Tax Act 1972, as amended, accords the reduced rate of 13.5 per cent to "services consisting of the development of immovable goods and work on immovable goods including the installation of fixtures, where the value of the moveable goods (if any) provided in pursuance of an agreement in relation to such services does not exceed two-thirds of the total amount on which tax is chargeable in respect of the agreement". This two-thirds rule does not usually affect building services in which the labour element is substantial. In effect, therefore, VAT on repair and maintenance work on private dwellings, whether protected or not, is chargeable at the reduced rate of 13.5 per cent.

Public Transport.

203. **Mr. Cuffe** asked the Minister for Finance his views on directing the commissioners of the Office of Public Works to allow Dublin com-

muter buses through the Phoenix Park; and if he will make a statement on the matter. [17391/06]

Minister of State at the Department of Finance (Mr. Parlon): The position remains unchanged from that outlined in my reply on 14 February 2006 to Parliamentary Question No. 339. The Office of Public Works has no plans at present to allow bus traffic through the Phoenix Park to facilitate commuters. This issue is being studied in the context of a comprehensive traffic management study of the Phoenix Park currently taking place.

Tax Code.

204. **Mr. Kehoe** asked the Minister for Finance if he will apply the Business Expansion Scheme to wind farms; to increase the BES limit from €1 million to €5 million; to increase personal BES contributions to €100,000; to ensure the extension of the BES to 2010; and to ensure tax free rental income for the landowners in relation to wind farms; and if he will make a statement on the matter. [17489/06]

Minister for Finance (Mr. Cowen): The Business Expansion Scheme is currently being reviewed. Any decisions on the scheme's remit will be taken in the light of the objectives of assisting risk investments, the cost of the scheme, the benefits gained and the equity of the reliefs involved. Any proposals in this regard are a matter for the next Budget.

Disabled Drivers.

205. **Ms Enright** asked the Minister for Finance if he will review the medical criteria for the disabled drivers and disabled passengers tax concession scheme 1994; if his attention has been drawn to the fact that persons who do not have the full use of either one or both legs or a limb are ineligible under the scheme; and if he will make a statement on the matter. [16842/06]

Minister for Finance (Mr. Cowen): The Deputy is referring to the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme that provides relief from VAT and VRT on the purchase of a car adapted for the transport of a person with certain physical disabilities, as well as relief from excise on the fuel used in the car up to a certain limit.

The disability criteria for eligibility for the tax concessions under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. A person must be severely and permanently disabled and satisfy one of the following conditions: (a) be wholly or almost wholly without the use of both legs; (b) be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; (c) be without both

hands or without both arms; (d) be without one or both legs; (e) be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg; (f) have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

A special Interdepartmental Review Group reviewed the operation of the Disabled Drivers Scheme. The terms of reference of the Group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme.

The Group's Report, published on my Department's website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The Report also makes a number of recommendations, both immediate and long-term, referring respectively to the operation of the appeals process and options for the future development of the scheme.

In respect of the long-term recommendations, which included the qualifying disability criteria, I should say that given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided in June 2004 that the Minister for Finance would consider the recommendations contained in the Report of the Interdepartmental Review Group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme.

The best way of addressing the transport needs of people with disabilities including the effectiveness, suitability or otherwise of the Disabled Drivers Scheme in that regard will be progressed in consultation with the other Departments who have responsibility in this area. In any event, a car tax concession scheme can obviously play only a partial role in dealing with this serious issue.

Tax Code.

206. **Mr. F. McGrath** asked the Minister for Finance the reason the tax system favours caring for the elderly in nursing homes and penalises home care of the elderly due to the fact that there is tax relief on carers' fees, agency fees, day-care fees, transport costs and no exception on VAT service charges on agency fees; and if he will investigate these matters. [16864/06]

Minister for Finance (Mr. Cowen): The assertion made by the Deputy is wrong. As indicated in my reply to previous questions from the Deputy on 25 April 2006, tax relief is available in respect of home care of the elderly in the form of

[Mr. Cowen.]

the employment of a carer tax allowance as well as under health expenses relief in the circumstances previously outlined.

The Deputy will, of course, be aware that there is also significant direct expenditure, primarily channelled through the health and social welfare systems, to support care of the elderly both in residential and community settings. Most recently, Budget 2006 provided funding for an additional package of measures at the level of €150 million in a full year. This additional funding includes provision for new home care packages, increased home help provision, more day care support and additional palliative care.

There is also substantial tax relief for all aged 65 and over via exemptions from income tax on income up to €17,000 per year single and €34,000 per year married and via the age tax credit which I have increased substantially since I became Minister.

Communication Masts.

207. **Ms Burton** asked the Minister for Finance if the Office of Public Works has negotiated or given permission for a phone mast or masts at Farmleigh on its grounds or in adjacent grounds in the Phoenix Park; when such proposals arose; if there were consultations with local residents; and if he will make a statement on the matter. [16901/06]

Minister of State at the Department of Finance (Mr. Parlon): There are no mobile phone masts situated in the grounds of Farmleigh. In order to provide mobile coverage for State events at Farmleigh, the Commissioners of Public Works granted permission for the installation of telecommunications equipment in the Clock Tower at Farmleigh.

The Commissioners have granted licences to four mobile phone companies to co-locate on the Garda mast in the Phoenix Park. In addition, the Commissioners from time to time grant licences for the installation of temporary masts in the Phoenix Park to provide coverage for specific events, such as concerts. These temporary structures are typically in place for approximately a week.

Disabled Drivers.

208. **Mr. McGuinness** asked the Minister for Finance if a primary medical certificate will be issued in the case of a person (details supplied) in County Kilkenny; if a response will be expedited. [16905/06]

Minister for Finance (Mr. Cowen): The Deputy refers to the preliminary application process for a Primary Medical Certificate under the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme. This certificate is issued by the Senior Medical Officer of the appropriate

area of the Health Service Executive on the basis of a clinical assessment in respect of the disability criteria set down in the scheme's regulations. The Medical Officer is independent in this function and I do not have any role in that application process.

If an applicant is refused a Primary Medical Certificate, he or she may appeal the decision to the Disabled Drivers Medical Board of Appeal, c/o National Rehabilitation Hospital, Rochestown Avenue, Dún Laoghaire, County Dublin.

Tax Yield.

209. **Ms Burton** asked the Minister for Finance the estimated additional revenue likely to accrue to the Exchequer in terms of excise duties and VAT over and above the estimates at Budget 2006, arising from the increase in the price of petrol and other oil products; and if he will make a statement on the matter. [16922/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the additional revenue likely to accrue to the Exchequer arising from the increase in the price of petrol and other oil products relates to the VAT portion of the increased price since the start of the year. The revenue collected from mineral oil excises does not fluctuate with price changes. The estimated yield of additional VAT over and above the Budget estimate, assuming that the current prices are maintained for the remainder of the year, and assuming there is no reduction in consumption, is as set out below:

Additional VAT 2006	
	€m
Petrol	24.3
Auto Diesel	1.6
Kerosene	4.3
Marked Gas Oil	3.2
LPG	0.7
Total	34.1

It should, however, be borne in mind that to the extent that spending in the economy is re-allocated to petrol and other oil products and away from other VAT liable spending and to the extent that the overall level of economic activity is reduced by higher oil prices, there may be little or no net gain to the Exchequer.

Tax Code.

210. **Ms Burton** asked the Minister for Finance the excise duty and approximate VAT charge on a litre of home heating oil in the domestic market in May 2006; the amount of excise duty and VAT included in the cost of a typical delivery of 1000 litres of home heating oil; and if he will make a statement on the matter. [16923/06]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the information requested as at May 2006 is set out in the following table. The information is based

Product	Per litre				Per 1,000 litres		
	Price	Excise	VAT	Total Tax	Excise	VAT	Total Tax
	cents	cents	cents	cents	€	€	€
Kerosene	65.19	1.6	7.75	9.35	16.00	77.54	93.57
Marked Gas Oil	65.06	4.7	7.74	12.47	47.36	77.39	124.75

The reduced VAT rate of 13.5 per cent is applied to home heating oil. In Budget 2006, I halved the excise rate for Kerosene, the primary home heating fuel, and also announced in advance that the excise on Kerosene used for home heating will be reduced to zero in next year's Budget.

Disabled Drivers.

211. **Mr. Lowry** asked the Minister for Finance the measures he is taking to secure a continuation of the EU Derogation under EU Directive (2003/96/EC); if he has assessed the impact of the removal on this derogation on the affected industries; and if he will make a statement on the matter. [16996/06]

Minister for Finance (Mr. Cowen): Under the EU Energy Tax Directive — 2003/96/EC — Ireland, together with virtually all other Member States, has a number of derogations, which are set to expire at the end of this year. These derogations, effectively exemptions from the requirement to apply EU minimum and maximum excise tax rates, are varied in nature. For example, they include the tax reliefs which apply under the Disabled Drivers Scheme, reduced excise applying to fuel used in public transport, and reduced rates applying to private boating.

The European Commission has commenced communications with Member States, including Ireland, in connection with the post-2006 position with respect to these derogations. In this regard, we have stated our desire to retain these derogations for public policy reasons and stressed the importance of these derogations to specific sectors. Consequently the Deputy should note that the Government will seek to ensure that the users/sectors involved should not be adversely affected.

Public Works.

212. **Mr. Lowry** asked the Minister for Finance when the assessment will be complete on the proposed refurbishment and modernisation of Thurles Courthouse; and if he will make a statement on the matter. [16997/06]

Minister of State at the Department of Finance (Mr. Parlon): Plans for the refurbishment and

on a price of €651.90 for 1,000 litres of Kerosene and €650.60 for 1,000 litres of home heating Diesel (Marked Gas Oil).

extension of Thurles Courthouse have been finalised. A notice in accordance with the provisions of Part 9 of the Planning and Development Regulations, 2001 will be published this week.

Tax Code.

213. **Mr. Lowry** asked the Minister for Finance if he will increase the stamp-duty exemption thresholds for first time buyers as a matter of priority; and if he will make a statement on the matter. [16998/06]

Minister for Finance (Mr. Cowen): As the Deputy will be aware, the 2005 Budget introduced a stamp duty relieving measure for first-time house purchasers who are owner-occupiers of second-hand houses by increasing the stamp duty exemption threshold for such purchasers from €190,500 to €317,500 and by having reduced rates for house values up to €635,000.

This relieving measure assisted affordability for first time buyers and helped some first time buyers to afford a starter home who might not otherwise be able to do so. It also helped to open the second hand market more to first time buyers who had been increasingly deterred by the impact of stamp duty. The reductions in stamp duty for second hand houses removed distortion between the new and second-hand markets for first-time buyers by reducing the degree of concentration of first time buyer demand on the new house market.

I have no plans at present to introduce increased stamp duty exemptions for first-time or other purchasers. I would also point out that changes to the current stamp duty regime must be approached with caution as even minor amendments may significantly alter the dynamics of the housing market.

214. **Mr. Durkan** asked the Minister for Finance the tax free allowance for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [16999/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that a Certificate of Tax Credits and Standard Rate Cut-Off Point showing a breakdown of the tax

[Mr. Cowen.]

credits due will issue to the taxpayer in the coming days.

215. **Mr. Bruton** asked the Minister for Finance if his attention has been drawn to the European Court Ruling seeking to apply VAT to the provision of back office services for the financial service sector; if he has assessed the impact of same on Irish operations providing this outsourced business; and if he will make a statement on the matter. [17059/06]

Minister for Finance (Mr. Cowen): The European Court of Justice (ECJ) decision in the case of Arthur Andersen & Co Accountants (C-472/03), which had been referred to the ECJ by the Dutch Supreme Court, was released on 3 March 2005. The case related to the VAT exemption for insurance-related services.

The question put to the ECJ was whether certain “back office” services provided by Andersen Consulting Management Consultants (ACMC) to a life assurance company were exempt from VAT under Article 13B(a) of the EU Council Sixth VAT Directive as “related services performed by insurance brokers and insurance agents”. The ECJ found that ACMC were neither insurance brokers nor insurance agents for the purposes of the VAT exemption and their services were therefore liable to VAT at the standard rate.

Although the case concerned services provided in the Netherlands, the ECJ ruling has an impact across all EU Member States. The implication of the judgment for Ireland is that the Irish VAT exemption for insurance-related services in the First Schedule to the Value-Added Tax Act 1972, as amended, is currently too broad. Implementation of the ECJ ruling would lead to VAT becoming chargeable on certain outsourced insurance-related services currently provided to insurers. Where insurers use these outsourced services to provide exempt insurance services within the EU, VAT chargeable on such services would be irrecoverable.

In the light of the ECJ ruling, the EU Commission has commenced a review of the provisions in the EU Council Sixth VAT Directive relating to financial and insurance services.

Pending the outcome of EU Commission review, the Revenue Commissioners have advised the industry that, as regards insurance related services provided in Ireland, the provisions of the exemption in the current Irish legislation will continue to apply.

216. **Mr. Bruton** asked the Minister for Finance if his attention has been drawn to the fact that unmarried partners with children, where only one person works are treated for income tax purposes as if they were a single person; and if he has identified changes that could be made to improve their position while respecting the constitutional

requirement not to place married couples in a worse position. [17080/06]

Minister for Finance (Mr. Cowen): Generally speaking, the tax system treats members of cohabiting couples as separate and unconnected individuals. Each partner is a separate entity for tax purposes and credits and bands and reliefs cannot be transferred from one partner to the other. There are no special favourable tax arrangements for cohabiting couples with dependent children.

The Working Group Examining the Treatment of Married, Cohabiting and One-Parent Families under the Tax and Social Welfare Codes, which reported in August 1999, was sympathetic, in principle, to changes in the tax legislation to address the issues raised relating to cohabiting couples and reported that the options that it set out should be considered further. However, it acknowledged in relation to the tax treatment of cohabiting couples that a key issue is whether tax law should proceed ahead of changes in the general law.

I am aware of various developments in this general area including: the consultation paper on the rights and duties of cohabitantes which was published by the Law Reform Commission in April 2004; the Tenth Progress Report of the Oireachtas All-Party Committee on the Constitution entitled ‘The Family’ which was recently published earlier this year; the recent establishment by the Minister for Justice, Equality and Law Reform of a working group to examine the area of civil partnerships and to prepare options on the various legislative choices available to the Government for action in this area.

I previously put on the record of the House that I would view as problematic and unwise a situation where changes in the tax code relating to the treatment of couples would set a headline in advance of developments in other relevant areas of public policy, for example, in the area of legal recognition of relationships other than married relationships. I am still of that view.

Agenda 2000.

217. **Ms Cooper-Flynn** asked the Minister for Finance if, having regard to the fact that the National Development Plan is part of the Agenda 2000 Agreement, which in turn enabled the designation of two separate regions here to facilitate the access to EU structural funding necessary for balanced regional development, subsequent underspending or reallocation of funding committed to either region is in breach of the aforementioned binding agreement; and if he will make a statement on the matter. [17166/06]

Minister for Finance (Mr. Cowen): Ireland’s allocation of Structural Funds for the current programming period 2000-2006 is governed by the Structural Funds regulations and an agreement

between the Government and the European Commission known as the Community Support Framework for Ireland 2000-2006.

The regulations do not permit the transfer of the overall allocation of Structural Funds between the Border, Midland and Western and the Southern and Eastern Regions. No transfer of the resources has been sought by the Government and there are no proposals being considered for such action.

Expenditure on co-funded measures must be incurred before the end of December 2008 to be eligible for the draw down of Structural Funds. Reports to the Monitoring Committees for each of the Operational Programmes for the period January 2000 to December 2005 indicated that the Structural Funds allocated to each Region under the Community Support Framework are on target and based on these reports I expect that Ireland's entitlement to Structural Funds will be fully drawn down in line with the timetable set out under the regulations.

Tax Code.

218. **Mr. F. McGrath** asked the Minister for Finance if assistance will be given to a person (details supplied) in Dublin 3 regarding a rebate; and if he will make this a priority issue. [17229/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that a PAYE balancing statement for the year 2005 issued to the taxpayer on 3 May 2006. A total refund of €692.48 has arisen. A cheque for €312.62 issued to the taxpayer on 5 May 2006 and a cheque for €379.86 issued to the person's spouse on the same day.

Special Savings Incentive Scheme.

219. **Mr. Gogarty** asked the Minister for Finance if over 65s will have their SSIA tax waived, in line with the situation that pertains with the DIRT waiver; if this issue was advertised sufficiently in advance of the SSIA scheme; if a non-waiver means that the advantages enjoyed by the over 65s in saving compared with younger people are effectively negated; and if he will make a statement on the matter. [17240/06]

Minister for Finance (Mr. Cowen): The SSIA schemes were introduced in the 2001 Finance Act and give a tax credit to all SSIA investors of 25%. The aim of the SSIA scheme was to encourage savings. This aim has been successfully achieved with 1.1 million persons availing of the special scheme.

It is widely acknowledged that one of the reasons for the success of the SSIA scheme was its simplicity. It was clearly stated from the very outset that the SSIA investment returns would be subject to a 23% exit tax at maturity with no exemptions for anyone. Although all SSIA

accounts are subject to an exit tax, it should be noted that the SSIA scheme represented a very good deal for all of those taking it up, whether over 65 years of age or not. A person who will have saved €254 per month over 5 years, into their SSIA account, will receive a credit of €3,800 even before any interest is taken into account.

It should be noted that DIRT on deposit interest was introduced in 1986 and only two reliefs apply, i.e. for the over 65s and for the physically or mentally incapacitated, where the DIRT is deducted by the financial institution on the deposit interest and is refunded if the person claiming the refund is not otherwise liable to income tax on their total income. It is not a total tax exemption for all those aged over 65 or incapacitated.

Tax Yield.

220. **Mr. F. McGrath** asked the Minister for Finance if following the tax write-off afforded to Shamrock Rovers Football Club in 2005, he will supply a list of the total PAYE tax paid by each of the twenty two Eircom League clubs over the period of the past ten years. [17241/06]

Minister for Finance (Mr. Cowen): The matter of tax payments made by specific taxpayers is a matter for the Revenue Commissioners. I am advised by the Revenue Commissioners that the information requested by the Deputy is confidential to the taxpayers concerned and accordingly they are not in a position to disclose it.

Tax Code.

221. **Ms Burton** asked the Minister for Finance if he has initiated or intends to initiate negotiations with the European institutions for the retention of the derogation from directives (details supplied) which allow private pleasure craft here to use diesel fuel which has been charged at the reduced rate; and if he will make a statement on the matter. [17327/06]

Minister for Finance (Mr. Cowen): Under the EU Energy Tax Directive — 2003/96/EC — Ireland, together with virtually all other Member States, has a number of derogations, which are set to expire at the end of this year. These derogations, effectively exemptions from the requirement to apply EU minimum and maximum excise tax rates, are varied in nature and include a derogation in respect of private pleasure craft.

The European Commission has commenced communications with Member States, including Ireland, in connection with the post-2006 position with respect to these derogations. In this regard, we have stated our desire to retain these derogations for public policy reasons and consequently the Deputy should note that the Government will seek to ensure that the users/sectors involved should not be adversely affected.

Flood Relief.

222. **Mr. Kehoe** asked the Minister for Finance if his Department carried out work on a river (details supplied) in County Wexford in the past; if not, if there are plans to carry out flooding work; and if he will make a statement on the matter. [17331/06]

Minister of State at the Department of Finance (Mr. Parlon): The river in question does not form part of any arterial drainage scheme for which the Commissioners of Public Works have a maintenance responsibility under the Arterial Drainage Act, 1945. The Commissioners have no plans at present to carry out a flood relief scheme in the area.

Tax Yield.

223. **Mr. Kehoe** asked the Minister for Finance the percentage which goes towards Government levies and taxes when a person pays their car insurance; when this levy and tax was introduced; what it goes toward; the amount of revenue which was raised each year in 2000, 2001, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [17332/06]

Minister for Finance (Mr. Cowen): There is a 2% stamp duty that is charged on most non-life insurance premiums and is part of the normal stamp duty system. The exceptions are re-insurance, voluntary health insurance, marine, aviation and transit insurance and export credit insurance. It was introduced in 1982. The yield over recent years has been—

Year	Yield
	€m
2000	57.0
2001	69.1
2002	87.2
2003	99.7
2004	97.7
2005	90.8

It is not possible to distinguish between the different types of insurance business within the yield from the non-life levy. The purpose of the non-life levy is to broaden the stamp duty base while maintaining low direct tax rates.

Communications Masts.

224. **Mr. Cuffe** asked the Minister for Finance if works ceased on the erection of a mobile phone mast at Shankill Garda Station will not resume until the regulations governing the siting of mobile phone masts has been reviewed; and if he will make a statement on the matter. [17356/06]

Minister of State at the Department of Finance

(Mr. Parlon): The review of the regulations governing the siting of mobile phone masts is a matter for the Department of the Environment, Heritage and Local Government.

Pension Provisions.

225. **Ms Lynch** asked the Minister for Finance when he expects to receive the report of the Working Group on Possible Changes to the Public Service Spouse's and Children's Schemes; and if he will make a statement on the matter. [17473/06]

Minister for Finance (Mr. Cowen): In 2001, the Commission on Public Service Pensions, which had been set up by the Government to examine all aspects of public service pensions, presented a comprehensive reform package in its final Report. In September 2001, the Government accepted the thrust of the Commission's Report, and the period since then has been marked by the progressive implementation, in consultation with the public service unions, of individual Commission recommendations.

In September 2004, following discussions with ICTU, the Government ratified an agreed approach to the remaining recommendations of the Commission. These were aimed at reforming public service pensions in terms of provision for low-income groups, flexibility and modernisation. As part of this approach the Government mandated further study of a number of the Commission's recommendations, including the feasibility of implementing four specific recommendations in relation to Public Service Spouses' and Children's Schemes. These, in summary, are:

Recommendation No. 29. Public service spouses' and children's schemes should be modified to allow payment of a survivor's pension to a financially dependent partner in certain circumstances and a system for the nomination of partners put in place.

Recommendation No. 30. The provision which requires a spouse's pension to cease on grounds of remarriage or cohabitation should be removed.

Recommendation No. 32. Where a dependent child is orphaned and both parents are members of the same spouses' and children's scheme, two children's pensions should be payable.

Recommendation No. 33. An appropriate system for nomination of death gratuity should be introduced into public service pension schemes.

A joint Union/Management Working Group was established in January 2005 to examine each of the above recommendations and report to the Minister for Finance on the implementation of same. The Working Group comprises representatives from various Government Departments, ICTU Public Services Committee and Garda and

Permanent Defence Forces representative associations.

The Group has met on a number of occasions to date and there have also been a number of bilateral meetings with various Government Departments and private sector pension scheme experts. An Interim Report was completed in July 2005. A draft Final Report is currently being considered by the Group. I understand that discussions on the draft Report are at an advanced stage. The next meeting of the Group is being scheduled for early June.

Electricity Generation.

226. **Mr. N. O’Keeffe** asked the Minister for Communications, Marine and Natural Resources if grant aid is available to install turbines to create energy (details supplied) in County Cork. [16902/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The construction of new renewable energy powered electricity generating plants is supported by the Renewable Energy Feed-in Tariff (REFIT) programme, administered by my Department. The terms and conditions of REFIT were published on the Department’s website (www.dcmnr.ie) on the 1st May last. The programme does not allocate grant aid. The reference price values and improved indexation permitted in the terms and conditions are capable of delivering projects without recourse to grant aid.

Natural Gas Grid.

227. **Mr. Eamon Ryan** asked the Minister for Communications, Marine and Natural Resources when the developer submitted an application to start stage two of the installation of the Corrib gas pipeline, and if he will provide a copy of this application. [17011/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I understand that the Deputy is seeking information relating to elements of the Consents to Install and Commission the pipeline which is a condition of the Consent to Construct a pipeline given under Section 40 of the Gas Act 1976 as amended.

In view of ongoing Court proceedings in relation to the Consent to Construct a pipeline, in which I have been joined as a party, there are certain aspects of this that are sub judice. Furthermore, it is also possible following the publication of the Advantica and TAG reports and my decisions in relation to the recommendations of these reports, there could be further changes that may be required to be made by the developers in relation to certain aspects of the pipeline proposal. Accordingly, I am not in a position to provide the information requested by the Deputy at this stage.

Foreshore Licences.

228. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the portfolio of foreshore licences and leases, in whole or as part of a consortia or partnership held by a company (details supplied). [17171/06]

229. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the portfolio of foreshore licences and leases, in whole or as a part of a consortia or partnership held by a company (details supplied). [17172/06]

230. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if his Department had discussions with companies other than those who were the eventual licence awardees of the Codling and Arklow bank foreshore licences. [17173/06]

231. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the reason both foreshore leases were given for generating electricity by wind in the Codling and Arklow banks for 99 years, in view of the fact that the Department’s guidelines of May 2001 for intending developers state the maximum period of a lease will ordinarily be 60 years. [17174/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I propose to take Questions Nos. 228 to 231, inclusive, together.

The company referred to by the Deputy in Question No. 228 does not hold any licences to investigate the suitability of sites for the construction and operation of offshore wind farms, or leases to allow their construction and operation. Its parent company is, however, a partner in the company holding a lease over part of the Codling Bank and a licence over the remainder of the Bank and the outer Codling Bank.

The company referred to in Question No. 229 holds a lease, though a wholly owned subsidiary, over the Arklow Bank to allow for the construction and operation of an offshore wind farm. Phase one of this development has been constructed and is operational.

The particular leases permitting construction of wind farms on the Arklow and Codling Banks were granted on foot of applications made to the Department by the companies concerned. No applications for such leases were made by other parties in respect of the areas concerned.

The Departmental Guidelines “Offshore Electricity Generating Stations — Note for Intending Developers” issued by the Department state that the maximum term of a foreshore lease granted for the purpose of constructing and operating an offshore generating station will ordinarily be 60 years. It was decided, however, in the case of the two foreshore The Departmental Guidelines “Offshore Electricity Generating Stations —

[Mr. Browne.]

Note for Intending Developers” issued by the Department state that the maximum term of a foreshore lease granted for the purpose of constructing and operating an offshore generating station will ordinarily be 60 years. It was decided, however, in the case of the two foreshore leases referred to by the Deputy in Question No. 231, in response to requests made by both applicants on commercial grounds, that the leases in question would be granted for a term of 99 years. This is the maximum term permitted for leases under the Foreshore Acts.

Electricity Generation.

232. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources his plans to assist applicants for wind farms in the improvement in refit price; to grant aid of 20 per cent of the capital cost; his plans in these areas; and if he will make a statement on the matter. [17489/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The terms and conditions of REFIT were published on the Department’s website (*www.dcmnr.ie*) on the 1st May last. The reference price values and improved indexation permitted in the Renewable Energy Feed In Tariff (REFIT) programme are capable of delivering projects without recourse to grant aid. There are no proposals to amend the published terms and conditions of REFIT.

Citizenship Applications.

233. **Mr. McGuinness** asked the Minister for Foreign Affairs if an application for Irish citizenship in the name of a person (details supplied) in County Kilkenny will be approved in the near future; if the application will be expedited; and if he will make a statement on the matter. [17050/06]

Minister for Foreign Affairs (Mr. D. Ahern): I am pleased to inform the Deputy that the application for Irish citizenship, through entry in the Foreign Births Register, by the person to whom he has referred has been approved. The certificate confirming the applicant’s Irish citizenship will be issued by our Consulate-General in Chicago very shortly.

US Foreign Policy.

234. **Mr. F. McGrath** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that the USA give out 59 million dollars each year to journalists and media people that will spread misinformation about Cuba; and if his attention has further been drawn to that practice here. [17242/06]

Minister for Foreign Affairs (Mr. D. Ahern): I have no information with regard to this allegation.

Northern Ireland Issues.

235. **Mr. Connolly** asked the Minister for Foreign Affairs the constitutional implications for the Republic of Ireland of a type of joint administration of Northern Ireland with the British Government as the alternative to a fully-functioning Northern Ireland Executive and Assembly after 24 November 2006; and if he will make a statement on the matter. [17485/06]

236. **Mr. Connolly** asked the Minister for Foreign Affairs the nature of the proposed joint responsibility of the Irish and British Governments for the administration of Northern Ireland after 24 November 2006 in the event of failure to elect a Northern Ireland Executive; and if he will make a statement on the matter. [17486/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 235 and 236 together.

On 6 April in Armagh, the Taoiseach and Prime Minister Blair set out the Government’s joint strategy for achieving a fully functioning Assembly and Executive in 2006. The strategy is founded on a shared conviction that devolved partnership government, as enshrined in the Good Friday Agreement, provides the best opportunity to create a peaceful and prosperous Northern Ireland.

On 15 May, the Assembly will meet for the first time since suspension in October 2002. It will be asked to elect a First and Deputy First Minister and form an executive within six weeks. Should that not prove possible, the parties will be allowed some additional but limited time — until 24 November — for the express purpose of implementing the Agreement and establishing the Executive.

Our clear and primary focus is on making the Assembly and Executive work. Our plan is designed for success and we are urging all parties to grasp this opportunity to restore positive politics to Northern Ireland.

I want to stress that the Good Friday Agreement, endorsed by the people of Ireland, North and South, remains the template for cooperation between the two Governments in relation to Northern Ireland. Our aim is the formation of an Executive, within the period indicated, but in all circumstances the Governments are agreed that we will exercise our responsibilities to ensure that the Good Friday Agreement is implemented to the maximum possible extent for the benefit of all communities.

Arts Funding.

237. **Mr. Durkan** asked the Minister for Arts,

Sport and Tourism if he has had discussions with the Arts Council in regard to the provision of facilities to encourage the arts in respect of both urban and rural communities; and if he will make a statement on the matter. [16872/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): My Department currently supports capital arts projects through the Arts & Culture Capital Enhancement Support or ACCESS scheme. A total of €45.71m was granted to 44 projects across the country under the scheme. ACCESS primarily assists the development of infrastructure for visual and performing arts, in particular integrated arts centres, theatres, museums and galleries as well as art studios and other arts production, creative and performance spaces.

All of the available funds under the current ACCESS scheme have been fully allocated. My Department is currently examining the option of a successor to the ACCESS scheme, and I hope to make an announcement in this context shortly.

Applications for any new scheme will be invited by public advertisement. Applications will be assessed on the basis of clear and transparent evidence and advice and will, of course, take account of the views and expertise of the Arts Council.

Sports Capital Programme.

238. **Mr. McHugh** asked the Minister for Arts, Sport and Tourism if a grant under the sports capital programme will be allocated to a project (details supplied) in County Galway in order to allow the project to be completed; and if he will make a statement on the matter. [16900/06]

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.

Applications for funding under the 2006 programme were invited through advertisements in the Press on November 27th and 28th last. The closing date for receipt of applications was January 20th 2006. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed.

Casual Trading Markets.

239. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment if, in con-

junction with other Departments, he will review the red tape and bureaucracy involved in the establishment and operation of farmers markets and country markets; and if he will make a statement on the matter. [17001/06]

240. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment if he will review the red tape and bureaucracy involved in the establishment and operation of farmers markets and country markets; and if he will make a statement on the matter. [17006/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 239 and 240 together.

Issues regarding trading in public places are governed by the Casual Trading Act 1995. Under that Act, responsibility for operational matters lies with local authorities which control such trading by way of bye laws made pursuant to Section 6 of the Act. Concerns about how markets and fairs are regulated, therefore, should be directed to the appropriate local authority in the first instance.

Industrial Development.

241. **Mr. Ferris** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the plans to develop the Tarbert-Ballylongford landbank, County Kerry; and if he will make a statement on the matter. [16852/06]

242. **Mr. Ferris** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to plans by a company (details supplied) to develop a deepwater container transhipment terminal at Ballylongford, County Kerry; and if he will make a statement on the matter. [16853/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 241 and 242 together.

The site in question is part of Shannon Development's property portfolio, the management of which is an operational matter for the Company and not one in which I have a direct involvement.

I understand from Shannon Development that given its strategic location, adjacent to the deep waters of the Shannon Estuary, the agency recognises the unique significance of the 600-acre Tarbert/Ballylongford land bank as a desirable location in Western Europe for significant maritime-related businesses. In the past decade, the land bank has been actively promoted to relevant industry sectors, with appropriate supporting marketing material prepared and distributed. During 2004 and 2005, Shannon Development initiated a 'Call for expressions of interest' for projects for which the available deep water access is an attractive magnet for development at the

[Mr. Martin.]

site. In this respect, Shannon Development is actively working to convert inquiries into realistic project opportunities for the Tarbert/ Ballylongford land bank.

Shannon Foynes Port Company comes under the aegis of my colleague the Minister for the Communications, Marine and Natural resources, who, no doubt, will respond to any questions about the Company's activities. I understand from Shannon Development that among the activities suited to the Shannon Estuary is container transshipment. Shannon Development is aware of and supports the strategic plan of the Shannon-Foynes Port Company which includes a desire to develop a transshipment hub on the Shannon Estuary.

Job Creation.

243. **Mr. Lowry** asked the Minister for Enterprise, Trade and Employment, further to an adjournment debate of 25 April 2006 regarding a company (details supplied), the measures he will put in place to ensure that replacement industries are secured for the Thurles area and the wider North Tipperary; and if he will make a statement on the matter. [17013/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Industrial Development agencies operating in the areas in question are making every effort to secure alternative employment for Thurles and North Tipperary. Job creation is a day-to-day administration matter for the agencies concerned and, in addition, a central goal for the agencies is the achievement of balanced regional development. Notwithstanding this, I should point out that the location of a particular project ultimately rests with the promoter of that project.

The present position is that IDA Ireland has responsibility for the attraction of foreign direct investment to North Tipperary, including the town of Thurles, and Shannon Development has responsibility for the provision of industrial property solutions in the area. Shannon Development's role in supporting indigenous enterprise will transfer to Enterprise Ireland under the new mandate granted by me to Shannon Development last year. In addition, the Tipperary North County Enterprise Board provides support for the micro-business sector.

Initiatives undertaken by Shannon Development in the provision of property solutions include the development of the Tipperary Technology Park in Thurles and the acquisition of a 29-acre site in Roscrea with a view to developing a Business Park. These facilities are being actively marketed by IDA Ireland to potential clients through its network of overseas offices. Shannon Development, in association with Local Auth-

orities, is also spearheading the drive to bring high-speed Internet access to the region. The Department of Communications, Marine and Natural Resources has recently approved funding for Metropolitan Area Networks to be installed, which should assist in attracting both indigenous and overseas industry. I am confident that these activities will bring sustainable investment and jobs for the people of Thurles and the wider North Tipperary area.

Work Permits.

244. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment when a decision regarding an application for a work permit for a person (details supplied) in County Kilkenny will be decided; and if he will make a statement on the matter. [17082/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Work Permit Section of my Department has informed me that an application for a work permit in respect of the above individual was refused on 9th March 2006. The employer was notified of this decision in writing and of the right of appeal.

The employer submitted an appeal on 24 March 2006. The Work Permit Section has contacted the employer and is awaiting further documentation before the appeal can be considered further.

Construction Sector.

245. **Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the practice by some companies, particularly in the construction field, of listing job vacancies only in eastern European languages; if such advertisements are investigated to ensure the company is not deliberately recruiting migrant workers with the intent of paying substandard wages; and if he will make a statement on the matter. [17230/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): Employers in the Construction Sector, who wish to recruit workers from outside the European Economic Area are required to seek work permits for each employee recruited. Among the conditions for the granting of work permits is a requirement that such vacancies must be advertised through FÁS. An employer registering a vacancy with FÁS must specify that the vacancy is a potential work permit application. If the employer fails to do this it will not be possible at a later stage to acquire a work permit to fill the vacancy.

Work permits are not granted in circumstances where the proposed rate of pay is less than the

statutory minimum rates provided for in Employment Rights legislation.

The wages and employment conditions of workers employed in the Construction Industry are governed and safeguarded by the Registered Employment Agreement (Construction Industry Wages and Conditions of Employment) Variation Order, which is enforced by the Labour Inspectorate of my Department. Labour Inspectors are empowered to seek compliance with payment of the statutory minimum rates of pay specified in the Agreement. The Labour Inspectorate has no role in the investigation of the advertising of job vacancies including vacancies in the construction sector.

If it is the case that certain workers are paid less than other workers for comparable work and there are no other relevant differentiating features it may be appropriate to refer the matter to the Equality Authority for consideration under Equality Legislation.

The enforcement of the provisions of a Registered Employment Agreement may also be effected under the Industrial Relations Acts. A trade union, an association of employers or an individual employer may complain to the Labour Court that a particular employer is not complying with a Registered Employment Agreement. If, after investigating a complaint, the Court is satisfied that the employer is in breach of a Registered Employment Agreement it may by order direct compliance with the agreement. Failure to comply with such an order is an offence punishable by a fine.

If the Deputy is aware of any breaches of the Registered Employment Agreement, please contact the Labour Inspectorate of the Department of Enterprise, Trade and Employment who will investigate any allegations in this regard.

Employment Rights.

246. **Caoimhghín Ó Caoláin** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to concerns that migrant agricultural workers in the Border regions are being shunted by their employers from one side of the Border to the other in order to evade each jurisdiction's employment laws; if labour inspectors working in Border regions are specifically trained to look out for this type of violation; the communications he has had with his northern counterpart on the issue and the steps they are jointly taking to address the problem; and if he will make a statement on the matter. [17231/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Labour Inspectorate of the Department of Enterprise, Trade and Employment is responsible for monitoring certain employment

conditions for all categories of workers in Ireland, including migrant agricultural workers. The Inspectorate operates without any differentiation with regard to worker nationality as statutory employment rights and protections apply to migrant workers in exactly the same manner as they do to other Irish workers.

For the avoidance of doubt Section 20 of the Protection of Employee's (Part-Time) Work Act, 2001 provides that all employee protection legislation on the Statute Book in Ireland applies to workers posted to work in Ireland in line with Directive 96/71/EC of the European Parliament and Council of 16 December 1996.

Section 20 of the 2001 Act also provides that all employee protection legislation applies to a person, irrespective of his or her nationality or place of residence, who has entered into a contract of employment that provides for his or her being employed in the State or who works in the State under a contract of employment. Thus all Employment Rights Legislation applies to migrant workers engaged to work in the State under a contract of employment.

As part of their training all Inspectors are made aware of the employment rights provisions in relation to all workers, including those who may reside outside the State.

Labour Inspectors pursue allegations of worker mistreatment and when evidence of non-compliance with the relevant employment rights legislation is found, the Inspectorate seeks redress for the individual/s concerned and, if appropriate, a prosecution is initiated.

The Minister has had no communications with the Northern Ireland authorities on the specific issue raised by the Deputy. If the Deputy is aware of any breaches of Employment Rights Legislation, please contact the Labour Inspectorate of the Department of Enterprise, Trade and Employment who will investigate any allegations in this regard.

Work Permits.

247. **Ms Lynch** asked the Minister for Enterprise, Trade and Employment the impact the introduction of the new green card scheme which forms part of the Employment Permits Bill, 2005, will have on the situation of overseas nurses currently resident here under the existing working visa and work authorisation scheme; the way in which their rights under the new administrative procedures will differ from their rights under the current scheme; and the scheme under which future overseas nurses will be able to apply for permission to come and work here as the current working visa and authorisation scheme is being abolished. [17243/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): In my opening address on the

[Mr. Martin.]

Second Stage of the Employment Permits Bill 2005 on 12th October 2005 I announced that the current procedures for granting working visas / work authorisations will be phased out and replaced by a new Green Card system. As I indicated on that occasion, Green Cards will be awarded 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.

As part of the transitional arrangements to the new system, the position of those on existing schemes will be continued. Therefore, as at present, existing participants in the Working Visa/Work Authorisation scheme will be permitted to renew their permission to remain beyond the initial two year period subject to their satisfying certain criteria, the most important being that they continue to come within the terms of the scheme and that there are no public policy objections to their remaining in the state.

Community Employment Schemes.

248. **Ms C. Murphy** asked the Minister for Enterprise, Trade and Employment his intentions in relation to commencing the process of providing core funding for community employment positions currently supporting personal social services for people with disabilities; and if he will make a statement on the matter. [17350/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The main purpose of the community employment programme operated by FÁS is to provide work experience and training for the long-term unemployed and disadvantaged groups and thereby enable participants to advance successfully to employment in the open labour market.

On 10 November 2004, following a review of FÁS employment schemes (community employment, job initiative and social economy programmes), I announced that community employment places supporting the delivery of health services will continue to be ring-fenced and this has been the practice since then.

Decisions regarding the provision of core funding for the health services generally is a matter for the Minister for Health and Children.

Industrial Relations Legislation.

249. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment the number of pieces of legislation governing industrial relations. [17408/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The following are the pieces of legislation governing industrial relations:

Industrial Relations Act 1946

Industrial Relations Act 1969

Industrial Relations Act 1976

Industrial Relations Act 1990

Industrial Relations (Amendment) Act 2001

Industrial Relations (Miscellaneous Provisions) Act 2004

Transnational Information and Consultation of Employees Act 1996

Worker Participation (State Enterprises) Acts 1977 and 1988

Employees (Provision of Information and Consultation) Act 2006.

Employment Rights Legislation.

250. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment the number of pieces of legislation governing employment rights. [17409/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): There are currently 16 pieces of employment rights legislation in existence which are administered by the Department of Enterprise, Trade and Employment. They are:

1. Redundancy Payments Acts 1967 to 2003

2. Employment Agency Act 1971

3. Minimum Notice and Terms of Employment Acts 1973 to 2001

4. Protection of Employment Act 1977

5. Unfair Dismissals Acts 1977 to 2001

6. Protection of Employees (Employers' Insolvency) Acts 1984 to 2004

7. Payment of Wages Act 1991

8. Terms of Employment (Information) Acts 1994 and 2001

9. Protection of Young Persons (Employment) Act 1996

10. Organisation of Working Time Act 1997

11. National Minimum Wage Act 2000

12. European Communities (Protection of Employment) Regulations 2000

13. Carer's Leave Acts 2001 and 2006

14. Protection of Employees (Part-Time Work) Act 2001

15. Protection of Employees (Fixed-Term Work) Act 2003

16. European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003

The Deputy will be aware that there are also a number of pieces of employment rights legislation relating, inter alia, to Maternity Protection, Adoptive Leave, Parental Leave and Employment Equality which are administered by the Department of Justice, Equality and Law Reform.

Social Welfare Benefits.

251. **Mr. F. McGrath** asked the Minister for Social and Family Affairs if assistance will be given to a person (details supplied) in Dublin 9; and if the maximum support and advice will be given. [16986/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the Community Welfare division of the Health Service Executive. Neither I nor my Department has any function in relation to decisions on individual claims. Rent supplements are subject to a limit on the amount of rent that an applicant for rent supplement may incur. I understand that the person concerned wishes to rent accommodation at a cost in excess of the relevant rent limit. Notwithstanding these limits, under existing arrangements the Health Service Executive may, in certain circumstances, breach the rent levels as an exceptional measure. The Health Service Executive has been contacted concerning this case and has advised that according to the information available, the circumstances surrounding the case would not, in its opinion, justify awarding a rent supplement in respect of accommodation where the weekly rent is in excess of the prescribed limits. The Executive has further advised that in its view the current rent limits are not a barrier to securing accommodation in this case.

252. **Mr. Ring** asked the Minister for Social and Family Affairs if disability allowance will be awarded retrospectively to a person (details supplied) in County Mayo in view of the fact that they did not receive a payment from his Department for a number of years even though they were entitled to it; and if this award will be offset against the amount that his Department are seeking from the estate of their late mother. [17238/06]

Minister for Social and Family Affairs (Mr. Brennan): There is a requirement under the legislation for a claimant to make a social welfare

claim within a specified period from the date their entitlement arises. In the case of Disability Allowance this is within 7 days of the date on which the claimant becomes entitled to Disability Allowance. However, provision is made in the legislation to make payments within certain limits where there is “good cause” for the submission of a late claim. In the case of Disability Allowance, payment may be made for a maximum of 6 months. If a claimant wishes to make a claim for backdating their claim beyond six months they can only do so under one of the following specific grounds:

- Where incorrect information was given by departmental error which resulted in the delay in making the claim;
- Where the person became incapacitated to such an extent that he/she was unable to make a claim;
- Where the person suffers a “force majeure”;
- Where the person has a current level of financial indebtedness which cannot reasonably be financed from current income or assets.

The Deciding Officer must satisfy himself/ herself that the claimant satisfied the conditions for award of Disability Allowance during the period for which backdating is being sought. The claimant was for five years in insurable employment commencing in 1998. He claimed and received Unemployment Benefit from September 2003 to September 2004. He subsequently claimed Disability Allowance from December 2005. The claimant in this case has not made an application for backdating of his Disability Allowance. If he wishes to have his claim considered for backdating he should make application to my Department clearly setting out the grounds for such an application. Under Social Welfare legislation decisions in relation to claims must be made by Deciding Officers. These officers are statutorily appointed and I have no role in regard to making such decisions. With regard to the Estate case in respect of the applicant’s late mother, my Department’s inspector is in touch with the family’s solicitor regarding a settlement.

253. **Mr. Ring** asked the Minister for Social and Family Affairs the outcome of the review by the appeals officer in relation to the carer’s benefit appeal by a person (details supplied) in County Mayo. [17239/06]

Minister for Social and Family Affairs (Mr. Brennan): The person’s application for carer’s benefit was disallowed by a Deciding Officer on the grounds that the person was not engaged in remunerative employment prior to her claim as she was on a career break. The person appealed this decision to the Social Welfare Appeals Office

[Mr. Brennan.]

and an oral hearing was held on 28 February 2006. Having considered all of the available evidence, including that adduced at the oral hearing, the Appeals Officer determined that the person cannot be considered to be in remunerative full time employment as an employed contributor and accordingly does not satisfy the relevant legislative criteria for qualification for carer's benefit. The person was notified of the decision of the Appeals Officer on 8 March 2006. The case was reviewed by the Appeals Officer following representations on behalf of the appellant. He concluded that there were no new facts or evidence which would warrant a revision of the original decision. The appellant has been advised of this conclusion. She has also been informed that it is open to her to apply for carer's allowance. 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.

Pension Provisions.

254. **Mr. Callely** asked the Minister for Social and Family Affairs the number of workers here who are estimated to be without a pension. [17255/06]

255. **Mr. Callely** asked the Minister for Social and Family Affairs if pension action week is to be an annual event. [17256/06]

256. **Mr. Callely** asked the Minister for Social and Family Affairs the number of additional workers he expects to sign up or his Department has targeted to sign up for pensions following pension action week. [17257/06]

258. **Mr. Callely** asked the Minister for Social and Family Affairs the work which is being done to reform the pensions system to ensure more workers sign up for pensions. [17259/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 254, 255, 256 and 258 together.

The National Pensions Policy Initiative, published in 1998, suggested that 70% of those at work who are 30 years of age and over require a supplementary pension to ensure that they can maintain their standard of living in retirement. The most recent figures from the Quarterly National Household Survey (CSO) show that in the first quarter of 2005 58.6% of this key target group had a supplementary pension. The coverage figure for all those at work was 51.5%. Because of slow progress being made towards our overall targets in the pensions area, in early 2005 I asked the Pensions Board to undertake the

National Pensions Review and this was published on 17th January 2006. In its report on the review The Board reaffirmed the various targets recommended in the original National Pensions Policy Initiative including a supplementary pensions coverage rate of 70% for those aged 30 years and over.

The Pensions Board is working towards achieving this 70% target in all of its promotional activity, including National Pensions Action Week, which took place last week. A pensions awareness, or action week, has been a regular event since 2003 when it was first launched as part of the National Pensions Awareness Campaign to support the introduction of Personal Retirement Savings Accounts. The campaign in general has been successful in raising awareness in relation to pensions issues and in generating debate in this very important area.

The need for an awareness campaign and action week will be kept under review having regard to the progress made in meeting overall coverage targets and the direction of future Government policy in this area. There is no doubt that the pensions system will require reform if we are to reach our targets. The Pensions Board in its report has recommended enhancements to the current voluntary system as it considers that it has the potential to deliver significant improvements in coverage. Essentially these suggestions involve using the successful elements of the SSIA system in a pensions context by converting the tax relief provided for personal pensions to a matching contribution.

With the right incentives, the voluntary system can deliver improved pensions coverage. In this regard, I welcome the measures brought forward by the Minister for Finance to provide incentives for those on lower incomes to invest their SSIA savings in pensions. The extent to which these initiatives are successful in encouraging pensions savings may give some indication of the likely attitude of the public to the more general suggestions made by the Pensions Board in this area. However, no truly voluntary pensions system has delivered the sort of coverage rates for which we are aiming and if we are to achieve our overall targets we may have to consider a more radical approach. In this regard, I have asked the Pensions Board to explore in more detail the ideas for a mandatory or quasi-mandatory system it put forward in its report on the National Pensions Review. I have asked the Pensions Board to suggest and cost a system it considers suitable for Irish conditions and to submit a report to me which I expect to have by the end of next month.

The Pension Board report on the National Pensions Review requires serious debate and analysis before we decide finally on the type of retirement we want for our older people and the contribution we will make during our working lives to that future. To further that debate I convened the

National Pensions Forum on the 5th May to provide an opportunity for stakeholders to debate the issues raised in the Review and to air their views on the best approach to take. The Government will make decisions in relation to the way forward as soon as possible. The inputs to the Pensions Forum and the further work I have asked the Pensions Board to undertake in the area of mandatory pensions will inform these decisions.

257. **Mr. Callely** asked the Minister for Social and Family Affairs the membership of the Pensions Board. [17258/06]

Minister for Social and Family Affairs (Mr. Brennan): The new Pensions Board took up office from 21st December 2005 for a five year period. The full membership of the board is:

Tiarnan O'Mahony (Chairperson)	Appointed by the Minister for Social & Family Affairs
Kevin Brabazon	Nominated by Irish Business & Employers Confederation
Marie Daly	
Rosheen Callendar	Nominated by the Irish Congress of Trade Unions
Fergus Whelan	
William Beausang	Representative of the Minister for Finance
Julian Caplin	Appointed by the Minister for Social & Family Affairs
John Dillane	
Mary O'Donnell	
Emer O'Flanagan	
Michael O'Halloran	
Gerry Ryan	Nominated by the Irish Association of Pension Funds
Dervla Tomlin	Nominated by the Irish Insurance Federation.
Anne Vaughan	Representative of the Minister for Social & Family Affairs
Mary Wade	Nominated by the Association of Pension Lawyers in Ireland
Tom Wright	Nominated by the Consultative Committee of Accountancy Bodies — Ireland
Rosalind Briggs	Nominated by the Society of Actuaries in Ireland

Question No. 258 answered with Question No. 254.

Family Support Services.

259. **Mr. Callely** asked the Minister for Social and Family Affairs the progress which has been made at the National Consultative Forum he convened to discuss proposals for supporting lone parents; and when the forum is likely to report. [17260/06]

260. **Mr. Callely** asked the Minister for Social and Family Affairs the groups and or persons which have made presentations or submissions to the National Consultative Forum convened to discuss proposals for supporting lone parents. [17261/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 259 and 260 together.

The Government acknowledges that the risk of poverty, especially child poverty, tends to be higher among one parent families, larger families

and those faced by long-term unemployment, due mainly to the direct costs of rearing children, including child care costs, and the opportunity costs related to the reduced earning capacity of parents, arising from their care responsibilities. This applies particularly to one parent families as the lone parent has to be the main breadwinner and carer at the same time. One of the key tasks in the 'Ending Child Poverty' initiative under Sustaining Progress is to address obstacles to employment for lone parents.

The Senior Officials Group on Social Inclusion was mandated late in 2004 to examine this issue and report back to the Cabinet Committee on Social Inclusion with specific proposals. A sub-group of the Senior Officials Group examined obstacles to employment for lone parent families, with particular emphasis on income supports, employment, education, childcare and support programmes and information.

A working group established in my Department reviewed the income support arrangements for lone parents, looking at issues including the contingency basis of the one parent family pay-

[Mr. Brennan.]

ment, cohabitation and the fact that the payment can act as a disincentive to the formation of partnerships and discourage joint parenting. As a result of this process, which included consultation with the social partners, I recently launched a major Government discussion paper, 'Proposals for Supporting Lone Parents' which addresses the social exclusion and risk of poverty faced by many such families and their children.

The report puts forward radical proposals for reform of the income support system for all parents on a low income. The report proposes the expanded availability and range of education and training opportunities for lone parents, the extension of the National Employment Action Plan to focus on lone parents, focused provision of childcare, improved information services for lone parents and the introduction of a new Parental Allowance for low income families with young children.

The Government has asked the Senior Officials Group on Social Inclusion to draw up an implementation plan to progress the non-income recommendations of the discussion paper, including those related to childcare, education, training and activation measures and work on this has already commenced in consultation with the Departments and agencies concerned.

As a follow-up to the publication of the discussion paper, I hosted a National Consultative Forum on 27th April 2006. The Forum was attended by social partners, representatives of organisations dealing with lone parents and the unemployed, representatives of Government departments and State agencies who will be responsible for the implementation of the proposals in the discussion paper and members of the Oireachtas. At the Forum, I heard the views of each organisation on the proposals including their comments on the proposed parental allowance and invited them to make formal written submissions setting out those views. The organisations represented at the forum were IBEC, ICTU, CORI, St. Vincent De Paul, One Family, OPEN, Doras Buí, National Women's Council, Treoir, Teen Parent Support Programme, Parental Equality and AMEN. The Observers were the Senior Officials Group on Social Inclusion, FÁS, Combat Poverty, Crisis Pregnancy Agency, Family Support Agency, NESF and NESCA.

Higher Education Grants.

261. **Ms O'Sullivan** asked the Minister for Social and Family Affairs if a mature student who qualifies for a third level grant and who lives away from their parents has that grant included in the calculation of means for rent allowance; and if he will make a statement on the matter. [17443/06]

Minister for Social and Family Affairs (Mr. Brennan): Rent supplements are available to eli-

gible people through the supplementary welfare allowance scheme, which is administered on my behalf by the Community Welfare division of the Health Service Executive. Neither I nor my Department has any function in determining entitlement in individual cases. Under Section 190(1) of the Social Welfare (Consolidation) Act 2005, people in full-time education are not normally eligible to receive assistance, including rent supplements, under the supplementary welfare allowance scheme. Therefore, the question of including or excluding the value of a third level grant does not arise. However, there is provision for retention of rent supplement by qualifying social welfare scheme recipients, in the specific situation where they resume full-time education after a defined period with the assistance of the back to education allowance scheme. People participating in approved courses under this facility receive a standard weekly rate of payment equivalent to the maximum rate of their relevant social welfare payment and may retain any secondary benefits, such as rent supplements, which may have been in payment prior to participating in the scheme. Any third level grant that is payable to the person is disregarded in the means assessment for rent supplement in these particular circumstances.

Services for People with Disabilities.

262. **Ms O. Mitchell** asked the Minister for Transport if his attention has been drawn to whether all Bus Éireann bus stations are fully accessible to people with disabilities; and if he will make a statement on the matter. [16881/06]

Minister of State at the Department of Transport (Mr. Gallagher): Significant investment has been made to date by Bus Éireann in upgrading bus stations to make them fully accessible for people with mobility and sensory impairments. I understand that, with the exception of Limerick and Galway, all of Bus Éireann's bus stations will have been brought up to accessibility standards by the end of 2006. Preparatory work on a major joint bus/rail station development in Limerick is well advanced and completion is expected by 2008. Galway will also entail a bus/rail station development. However, as this project will form part of a wider redevelopment project in Galway, a date for completion is not currently available.

263. **Ms O. Mitchell** asked the Minister for Transport if all inter-city and DART trains are wheelchair accessible; if not, when same will happen; and if he will make a statement on the matter. [16882/06]

Minister of State at the Department of Transport (Mr. Gallagher): Significant investment has been made to date under the National Development Plan (2000-2006) in acquiring new rolling stock for Iarnród Éireann. All of the public trans-

port vehicles purchased under the NDP for the services by the company have been specified to full accessible standards. I understand that allowing for the completion of refurbishment work to some older DART (electric) carriages, all DART carriages on the Dublin suburban rail network will be accessible by mid 2007. The diesel railcars on suburban rail serving Dublin and Cork are already accessible. Additionally, Iarnród Éireann is in the process of replacing the vast bulk of its Inter-City passenger rolling stock. All of this rolling stock is being specified to UK Rail Vehicle Accessibility Standards. I am informed that practically all inter-urban passenger rail services will have accessible rolling stock by 2009.

264. **Ms O. Mitchell** asked the Minister for Transport if all Bus Éireann buses are wheelchair accessible; if not, the percentage which are; when the full fleet will be accessible; and if he will make a statement on the matter. [16883/06]

282. **Mr. Connolly** asked the Minister for Transport if the additional buses on order for Bus Éireann will be wheelchair accessible; and if he will make a statement on the matter. [17440/06]

Minister of State at the Department of Transport (Mr. Gallagher): I propose to take Questions Nos. 264 and 282 together.

Significant progress has been made in recent years in the introduction of wheelchair accessible buses to the Bus Éireann fleet. Since the year 2000, all buses purchased by the company for urban services are low floor, wheelchair accessible. That purchasing policy will continue as the bus fleet is replaced and expanded. Bus Éireann has already achieved almost 100% fleet conversion to low floor, wheelchair accessible buses on its urban services in the cities of Cork, Limerick, Galway and Waterford. The company also has a number of low floor, wheelchair accessible buses operating on a number of rural routes and on some commuter routes that were previously served by coaches.

In other urban areas currently served with smaller buses, some are wheelchair accessible, and it is Bus Éireann's policy to replace those vehicles with wheelchair accessible buses. Bus Éireann advise that almost all existing designs of coaches for scheduled inter-urban services make them inaccessible for people in wheelchairs and others with severe disabilities because they incorporate steps to allow for under floor luggage space. I am told by the Company that this problem is not unique to Ireland and European-wide efforts are underway to address the difficulty. Bus Éireann also advises that field trials by large UK bus operators of the limited types of coaches with accessibility features that are currently available on the bus market have highlighted significant

shortcomings for passengers with and without disabilities and for the bus operators.

An EU-sponsored report (COST 349), issued in late-2005, provides guidance on solutions for accessible coach and long distance bus travel. In addition, more developed wheelchair accessible coaches, that may be suitable for scheduled services, are expected to begin in-service trials with a limited number of operators in the UK this Summer. We now need to explore further options. I have asked Bus Éireann to explore the scope for acquiring wheelchair accessible coaches of the type planned for trials in the UK, for in-service trials in Ireland and to give me a report in the matter before any orders are placed. In that respect, the company is consulting with the National Disability Authority. I await to hear back from the company.

Road Safety.

265. **Mr. Lowry** asked the Minister for Transport if, while recognising the crucial importance of safe driving, he will confirm the legal status of the Road Safety Authority; if, in view of this status and the fact that the Road Safety Authority Bill has to be enacted, the Authority has the legal authority and mandate to proceed with advertising campaigns at this time; and if he will make a statement on the matter. [17003/06]

Minister for Transport (Mr. Cullen): The current advertising campaign is being run by the National Safety Council in conjunction with the Irish Insurance Federation and is using the logo of the Road Safety Authority in order to raise the public profile of the brand of the Road Safety Authority in advance of its formal establishment following enactment of the Road Safety Authority Bill.

266. **Mr. Lowry** asked the Minister for Transport if it is his long-term intention to incorporate the road safety role of the National Safety Council into the proposed Road Safety Authority; his plans for the National Safety Council; and if he will make a statement on the matter. [17004/06]

Minister for Transport (Mr. Cullen): It is my intention that the current functions carried out by the National Safety Council in relation to road safety matters will be taken over by the new Road Safety Authority when the Bill, that is currently going through the Dail, is enacted.

The Bill was passed by Dáil Éireann on 5 March and is due to commence its Second Stage in the Seanad on 10 May.

267. **Mr. Cregan** asked the Minister for Transport if it is his Department's intention to recruit inspectors to work with both the Road Safety Authority and the Taxi Regulator; and if he will make a statement on the matter. [17031/06]

Minister for Transport (Mr. Cullen): The necessary staff to carry out the functions to be assigned to the Road Safety Authority will be recruited either by the Department or by the RSA itself post vesting.

The Commission for Taxi Regulation is an independent body established in September 2004 under the Taxi Regulation Act 2003. Under section 18 of the 2003 Act, the Commission is responsible for the recruitment and appointment of the staff of the Commission with the consent of both the Ministers for Transport and Finance to the numbers, grades and terms and conditions of employment.

Pension Provisions.

268. **Mr. Bruton** asked the Minister for Transport if persons who have retired from Aer Lingus will benefit from a top-up in the Aer Lingus pensions fund in the context of a part sale of shares. [17084/06]

Minister for Transport (Mr. Cullen): I understand that many of the former staff of Aer Lingus may have concerns about their pensions in the context of the planned investment transaction. I have recently mandated management in Aer Lingus to engage intensively with the trade unions with a view to addressing the key concerns of staff, in relation to a third-party investment, including pensions, to the maximum extent possible. The position of pensioners will also be addressed in any solution that is agreed. The investment transaction actually provides a unique opportunity to address issues in relation to pensions that have existed for some time.

Disabled Drivers.

269. **Mr. Perry** asked the Minister for Transport if he will address the concerns raised in correspondence (details supplied) on the matter of disabled parking spaces in Sligo; and if he will make a statement on the matter. [17225/06]

Minister for Transport (Mr. Cullen): Road Traffic and Parking Regulations made in 1997 under section 35 of the Road Traffic Act 1994 provide that only vehicles in which a disabled person's parking permit is displayed may stop or park in a disabled person's parking bay provided the vehicle is being used for the convenience of the person to whom the permit was issued. From 3 April 2006 a new fixed charge offence of €80 applies to illegal parking in these designated spaces.

The level of this fixed charge increases by 50% to €120 if it not paid within 28 days. A further period of 28 days is allowed for payment of €120 fixed charge. If no payment is received within that 56 day period, a court prosecution is initiated.

Prior to 3 April the fine on the spot for illegal parking was only €19. This significant increase in the financial penalty should act as a deterrent measure against illegal parking in disabled persons parking bays.

I currently have no proposals underway to make parking illegally in a disabled persons parking bay a penalty point offence. Allocation of spaces, monitoring of disabled parking spaces and the provision of electronic warning equipment is a matter for each Local Authority.

Heavy Goods Vehicles.

270. **Mr. F. McGrath** asked the Minister for Transport if he will work closely with Dublin City Council on the major concerns regarding the heavy goods vehicle cordon (details supplied). [17245/06]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects, including the Dublin Port Tunnel and the concerns raised by the Deputy in that regard, are matters for the National Roads Authority (NRA) and the local authorities concerned, in this case, Dublin City Council.

That being said, I am very conscious of the concerns associated with the introduction of the HGV Management Strategy, and my officials and I are working closely with all key stakeholders, including Dublin City Council, to ensure that these are addressed.

My Department's formal role will be to put in place the necessary regulations regarding road signage and related matters to support the strategy. This work is underway.

Driving Tests.

271. **Ms Shortall** asked the Minister for Transport if he will arrange an early driving test for a person (details supplied) in County Limerick in view of the particular circumstances of this case. [17282/06]

Minister for Transport (Mr. Cullen): A driving test has been arranged for the person concerned.

Road Safety.

272. **Mr. Haughey** asked the Minister for Transport if the UK MOT in relation to the road worthiness of a vehicle is recognised here; if the Irish VTR is recognised throughout the EU; if EU laws is harmonised in this regard; and if he will make a statement on the matter. [17283/06]

Minister for Transport (Mr. Cullen): The framework at European level in relation to compulsory periodic roadworthiness testing of motor vehicles is set down in EU Directive 96/96/EC. The Directive specifies the categories of vehicles liable to testing, the minimum frequency of testing of vehicles, the items that have to be tested

and the arrangements for testing. The Directive requires that a vehicle liable to roadworthiness testing must be tested in the Member State in which it is registered and that the proof of passing a roadworthiness test issued by that Member State must be recognised in all other Member States. The mutual recognition of roadworthiness certificates ensures the free circulation of vehicles within the EU. The Directive is currently transposed into Irish law by means of the Road Traffic (National Car Test) Regulations 2003 for passenger cars and by the European Communities (Vehicle testing) Regulations 2004 for commercial vehicles.

Public Transport.

273. **Ms Shortall** asked the Minister for Transport the number of licences currently in the State for private coach operators with a breakdown by vehicle age; the number that have been tested and the results; and if he will make a statement on the matter. [17291/06]

Minister for Transport (Mr. Cullen): The number of current Road Passenger Transport Operator Licences issued by my Department is 1,811, as at mid-April 2006, the latest date for which I have figures.

The total number of vehicles on those licences, excluding the Dublin Bus and Bus Éireann fleets, is 5,266. The breakdown by registration years and vehicle age is as follows:

01-06 (0-5 years) :	1,565
00-86 (5-10 years):	3,367
85-80 (10-15 years):	279
80+ (15+ years):	55

In order to renew motor tax on a commercial vehicle, including a bus, a valid certificate of roadworthiness for that vehicle must be produced. Some 9,673 roadworthiness tests were carried out on buses in 2004, the latest year for which data is available in my Department. The test results for these vehicles show that there were 7,857 passes and 1,816 fails.

Enforcement of the licensing requirements is a matter for the Transport Officers of the Department and the Garda. The functions of the Transport Officers will transfer to the Road Safety Authority on its establishment.

Vehicle Registration Tax is a matter for the Revenue Commissioners.

Road Network.

274. **Mr. Crowe** asked the Minister for Transport his position regarding the way in which barrier-free tolling might be achieved on the M50 motorway; and if he has examined the system in Melbourne, Australia, which has been suggested as being one of the most efficient users of this technology. [17292/06]

Minister for Transport (Mr. Cullen): The statutory power to levy tolls on national roads, to make toll by-laws and to enter into toll agreements with private investors in respect of national roads is vested in the NRA under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000). In that context, the NRA will bring forward specific proposals for single-point barrier-free tolling on the M50 for consideration later this year. I understand that the system at Melbourne has been carefully examined by the NRA and its advisers as have other successful free-flow systems throughout the world including the Toronto 407 highway, and the Austrian and German lorry charging systems.

Road Traffic Offences.

275. **Mr. Crowe** asked the Minister for Transport his views on whether narrow, often potholed roads without footpaths should carry the same speed limit of 80 kph as that of dual carriageway arterial roads; and his plans to establish a lesser national default speed which would apply to all roads except where higher limits are permitted. [17293/06]

Minister for Transport (Mr. Cullen): The Road Traffic Act 2004 Act provides that a default speed limit of 80 kph applies to rural regional and local roads. The general speed limit of 60 miles per hour had previously applied to such roads since 1961 so the present default limit is almost 10 miles per hour lower than that. The 2004 Act permits the Local Authorities to make special speed limit bye-laws to apply a lower or higher speed limit in lieu of a default speed limit at any location on a regional road or local road where such is deemed warranted.

The decision to apply a special speed limit, including the application of a periodic speed limit at any location, is a matter for determination by each City Council or County Council. I have no function in relation to the timing of the imposition of special speed limits at any location.

I have no plans to amend primary legislation to revise the current speed limit structures to provide a default speed limit of less than 80 kph on rural regional and local roads.

Rail Network.

276. **Ms Shortall** asked the Minister for Transport his estimate of the cost of the full electrification of the rail network. [17296/06]

Minister for Transport (Mr. Cullen): Transport 21 includes a financial provision to cover the anticipated cost of the electrification of the Northern, Kildare and Maynooth lines. However, I do not propose to release this commercially sensitive information until the public procurement process for this project is completed.

Parking Regulations.

277. **Ms Shortall** asked the Minister for Transport the number of parking spaces for heavy goods vehicle in Dublin Port in each of the years this century; and his plans to expand this number in the short term. [17297/06]

Minister for Transport (Mr. Cullen): This is an operational matter for Dublin Port Company. I have no function in this regard.

278. **Ms Shortall** asked the Minister for Transport the way in which Section 11 of the Road Transport Act, 1999 is being enforced. [17298/06]

Minister for Transport (Mr. Cullen): Section 11, Road Transport Act, 1999 makes a provision that licensed operators must have adequate parking space and operating premises in the State for the vehicles operated under an operator's licence. It does not apply in respect of a person who held a licence on the day immediately preceding the date on which Section 11 came into operation until the expiration of three years after that date i.e. until 29th September, 2008.

In practice, and following discussion with the Local Authorities, the Local Authorities will inform my Department of any operator deemed not to have adequate parking for his vehicles or whose operational base is unsuitable.

The licensee is required to continue to comply throughout the currency of the licence with the requirements for obtaining the licence. My Department reserves the right to check at any stage during the validity of the licence that the holder continues to satisfy the requirements on the basis of which the licence was officially granted. Failure to comply may lead to the suspension or revocation of the licence.

Road Traffic Offences.

279. **Mr. Wall** asked the Minister for Transport the different means of communication used by his Department to notify the general public, especially those in ownership of vehicles, of the new points offences under the Road Traffic Act 2004; if he has satisfied himself in view of the high number of new offences, that the general public are fully aware and informed of the changes; and if he will make a statement on the matter. [17395/06]

Minister for Transport (Mr. Cullen): I am satisfied that an intensive public awareness campaign has been undertaken in relation to the penalty point system. A multimedia public awareness campaign, including TV advertisements, radio advertisements and full page notices in national newspapers was carried out with the extension of the penalty points system to an additional 31 offences from 3 April.

The National Safety Council (NSC), as the agency mandated with responsibility for road safety education and information, operates a dedicated penalty point website *www.penaltypoints.ie*. This website has recently been redesigned/updated in the context of the extension of the penalty point system.

In addition, the National Safety Council ran a special public education/awareness campaign about the extension of the penalty points system, which took place from the end of March in the lead up to the 3 April 2006. The campaign included newspaper advertisements outlining the details of the penalty point offences.

No new offences, as such, were created. From 3 April, the penalty point system was extended to apply to a number of offences that were already in force but where motorists were previously subject to a fine-on-the spot or a direct summons to Court for breaching these offences.

Airport Development Projects.

280. **Mr. Gogarty** asked the Minister for Transport his views on transferring the responsibility for the public consultation process on Weston Aerodrome from the Irish Aviation Authority to another independent body in order to ensure public confidence in the integrity of the final adjudication. [17431/06]

281. **Mr. Gogarty** asked the Minister for Transport if a precedent exists whereby a State agency, not being a local authority with decision making powers on planning, will seek submissions as part of a public consultation process into the development of an airport and adjudicate on same, while at the same time being a member of the group which formulated the original proposal; his views on the fact that the Irish Aviation Authority website makes it clear that the Irish Aviation Authority acted in concert with Weston Aerodrome to formulate the proposal which they are seeking submissions from the public on and which they purport to adjudicate upon; if this scenario would be open to legal challenge; if he has sought legal advice; and if he will make a statement on the matter. [17432/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 280 and 281 together.

The Irish Aviation Authority is the statutory body responsible for Irish airspace and for issuing aerodrome licences within the State. In many cases other legislation, including legislation which is not specifically directed at aviation, also applies to aerodromes and aviation activity, and other Government departments, local authorities or other statutory bodies may have regulatory roles that affect aviation activities.

A licence or approval issued by the Authority does not in any way entitle the regulated party to operate in accordance with that licence or approval if doing so would contravene other

regulatory requirements including, especially, the requirements of the planning system. It is the duty of the regulated party to ensure that it acquaints itself with all requirements affecting its activities and to ensure that it complies with those requirements.

Weston Aerodrome submitted an Airspace Change Proposal to the IAA requesting a change in the airspace from Class G to Class C. The application was made on the basis that the proposed arrangements would substantially enhance aviation safety in a complex block of airspace. The classification of airspace as Class C requires permission for entry from Air Traffic Control and when operating within such airspace all flights are subject to air traffic control.

The Airspace Change Proposal was developed by Weston Aerodrome. The Authority did not act in concert with Weston to formulate the original proposal. The Authority in its role as safety regulator facilitated discussion between the various air traffic services in the Dublin area and dealt with queries and other matters in connection with the application. This is a normal feature of the Authority's role to ensure that the highest standards of aviation safety are achieved.

While background material may be contained in an Airspace Change Proposal document the Authority will only consider those elements within its statutory remit. Although the Authority is not legally obliged to consult in relation to airspace changes, it nevertheless considered it appropriate to do so on this occasion in the interests of transparency. Aviation safety is the responsibility of the IAA and I have no plans to make any changes to the consultation process in regard to it.

Question No. 282 answered with Question No. 264.

Road Traffic Offences.

283. **Mr. Connolly** asked the Minister for Transport if negotiations with the authorities in Northern Ireland in relation to the harmonisation of penalty points have taken place; the progress made in such negotiations; if a timescale is envisaged for penalty points harmonisation; and if he will make a statement on the matter. [17441/06]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply to Parliamentary Question No. 127 on Wednesday 3 May 2006.

The North/South Work Programme which was agreed by the North South Ministerial Council, included a commitment to examine the mutual recognition of penalty points on the island of Ireland. However, in addition to the fact that separate penalty point systems operate in the two jurisdictions on this island, the system that operates in Northern Ireland differs from that applying in Great Britain. For that reason, it was agreed that it would be more appropriate to pur-

sue the question of mutual recognition of penalty points on the basis of the operation of the three systems and that it would also be more appropriate that it would be dealt with under the auspices of the British-Irish Council.

It was agreed at the British-Irish Council meeting on the 9 February last that officials should examine the prospects for greater co-operation in the treatment of road traffic infringements where the penalty falls short of disqualification. At that meeting I also formally agreed with the UK Minister of State for Transport to enter into bilateral arrangements on the mutual recognition of driving disqualifications as envisaged in the EU Convention on Driving Disqualifications.

The development of a system of mutual recognition of lesser offences presents complex legal questions and will require the negotiation of a bilateral agreement between the two Governments and probably the passage of primary legislation to support such an agreement.

However, it is recognised that as there are three separate systems for penalty points in operation, straightforward mutual recognition of points is not practical. Nevertheless, an agreement to recognise lesser offences not covered in the Convention might be feasible whereby the offences could be notified and the penalties appropriate to such offences in each jurisdiction applied.

As Northern Ireland has the lead role for transport matters in the BIC, the authorities in that jurisdiction are taking the lead in considering this issue. It was agreed that officials examine the issues further and report back by the end of May. However, given the complexities I expect further work will be necessary at that stage.

NGO Sector.

284. **Mr. Sargent** asked the Minister for Agriculture and Food if an assurance will be given that her Department will not take the Tree Council of Ireland as representing the non-Governmental organisations of Ireland. [16844/06]

Minister for Agriculture and Food (Mary Coughlan): The Tree Council is a voluntary NGO acting as an umbrella body linking together some 50 organisations with a common interest in trees. It is a forum for organisations concerned with trees and represents a valuable sounding board for opinion in that sector. However, it does not represent all Irish NGOs, and my Department has never regarded it as doing so.

Grant Payments.

285. **Mr. Neville** asked the Minister for Agriculture and Food if there is a decision concerning an appeal by a person (details supplied) in County Limerick in respect of their 2004 special beef premium. [16850/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application, in respect of four animals, under the 2004 Special Beef Premium Scheme, on 4 November 2004. Following the initial processing of the application, it was found that the four animals in question were not recorded as being in the herd of the person named on the date the application was received by the Department. This is a basic requirement of the Scheme and, if not complied with, can result in regulatory penalties.

The four animals were rejected for payment and a penalty was applied. The penalty amounted to €840, which is the equivalent of premium amount that would have been due to person named if all requirements of the scheme had been complied with. This amount was recouped from the Single Farm payment, which issued on 16 December 2005. However, following a review of the case, a letter issued to the person named on 25 April 2006 informing him that the penalty amount recouped will be refunded and that payment for the four animals in question (€840), will issue shortly.

EU Directives.

286. **Mr. McHugh** asked the Minister for Agriculture and Food if, under the provisions of the Nitrates Directive, farmers will be allowed reduce their storage requirement in cases in which they maximise grass utilisation with extended grazing management systems which consequently reduce the housing period they require for stock; and if she will make a statement on the matter. [16861/06]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the Nitrates Directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government, who has made Regulations last December giving legal effect to the provisions of Ireland's Action Programme.

The Regulations, which came into effect on 1 February 2006, specify the minimum storage capacities for livestock manure required on farm holdings and provides for reduced storage capacities in certain, clearly defined circumstances for livestock other than dairy cows. Aspects of the Regulations are currently being reviewed following a short *de facto* deferral of Part 3 of the Regulations which covers nutrient management and the submission of new scientific advice from Teagasc. Any changes to the Regulations will, however, have to be agreed with the European Commission.

I have announced a number of measures, including a revised and significantly improved Farm Waste Management Scheme, to assist farmers in meeting their obligations under the Regulations. It remains the responsibility of the occu-

pier of any holding to ensure that he or she has adequate storage.

Sugar Beet Industry.

287. **Mr. Kehoe** asked the Minister for Agriculture and Food the position regarding the beet compensation package; the date by which the compensation must be awarded to the farmers; and if she will make a statement on the matter. [16865/06]

299. **Mr. Hayes** asked the Minister for Agriculture and Food the compensation which will be awarded to beet growers who had to cease production in 2006; when payment will issue to growers; and the relevant details in relation to payments. [17068/06]

302. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food when she intends to pay the lump sum compensation payment to sugar beet growers as agreed by the EU; if her attention has been drawn to the fact that many sugar beet growers are very much in need of this payment urgently to meet financial debts which they have incurred; the amount per hectare or tonne which will be awarded under the compensation agreement; the amount per hectare or tonne which will be awarded under the EU single farm payment scheme; and if she will make a statement on the matter. [17223/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 287, 299 and 302 together.

The agreement on reform of the EU sugar regime, which comes into effect on 1 July 2006, provides for a restructuring fund in respect of the economic, social and environmental costs of restructuring of the sugar industry, involving factory closure and renunciation of quota. In Ireland's case, this fund would be worth up to €145m. The agreement provides that at least 10% of the restructuring fund shall be reserved for sugar beet growers and machinery contractors. That percentage may be increased by Member States after consultation of interested parties provided that an economically sound balance between the elements of the restructuring plan is ensured.

Where restructuring takes place in the first year of the new regime, following consultations between the processor and the beet growers an application for restructuring aid, including a detailed restructuring plan for the industry, must be made by 31 July 2006 and a decision on the granting of the aid must be made by the Member State by 30 September 2006. Where aid is awarded in respect of restructuring in the first year, payment will be made in two instalments, the first instalment of 40% in June 2007 and the second instalment of 60% in February 2008. Depending on the financial resources available

the EU Commission may decide to split the second instalment into two payments. Payments to growers will be based on beet deliveries in the relevant period but pending a decision on the percentage to be reserved for growers it is not possible to calculate payments per tonne of beet delivered. The EU Commission is working on detailed rules for the implementation of the restructuring scheme and it is anticipated that the relevant Commission Regulation will be adopted later this month. A decision on the percentage will be made in due course following the adoption of this Regulation and after consultation of the relevant interest parties. This Regulation will also cover the diversification funds to be drawn down in the framework of a national restructuring programme.

The compensation payable to farmers in respect of the reduction in the minimum price of beet will be incorporated in the Single Payment Scheme and will be payable with effect from 2006. The additional amounts made available in the Single Payment Scheme's National Ceiling for Ireland are as follows:

	Additional Amount	Compensation	Total
	€ (million)	€ (million)	€ (million)
2006	1.747	11.259	13.006
2007	1.747	14.092	15.839
2008	1.747	16.925	18.672
2009	1.747	18.441	20.188
2010	Nil	18.441	18.441

The decisions made by me in relation to the establishment of each individual farmer's compensation to be incorporated in the Single Payment are as follows: the reference period for calculation of the Single Payment (sugar compensation) should consist of the 2001, 2002 and 2004 marketing years; the amount of the Single Payment should be calculated on the basis of the average of the farmers' contracted quantities with Irish Sugar Limited during these three years' reference period.

The amount of the three-year contracted quantity for each farmer will be totalled and the additional funds made available to Ireland, as already outlined, will be divided by this total to establish the rate of compensation per contracted tonne. However, it is possible for farmers to have their average based on one or two years if they submit a successful applications to have the average contracted quantity established on the grounds of force majeure/exceptional circumstances. It is also possible for farmers who commenced farming during the reference period to have their average based on one or two years. It will, therefore, not be possible to establish the rate of payment per tonne until my Department has processed all applications under these measures.

Grant Payments.

288. **Mr. Kehoe** asked the Minister for Agriculture and Food when a person (details supplied) in County Wexford will be in receipt of the dairy premium; the reason for the delay; and if she will make a statement on the matter. [16866/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted a Private Contract Clause application to have entitlements transferred to him by way of a lease agreement under the 2005 Single Payment Scheme. The original Private Contract Clause application requested the transfer of 22.1 entitlements by way of lease, and this was subsequently amended to 12.54 entitlements with the 22.1 hectares leased. This resulted in an overpayment of €3,240.74 to the person named in the Single Farm payment issued to him in December 2005.

Arrangements are in place to transfer the Dairy Premium to the person named. The resulting outstanding payment of €1,740.16, account having been taken of the over-payment to the person named, will issue to him shortly.

Milk Quota.

289. **Mr. Kehoe** asked the Minister for Agriculture and Food if she will report on the conditions attached to milk quota received under the development farmer agenda 2000; if, in the case of farmers who received such quota and who decide to withdraw from dairy farming, this quota will have to revert to the national reserve; if so, if there is a plan to change this ruling; if this is a European Directive or a Directive of her Department; and if she will make a statement on the matter. [16867/06]

Minister for Agriculture and Food (Mary Coughlan): The quota allocated from the National Reserve under the Agenda 2000 quota scheme known as the 32 Million Litre Scheme, is available to the recipients for their own use while they remain in milk production. When a recipient ceases milk production, the quota reverts to the national reserve other than where the recipient's quota is transferred to a family member by way of inheritance or similar transfer.

I have no plans at present to change this policy. Under EU regulations the allocation of milk quota from the national reserve must be carried out on the basis of objective criteria determined by the Member State and notified to the European Commission.

Grant Payments.

290. **Mr. Kehoe** asked the Minister for Agriculture and Food when a person (details supplied) in County Wexford will receive the farm waste management grant; and if she will make a statement on the matter. [16879/06]

Minister for Agriculture and Food (Mary Coughlan): The person named is an applicant under the Farm Waste Management Scheme. The applicant's claim for payment is currently being examined within my Department and payment will issue if it is found that all the terms and conditions of the Scheme have been complied with.

291. **Mr. Hogan** asked the Minister for Agriculture and Food when a single farm payment will be awarded to a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [16884/06]

Minister for Agriculture and Food (Mary Coughlan): The person named had established 11.36 Standard Entitlements with a total net value of €4,221.72 under the Single Payment Scheme. One of the conditions of this Scheme required each applicant to submit a 2005 Single Payment application. The person named did not submit an application under the 2005 Scheme. My Department notified the person named by registered post in February 2006 that as he had not submitted an application in 2005, the entitlements allocated to him were reverting to the National Reserve. The person named then applied, with accompanying medical evidence, for acceptance of a late application on the grounds of force majeure/exceptional circumstances.

My Department is currently examining this application and the person named will be informed of the decision in his case as soon as possible.

292. **Mr. N. O'Keefe** asked the Minister for Agriculture and Food the position regarding the single farm payment in respect of a person (details supplied) in County Cork following the submission of documentation in support of their request to be a 100 per cent penalty removed. [16886/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the Single Payment Scheme was received from the person named on 5 May 2005. During processing of the application a query was raised in relation to the area of one of the parcels declared by the applicant on his application form. My Department entered into correspondence with the applicant and this matter has now been resolved. Payment will issue shortly.

293. **Mr. Kehoe** asked the Minister for Agriculture and Food the position regarding the single farm payment application for a person (details supplied) in County Wexford; the reason for the delay on the application; the outstanding issues on the application; when payment will be made; and if she will make a statement on the matter. [16887/06]

Minister for Agriculture and Food (Mary Coughlan): The person named applied for the transfer of entitlements by way of inheritance under the Single Payment Scheme. Following processing of his application it was established that his mother was the beneficiary of his late father's estate, and she had subsequently passed the holding to the person named by way of lease. An official from my Department has contacted the beneficiary and outlined the position to her.

Arrangements are being made to process the inheritance application to the beneficiary, and transfer the entitlements to the person named by way of Private Contract Clause for the duration of the lease agreement. Once these transactions are successfully processed, any payment due will be made as soon as possible.

Organic Farming.

294. **Mr. Lowry** asked the Minister for Agriculture and Food the efforts currently being taken in her Department to promote organic production amongst farmers; if additional financial supports and incentives will be made available to farmers transitioning to organic production; and if she will make a statement on the matter. [17005/06]

Minister for Agriculture and Food (Mary Coughlan): I am strongly committed to the development of the organic sector in Ireland. My Department already provides a number of significant incentives to encourage organic farming, which are substantial in proportion to the size of the sector. Through the Rural Environment Protection Scheme, almost €5.9 million was paid directly to organic farmers in 2005. Since REPS began in 1994, it has delivered almost €39 million to the sector. Under the current Scheme, an organic farmer with 55 hectares is eligible for an annual payment of €18,505 a year for the first two years while the farm is in conversion and €13,555 each year for the rest of his or her time in the Scheme. Proposals to further enhance the organic supplementary measure in REPS are being considered in the context of the development of REPS 4, which will be introduced in 2007 as a measure under the Rural Development Plan for the period up to 2013. My officials met representatives of the organic farming organisations to discuss how support for the sector might be enhanced under the new Rural Development Plan.

As well as REPS, my Department also offers substantial financial support through the Scheme of Grant Aid for the Development of the Organic Sector which supports investment both on-farm and off-farm. I have provided €1.2 million this year for the Scheme and I intend to ensure that grant aid will continue to be available to support modernisation and innovation in this important sector. For on-farm investments, grant aid can be given for 40% of the cost up to a maximum grant

of over €50,000. For off-farm investments, the maximum grant is over €500,000.

In addition, my Department has implemented all the main recommendations of the Organic Development Committee's report published in April 2002. The demonstration farm project, for example, has been a considerable success to date and this year has 14 farms participating in the project. These farms provide a very useful means of disseminating information and data to existing and potential organic operators. Valuable financial and practical production data can also be collected, as the farms participate in the Teagasc National Farm Survey and the Teagasc Monitor Farm Network.

My Department has also arranged for specialist agronomists from the UK to visit some of these demonstration farms in conjunction with Teagasc personnel. I expect that the expertise provided by these specialists will provide the necessary technical advice to help existing organic farmers enhance their operations, while also encouraging those in the conventional sector to opt for the organic option.

Grant Payments.

295. **Mr. Lowry** asked the Minister for Agriculture and Food if additional single farm payment entitlements will be given to a person (details supplied) in County Tipperary; the options available to the person to increase their entitlements at this time; and if she will make a statement on the matter. [17008/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application under the Single Payment Scheme on 12 May, 2005. The person named established 29.69 entitlements with a total value of €910 and declared 29.61 eligible hectares on his Single Pay-

ment application. Payment of 29.61 entitlements to the value of €880.32 was issued on 1 December 2005. The Department has not received any request from the person named for a review of the entitlements allocated to him under the Single Payment Scheme. An official of my Department will contact the person named to establish the grounds on which he requires a review of his entitlements.

Afforestation Programme.

296. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if she will provide a copy of the programme for the sale and acquisition of land within the Connacht area, as required under section 14 of the 1988 Forestry Act for the years 1999 to 2006. [17009/06]

297. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if she will provide a copy of the programme for the sale and acquisition of land used for the Bellanaboy gas terminal site in County Mayo, as required under section 14 of the 1988 Forestry Act; and the consultation process that was undertaken with the local community in this regard. [17010/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 296 and 297 together.

Section 14 (1) of the Forestry Act 1988 provides that Coillte Teoranta shall submit and agree with the Minister for Agriculture and Food a programme for the sale and acquisition of land and the sale of timber, whether standing or felled. The annual programme submitted by Coillte, under Section 14 of the Forestry Act 1988, does not provide a breakdown by province nor does it make reference to specific sites. The following are the details of the projected sales and acquisitions, in hectares, provided for the requested years:

1999

Region	1 East	3 South West	4 Mid-West	5 West	6 North West	7 Midlands	Total
Sale of forested land	100	160	180	190	110	180	920
Sale of unplanted land	20	50	50	50	30	45	245
Land Acquisition	75	370	200	600	400	300	1,945

2000

Region	1 East	3 South West	4 Mid-West	5 West	6 North West	7 Midlands	Total
Sale of forested land	100	160	180	190	110	180	920
Sale of unplanted land	20	50	50	50	30	45	245
Land Acquisition	0	330	105	300	300	0	1,143,035

[Mary Coughlan.]

2001

Region	1 East	3 South West	4 Mid-West	5 West	6 North West	7 Midlands	Total
Sale of forested land	70	115	110	100	70	115	580
Sale of unplanted land	0	10	15	10	15	10	60
Land Acquisition	0	0	0	50	0	0	50

2002

Region	1 East	3 South West	4 Mid-West	5 West	6 North West	7 Midlands	Total
Sale of forested land	60	59	69	53	32	31	304
Sale of unplanted land	0	13	14	10	12	11	60
Land Acquisition	0	0	0	0	0	0	0

2003

Region	East	South	West	Midlands (North)	Midlands (South)	Total
Sale of forested land	70	60	65	55	65	315
Sale of unplanted land	—	5	—	5	5	15

Land acquisition — 50 hectares

2004

Sale of Land

Area	East	South	West	Midlands (North)	Midlands (South)	Total
Sale of forested land	65	55	60	50	60	290
Sale of unplanted land	—	5	—	5	5	15

Land acquisition — 0 hectares

2005

Category of sale of land	Amount (hectares (ha))
Sales of non-strategic properties	270
Windfarm lands	500
Landfill lands	60
Total	830
Land Acquisition	50

In relation to 2006, the position is that no programme has yet been agreed as a review of the format and level of detail to be submitted by Coillte is currently underway within my Department. On the question of the consultation process for the Bellanaboy gas terminal, I understand that there was no consultation with the local community by Coillte prior to the sale of this land. Such consultation is now part of Coillte procedures but was not in place at the time this particular sale was negotiated.

Grant Payments.

298. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food when a decision will be made on the transfer of entitlements and arrears of payment in respect of the EU single farm payment for a person (details supplied) in County Cork. [17043/06]

Minister for Agriculture and Food (Mary Coughlan): The first person named submitted two

applications for the transfer of entitlements by way of inheritance under the Single Payment Scheme. Both applications have been processed and the remaining outstanding payment, following the processing of the second application, will issue to the applicant shortly.

Question No. 299 answered with Question No. 287.

300. **Mr. Hayes** asked the Minister for Agriculture and Food when full payment will issue to a person (details supplied) in County Tipperary under the single payment scheme. [17206/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for the transfer of entitlements by way of the inheritance measure under the Single Payment Scheme. Her application was successful, and payment issued to her on 1 December 2005. The person named also submitted an application for the transfer out of entitlements by way of Private Contract Clause (Lease). This application has been successful and the entitlements were transferred to the lessee. The person named also submitted an application under the Mergers/Partnership measure of the 2005 Scheme. A transfer of entitlements has now taken place in respect of this application. A supplementary payment to reflect the amended position, should issue shortly.

301. **Mr. Hayes** asked the Minister for Agriculture and Food when payment will issue to a person (details supplied) in County Tipperary under the installation aid scheme. [17207/06]

Minister for Agriculture and Food (Mary Coughlan): The person concerned submitted an application for payment (IAS2) under the Installation Aid Scheme to my Department on 6 April 2006. Additional information in relation to that application has been requested from the person concerned. The application cannot be further progressed until the requested information is received.

Question No. 302 answered with Question No. 287.

303. **Mr. Ring** asked the Minister for Agriculture and Food when entitlements will be transferred to a person (details supplied) in County Mayo. [17253/06]

Minister for Agriculture and Food (Mary Coughlan): The first person named has not to date lodged an application for consideration in respect of the inheritance measure of the Single Payment Scheme. My Department issued an Inheritance application form to him on 5 May 2006. When the completed application form is received, it will be processed by my Department

and the applicant will be informed of the outcome. If the application is successful, payment will be made as soon as is possible after completion of the processing.

Farm Retirement Scheme.

304. **Ms Harkin** asked the Minister for Agriculture and Food if, in view of the report of the Joint Committee on Agriculture and Food on early retirement and the subsequent correspondence from the European Commission or the Committee on Petitions of the European Parliament, she will confirm the recommendation in this report which she intends to act upon; and the timeframe for this action. [17254/06]

Minister for Agriculture and Food (Mary Coughlan): The issues covered in the Report of the Joint Committee on Agriculture and Food are generally the same as those raised with the Committee of Petitions of the European Parliament. I have provided a detailed response to the Joint Committee's Report. Regrettably, there are a number of recommendations that I have not been able to accept. They are precluded by elements of the EU Regulations under which the current Scheme and its predecessor are operated. As I pointed out in my detailed response to the Joint Committee, the European Commission had already concluded that my Department was operating the Scheme correctly under the relevant Regulations. However I am still considering certain aspects of the Joint Committee's report and I expect to be in a position to make announcements in due course.

Milk Quota.

305. **Dr. Cowley** asked the Minister for Agriculture and Food if she will fight the case against the proposed milk quota restructuring scheme for 2007 to guarantee retention of the current 220 million litres in the western region; and if she will make a statement on the matter. [17335/06]

Minister for Agriculture and Food (Mary Coughlan): In March I announced my intention to move to a more open market system for transferring milk quotas, which will come into effect on 1st April 2007. I made this decision because the current restructuring model will not meet the future needs of the industry and a more effective response is required in order to meet future competitive pressures. In making my announcement I made it clear that the new system would continue to operate at Co-op level.

306. **Mr. Ring** asked the Minister for Agriculture and Food if a person (details supplied) in County Mayo who purchased quota in the reference years of 2001 and 2002 is entitled to get the full amount back from the national reserve by way of additional entitlements. [17336/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the Single Payment Scheme National Reserve under Category B. Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under Livestock Premia and/or Arable Aid schemes would have been payable during the reference period 2000- 2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments. The person named has been deemed successful under Category B of the reserve based on 40 ewe premium quota rights purchased in 2002. My Department has issued a formal letter setting out the details of the allocation. Ewe Premium quota rights could be purchased for a little as €1.50 per unit in 2002 or, indeed, they could have been obtained free of charge from the National Reserve. For this reason an allocation from the National Reserve in respect of an investment in ewe premium quota rights is limited to 50% of the appropriate Ewe Premium rate. Since the person named purchased the ewe quota in 2002, one-third of the benefit, in terms of extra ewe premium for 2002, is already reflected in the single payment established for him. The allocation from the National Reserve therefore equates to two-thirds of the extra ewe premium at 50% of the rate. If the person named is dissatisfied with my Department's decision he now has the opportunity to appeal the decision to the Independent Appeals Committee. An appeals application is available from any of my Department's offices or on the Department website at www.agriculture.gov.ie.

EU Directives.

307. **Mr. Penrose** asked the Minister for Agriculture and Food if she will furnish the comprehensive report on the discussions which took place recently between officials of Teagasc and her Department, concerning the proposals to deal with the nitrates directive; if agreement has been reached which will facilitate the reasonable concerns of a large number of farmers, which has been expressed to her and her officials; and if she will make a statement on the matter. [17487/06]

Minister for Agriculture and Food (Mary Coughlan): The implementation of the Nitrates Directive is a matter in the first instance for the Minister for the Environment, Heritage and Local Government. The Minister made Regulations in December 2005 giving legal effect to Ireland's National Action Programme under the Nitrates Directive. The Regulations came into effect on 1 February, but the Minister for the Environment, Heritage and Local Government announced a brief de facto deferral of the implementation of Part 3 of the Regulations dealing

with nutrient management. This was to allow time for Teagasc to submit revised scientific advice. This advice was received early in March, and shortly afterwards Teagasc representatives presented it to officials of the European Commission, whose approval would be required for any changes to the Regulation. The Commission made it clear that it would take no formal view on the Teagasc advice and that it was up to the Irish authorities to make proposals for changes to the Regulations. It also looked for some supporting documentation, which Teagasc subsequently provided. Officials of the two Departments have since met senior Teagasc personnel twice to explore both the main advice and the supplementary documentation in detail, with a view to drawing up a set of proposals that can be put to the Commission in the near future.

Visa Applications.

308. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a visa by a person (details supplied) in County Kildare. [16845/06]

309. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application for naturalisation for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [16858/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 308 and 309 together.

There is no record of an application for a visa in respect of the person in question. However, I have been informed by my officials that an application for a certificate of naturalisation from the person concerned was received in the Citizenship section of my Department on 1 November 2005. The average processing time for such applications is 24 months at the present time. It is likely, therefore, that the application of the person concerned will be finalised in or around November 2007. I will advise both the Deputy and the person concerned as soon as I have made a decision in the matter.

Visa Applications.

310. **Mr. Cuffe** asked the Minister for Justice, Equality and Law Reform the number of persons from abroad who are in receipt of a visa allowing them to undertake voluntary work for charities or other organisations here; the number of these who have been here for between one and five years or longer; his views on granting residency to persons who have been working in the voluntary sector here for a period of three years or more; and if he will make a statement on the matter. [16862/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An Garda Síochána maintains a register of non-nationals who have been granted permission to be in the State, in accordance with the provisions of section 9 of the Immigration Act, 2004. The information which is recorded in respect of non-nationals is set out in the Second Schedule of the Act. Permission to remain is granted to non EEA nationals who are undertaking voluntary work on the basis that they or the organisation concerned have sufficient funds to maintain them in the State without recourse to State funds, services or benefits. As these conditions of permission to remain also apply to visitors it is not possible to extract the requested statistical information.

Garda Strength.

311. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if support will be given to the AGSI in its efforts in having more civilian staff for An Garda Síochána; and if he will further support this proposal as it will release up to 400 full-time, fully trained professional Gardaí. [16863/06]

347. **Mr. Connolly** asked the Minister for Justice, Equality and Law Reform his views on increasing Garda civilian support staff from its current level of 10 percent of Garda strength to upwards of 35 percent thereby releasing up to 400 full-time fully trained professional Gardaí for duty; and if he will make a statement on the matter. [17437/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 311 and 347 together.

The current agreement with the Garda Associations provides that posts can only be civilianised through natural wastage, as a result of which, the Civilianisation Report completed in 2001, has a 20 year implementation timetable, with a significant proportion of the posts identified to be civilianised in 2021. I am therefore pleased to note that in recent weeks the Garda Associations have changed their stance and are calling for an accelerated programme of civilianisation, and I look forward to discussing the matter with the Associations shortly. I would also refer the Deputies to my reply to Priority Question No. 4 on 27 April 2006, where I provided a comprehensive update on the significant progress being made in relation to civilianisation.

Criminal Prosecutions.

312. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform his views on a recent European Court of Justice ruling (details supplied) and the stance of the EU Commission on EU competence to introduce measures requiring the creation of criminal offences and the

imposition of criminal penalties in the domestic laws of Member States; if the issue has been considered by the Government and a formal Government position adopted; if the issue will fall to be considered in the context of future EU treaty changes; if he will report on domestic implications for the State; if an informed public debate is proposed on the issue; and if he will make a statement on the matter. [16868/06]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The judgment of the European Court of Justice to which the Deputy refers annulled Framework Decision 2003/80/JHA on the Protection of the Environment. In that case, the Court said that the Community legislature can provide for the imposition of criminal sanctions where it is necessary to do so to protect against serious environmental offences. The European Commission is advocating an interpretation of the judgment to suggest broad Community competence in criminal matters. I do not share the Commission's view. I consider that the judgement is of limited application. The indications are that many other Member States also believe the judgement is of limited application.

Ultimately, however, it is only the Court itself which can give further guidance on this matter. It is expected that the Court will do so in the context of another case before it at present (C-440/05 — Commission's Application to annul the Framework Decision on Ship Source Pollution). In this respect, the Government has recently approved Ireland's intervention on behalf of the Council on the basis that Ireland should argue for a limited interpretation of the judgment provided by the Court in relation to environmental offences.

Residency Permits.

313. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the residential status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [16876/06]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The person concerned made an application for permission to remain in Ireland on the basis of being the parent of an Irish born child, born before 1 January 2005, under the revised arrangements announced by me on 15 January 2005. This application was submitted in March 2005 and is currently being processed. The applicant will be notified of the outcome in due course.

Garda Strength.

314. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the strength of An Garda Síochána on 31 March 2002 and 30 June 2002; and if he will make a statement on the matter. [16877/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána as at 31 March 2006 was 12,439. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,737 (or 16.2%) in the personnel strength of the Force during that period. I have been further informed by the Garda authorities that the personnel strength (all ranks) of An Garda Síochána as at 31 March, 2002 and 30 June, 2002 was as set out in the table hereunder:

Date	Strength
31 March, 2002	11,708
30 June, 2002	11,851

I should also say that the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members in line with the commitment in the 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 this year. I am pleased to inform the Deputy that the first group of newly attested Gardaí under the accelerated recruitment programme came on stream in March and a further 275 newly attested Gardaí will come on stream every 90 days from here on in. The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources.

Sexual Offences.

315. **Mr. Neville** asked the Minister for Justice, Equality and Law Reform the number of persons on the sex offenders register. [16878/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Sex Offenders Act, 2001 sets out notification requirements under Part 2 of the Act. An Garda Síochána has responsibility for enforcement of the Act. I am informed by the Garda authorities that as of 5 May, 2006 there are 907 persons subject to the requirements of Part 2 of the Sex Offenders Act, 2001.

Residency Permits.

316. **Ms C. Murphy** asked the Minister for Justice, Equality and Law Reform if a residency application made for a person (details supplied) in County Kildare will be assessed with regard to the criteria applied for persons under or over the age of 18 in view of the fact that the original application lodged on their behalf was prior to their turning 18 years old; and if he will make a statement on the matter. [16880/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Applications for certificates of naturalisation on behalf of the person referred to and her two siblings, who were all minor children at the time, were received in the Citizenship Section of my Department on 11 June 2004. The applications were lodged by their father, a naturalised citizen. Section 16 of the Irish Nationality and Citizenship Act, 1956, as amended provides that I can exercise my absolute discretion to waive some or all of the statutory requirements for naturalisation in certain circumstances. One of these circumstances is where the application is made by a naturalised Irish citizen acting on behalf of their minor child or minor children. I have adopted a general policy that I will normally waive 2 years of the statutory residency requirement in cases where it is appropriate to consider applications under the provisions of Section 16.

The three minor children arrived into the State on 15 August 2003 and were only in the State for 11 months at the time of the applications. I decided to refuse the applications since they had not been resident in the State for 3 years at the time their father lodged the applications. Two of the three children are now over 18 years of age and will have to apply of naturalisation in their own right. Any such applications will be assessed against the statutory conditions in place at the time they apply. It is open to the children's father to apply on behalf of the third child before the child's eighteenth birthday on 15 February 2007.

Gangland Crime.

317. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform the progress made in tackling gangland crime with operation Anvil; the funding allocated in 2006 for the programme; and if he will make a statement on the matter. [16895/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Operation Anvil commenced in the Dublin Metropolitan Region on 17 May, 2005. It is an intelligence-led policing initiative, the focus of which is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting this criminal activity through extensive additional overt patrolling and static check points by uniform, mobile and foot patrols supported by armed plain clothes patrols. The operation remains in place and ongoing in the Dublin Metropolitan Region and has been extended nationwide in 2006.

Outside the Dublin Metropolitan Region a series of special operations, prepared by senior Garda managers and designed to focus on areas and incidents of high crime, have been authorised and have commenced in recent weeks. Operation Anvil has been proved to be very successful in disrupting the criminal activities of a number of key criminal gangs and families and has resulted in a number of high-profile arrests and the collat-

ing of intelligence on the movements of criminals being targeted under these short-term initiatives under Operation Anvil. In addition, the Commissioner in November 2005 augmented the Organised Crime Unit at the National Bureau of Criminal Investigation with an additional 55 Garda members to address the problem of criminal gang activity. Enforcement by the Unit has resulted in further firearms being seized and a number of persons arrested, thereby disrupting their criminal activities.

A budget of approximately €11 million has been allocated for Operation Anvil during 2006 and the Garda Commissioner has recently been advised that an additional €10 million has been made available for further operations to tackle gang related crime.

The table below which shows the statistics for Operation Anvil up to 23 April, 2006 indicate that the Operation has contributed to encouraging successes across a number of headings.

Operation Anvil. Week ending 23 April, 2006

Arrests	
Murder	38
Serious Assaults	486
Robbery Offences	486
Burglary	1,018
Total Number of Arrests	2,028
Searches	
Drugs	9,175
Thefts	1,005
Firearms Searches	837
Total Searches	11,017
Seizures	
Firearms	505
Vehicle Seizures	4,410
Total Seizures	4,915
Number of Checkpoints Established	28,105
Value of Property Recovered	€7,380,821

In addition to the above the total number of arrests for the first two weeks of Operational Anvil is 286 and the total number of searches is 775. These figures cannot be broken down into the aforementioned categories.

Human Rights Issues.

318. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of the EU proposal to establish a European Fundamental Rights Agency. [16926/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The idea of a Human Rights Agency is included in the Hague Programme; Strengthening Freedom, Security and Justice in the European Union which was adopted on 4-5 November, 2004. In December, 2004 the Euro-

pean Council called for further implementation of the agreement to establish an EU Human Rights Agency. On 30 June, 2005 the European Commission published its proposal for the establishment of a European Union Agency for Fundamental Rights. Negotiations on the Commission's proposals commenced in July 2005 at Working Party level under the Chairmanship of the UK Presidency. These negotiations are ongoing under the Chairmanship of the Austrian Presidency.

Data Protection.

319. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if the public have protection against misuse or abuse of retained video records of persons who visit or work in public service buildings. [16942/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The general position is that images of individuals recorded on videotape fall within the definition of personal data for the purposes of the Data Protection Acts 1988 and 2003. These Acts set out the conditions under which such data may be processed, including requirements that personal data must be obtained and processed fairly and be kept only for one or more specified, explicit and lawful purposes. Moreover, such data may not be used in a manner which is incompatible with, or retained for longer than is necessary for, those purposes. Section 10 of the 1988 Act, as amended by the 2003 Act, provides that the Data Protection Commissioner may investigate, or cause to be investigated, whether any of the provisions of these Acts have been, are being or are likely to be contravened.

Deportation Orders.

320. **Mr. Lowry** asked the Minister for Justice, Equality and Law Reform the number of aged-out minors who are pending or likely to be deported within the next three months; if they will be treated as a special case within the asylum system in view of their vulnerable and unsure position; and if he will make a statement on the matter. [17012/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): All categories of persons in the asylum system, including so-called 'aged-out minors', have their asylum applications or applications for permission to remain temporarily in the State dealt with in a fair, comprehensive and humane manner. All persons, who, having failed the asylum process and subsequently apply to remain temporarily in the State, are dealt with having regard to all of the factors contained in Section 3 of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement.

[Mr. McDowell.]

A total of 573 unaccompanied minors who have now reached the age of 18 years have been formally refused a declaration as a refugee. These persons received individual notifications under Section 3 (3) (a) of the Immigration Act 1999 (as amended) informing them of the decision to refuse them such a declaration and setting out the options available to them i.e. to return voluntarily to their country of origin, to consent to deportation or to submit, within 15 working days, written representations setting out the reasons why they should not be deported. Of the 573 cases in question, 124 have been issued with deportation orders, 100 of whom are currently classified as 'evaders', 13 have been deported and the remaining 11 deportation orders have yet to be enforced. The enforcement of such orders is an operational matter for the Garda National Immigration Bureau (GNIB).

All asylum claims and applications for temporary leave to remain in the State are considered on their individual merits and there is no 'catch all' policy for dealing with such applications.

Crime Levels.

321. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of crimes reported in County Kildare in each of the past two years; the number of prosecutions and convictions arising therefrom; and if he will make a statement on the matter. [17033/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Details of the number of crimes recorded and detected in the Carlow/ Kildare Garda Division are available in the 2004 Garda Annual Report which is available in the Oireachtas Library. Figures for the number of crimes recorded and detected in the Division for 2005 will be available in the Garda Annual Report for 2005 which will be published shortly.

322. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the number of offences committed by persons while on bail in each of the past two years; and if he will make a statement on the matter. [17034/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Details for the number of offences committed by persons while on bail are available in the 2004 Garda Annual Report which is available in the Oireachtas Library. Figures for offences committed by persons while on bail for 2005 will be available in the Garda Annual Report for 2005 which will be published shortly.

Visa Applications.

323. **Mr. Cregan** asked the Minister for Justice, Equality and Law Reform when an application for naturalisation will be processed for a person

(details supplied) in County Limerick; the number of applicants who might travel to Britain and Europe with their spouses on holiday or to visit relatives, while this application is being processed by his Department, in view of the time-frame involved. [17035/06]

327. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform when an application for Irish citizenship by a person (details supplied) will be granted; the reason such long delays are now the norm in applications such as this; if, pending the grant of citizenship a document may be provided to the person in question to enable them to travel with their spouse to EU countries for holiday purposes and to visit relatives; and if he will make a statement on the matter. [17064/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 323 and 327 together.

An application for a certificate of naturalisation was received in the Citizenship section of my Department from the person referred to by the Deputies on 21 February 2006. The average processing time for such applications is 24 months at the present time. It is likely, therefore, that the application of the person referred to will be finalised in or around February 2008. I will advise the Deputies and the applicant when I have made a decision in the matter.

If the person concerned wishes to travel outside of the State prior to her application for naturalisation being finalised, she can travel on her current passport and apply, in advance of her departure from the State, for a re-entry visa to the Visa Office at 13/14 Burgh Quay, Dublin 2. With regard to the processing time for applications for naturalisation, I set out the current position in my response to Parliamentary Question No. 17 on 27 April 2006.

Residency Permits.

324. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform when a decision will be made regarding persons (details supplied) in County Kilkenny who have applied to remain here. [17044/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Renewal of temporary leave to remain in the State for this family is currently receiving consideration and I expect a decision to issue to the persons concerned shortly.

Asylum Applications.

325. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if the maximum support and assistance will be given to persons (details supplied) to live here and if they

will be deported at the end of June 2006.
[17045/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 28 February, 2006, the person in question consented in writing to the making of a deportation order in respect of her and her children. I expect the file to be passed to me in due course.

326. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the assistance which will be given to persons (details supplied) in County Waterford in relation to applying for asylum; and if he will make a statement on the matter. [17058/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned arrived in the State on 3 September, 2004 and applied for asylum. Their application was refused following consideration of their case by the Office of the Refugee Applications Commissioner.

Subsequently, in accordance with Section 3 of the Immigration Act, 1999, as amended, they were informed by letter dated 6 December, 2005, that the Minister proposed to make deportation orders in respect of them. They were given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why they should be allowed to remain temporarily in the State; leaving the State before orders are made or consenting to the making of deportation orders. Representations have been received on behalf of the persons concerned.

The persons' case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of *Refoulement*). I expect the file to be passed to me for decision in due course.

Question No. 327 answered with Question No. 323.

Garda Deployment.

328. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform the reason his Department has blocked the appointment of a person (details supplied) in Dublin 3 to the historical inquiries unit being established by the PSNI which was advertised in the professional journals of the Garda Force. [17073/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy is incorrect in stating that my Department "blocked" the appointment to which he refers. I am informed that the individual referred to, who is a Detective Garda, sought a secondment to the PSNI's Historical Inquiries Unit. However, current arrangements for the appointment by the PSNI of members of

the Garda Síochána on secondment do not provide for the secondment of members at Garda rank.

Asylum Applications.

329. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform the number of asylum seekers and refugees who have been here for a number of years without having their status clarified; the steps he intends to take to remedy this situation, such as the granting of an amnesty; and if he will make a statement on the matter. [17077/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A distinction firstly needs to be drawn between a 'refugee' and an 'asylum seeker'. A refugee in this State is a person whose asylum claim has been investigated and is found to meet the definition of 'refugee' as set out in Section 2 of the Refugee Act, 1996, as amended. By contrast, an 'asylum-seeker' is a person who has lodged an asylum claim but whose claim for refugee status has not been finally determined.

Over recent years because of a significant level of investment in the area of asylum determination by the Government, very considerable work has been undertaken by the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT) as well as within the Irish Naturalisation and Immigration Service (INIS) generally to deal with applications for asylum on hands and speed up processing times. The work involved has resulted in a situation where processing has continued to move strongly in both ORAC and RAT. At the end of March 2006 there were 2,609 cases on hands in both agencies compared to some 7,000 cases on hands at the end of January 2004. With specific reference to the Deputy's question, it should be noted that the number of applications over six months in the ORAC and the RAT at the end of March 2006 stood at 484 as compared to some 6,500 at the end of September 2001. The backlog of applications has been eliminated in ORAC with only 63 cases on hands over six months at the end of March 2006 and some 421 in RAT a significant number of which are at an advanced stage of processing. There is continued momentum in processing timescales for asylum applications with new arrangements for speedier processing of prioritised asylum applications (from nationals of Nigeria, Romania, Bulgaria, Croatia and South Africa) introduced from January 2005 with a 17 working day processing time at first instance in ORAC and 15 working days at appeals stage in RAT. Currently, almost 40% of total applications fall into the prioritised category. With effect from 1 November 2005, all applicants for asylum are notified of their interview date by the Office of the Refugee Applications Commissioner at the time they make their applications. The interview appointment is nor-

[Mr. McDowell.]

mally within 20 working days of application. However, for those applicants within the prioritised category, interviews in ORAC are held, more speedily, within 9 to 12 days. The typical processing time in the ORAC for non-prioritised cases is in the region of 8-9 weeks. The average length of time taken to process and complete substantive appeals in the RAT is approximately 14 weeks.

This significant investment of resources by the Government into the asylum determination process in recent years to meet our obligations under the 1951 Geneva Convention relating to the status of refugees, has had a very significant impact in terms of processing times and the elimination of backlogs of claims outstanding.

I have no intention to grant any amnesty to asylum seekers currently in the asylum determination process. Such a move would impact negatively on the very considerable progress made in terms of the reduction in asylum applications on hands and in processing timescales as well as on the State's ability to accommodate the individuals concerned. Moreover, it would also act as a 'pull factor' by increasing applications being made in the State. The Deputy will be aware that the present trend in applications for asylum is substantially downwards from a high of nearly 12,000 in 2002 to some 4,300 in 2005, a fall of almost 64%.

By way of illustration in relation to pull factors, I would refer the Deputy to the fact that a considerable increase in asylum numbers was experienced in the aftermath of the July 1999 decision to allow asylum seekers access to the labour market. This led to a three-fold increase in the average number of applications per month, rising to 1,217 applications in December 1999 as compared to an average of 364 per month for the period January to July 1999.

In relation to what follows the asylum determination process, the Deputy will be aware that following the making of a negative recommendation to the Minister by the Office of the Refugee Applications Commissioner (or by the Refugee Appeals Tribunal if an appeal was unsuccessfully made), the person concerned is informed in writing that it is proposed to make a deportation order in respect of him/her. The person concerned is then afforded three options vis a vis their position in the State, in accordance with Section 3(3)(b)(ii) of the Immigration Act, 1999 (as amended), namely to leave the State voluntarily, to consent to the making of a deportation order or to submit, within 15 working days, written representations setting out the reasons why he/she should not be deported i.e. why he/she should be allowed to remain temporarily in the State.

Furthermore, in determining whether to make a deportation order or to grant temporary leave to remain in the State to a failed asylum appli-

cant, I must have regard for the eleven factors set out in Section 3(6) of the Immigration Act, 1999 (as amended), including consideration of any representations submitted by or on behalf of the person concerned in support of their application to be granted temporary leave to remain in the State. I must also have regard for the provisions of Section 5 of the Refugee Act, 1996 (as amended) on the Prohibition of *Refoulement* before signing a deportation order. This means in essence that the safety of returning a person to their country of origin, or *refoulement* as it is commonly referred to, is fully considered in every case when deciding whether or not to make a deportation order. *Refoulement* means that a person shall not be expelled from the State or returned in any manner whatsoever to a State where, in my opinion, the life or freedom of that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. My Department uses extensive country of origin information drawn from different independent sources, including the United Nations High Commission for Refugees, in evaluating, in each individual case, the safety of making returns to third countries.

It does not follow that a failed asylum seeker is automatically either issued with a deportation order or is granted leave to remain and the terms of the Deputy's question need to be examined in that context. Temporary leave is considered regardless of whether representations have been made by, or on behalf of, the person concerned. Consequently, records are not maintained which would distinguish the number of cases where representations have been received from those where no representations have been made. Moreover, it must be borne in mind that many of those who failed the asylum process, and who did not opt to return voluntarily on notification to the Department or consent to deportation, nonetheless left the State of their own volition before a decision to deport or grant leave to remain was made.

Further, many persons who applied for asylum in the period concerned have since received alternate forms of leave to remain outside the process in the Immigration Act, 1999 described above. For example, some may have married Irish or EU nationals and many would have been granted leave to remain based on their parentage of an Irish Born Child. In this latter respect, 10,584 persons were granted leave to remain based on their parentage of an Irish Born Child under the procedure which operated prior to the Supreme Court Judgment in the L&O case in January, 2003 and a further 16,693 were granted under the subsequent IBC(2005) Scheme.

Following the conclusion of the IBC/05 Scheme, it is my intention to undertake an analysis so as to determine the number and nature of the remaining cases on hands of persons who

have not yet had a final decision on their applications to remain temporarily in the State, particularly where such cases have been on hands for some time. Indeed it is likely that many such persons are no longer in the State. The Deputy will appreciate that such reviews are part and parcel of any processing area which are resource intensive and, as such, priority attention has to be given to particular caseloads, as evolving circumstances dictate.

Overall, I am satisfied that the means by which asylum applications and applications made by rejected asylum applicants for temporary leave to remain in the State are processed are case specific and comprehensive and I see no justification for the granting of any amnesty in this area.

Garda Investigations.

330. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the details of the death of a person (details supplied) ; if his attention has further been drawn to the serious concerns of the persons family have regarding the Garda investigation and the Director of Public Prosecution's consideration of the case; if, in view of the fact that a conviction of second degree assault resulting in a €250 fine was the only conviction arising from the incident he has satisfied himself that the incident was properly investigated and prosecuted. [17086/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the death of the person referred to was fully investigated. The investigation file was submitted to the Director of Public Prosecutions who directed that a person be charged with an offence contrary to section 3 of the Non-Fatal Offences against the Person Act, 1997.

In December, 2003 the person charged pleaded guilty to an offence contrary to section 2 of the Non-Fatal Offences against the Person Act, 1997 and was fined €250.

In March, 2004, as a result of the evidence of the State Pathologist, the Dublin City Coroner re-submitted the investigation file to the Law Officers and the Director of Public Prosecutions stood by the original decision in the case.

I am informed that local Garda management and the investigating officers have met the family of the deceased person and discussed these matters with them.

Garda Recruitment.

331. **Mr. J. Breen** asked the Minister for Justice, Equality and Law Reform the criteria which will be used to measure the physical, mental and psychological suitability of candidates who apply to join the proposed Garda Reserve Force; if they will be required to undergo medical

examinations and an aptitude test similar to full members of An Garda Síochána; and if he will make a statement on the matter. [17165/06]

368. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform his views on correspondence (details supplied); and if he will make a statement on the matter. [17468/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 331 and 368 together.

I wish to refer the Deputy to my replies to the recent Parliamentary Questions No. 3 and No. 5 of 27 April, 2006 and also to my Press Release of 20 February, 2006 which comprehensively addresses the issues referred to by the Deputies concerning the Garda Commissioner's proposals for the Garda Reserve. The Deputies will recall that I included this Press Release with a letter that I issued to all Deputies in February, 2006.

In relation to the claims regarding the Special Constabulary in the UK which are made in the correspondence referred to in Deputy Wall's question, the Deputy will be aware that I attended the National Conference of the Special Constabulary of England and Wales which was held on the weekend 31 March to 2 April. I was invited to attend the Conference by Mr. Peter Fahy, Chief Constable of the Cheshire Constabulary, who also holds national responsibility for the promotion and development of the Special Constabulary in England and Wales.

I was very glad to have the opportunity to hear at first hand the many ongoing successes and positive experiences of special constabularies in England and Wales and to learn of their excellent relationships with the regular police forces and communities there, and I have been very open in explaining what I observed.

Prior to my visit to Chester, officials of my Department and senior members of Garda management had visited the Home Office, the London Metropolitan Police and the Greater Manchester Police to research how the special constabulary operates in England and Wales, as part of the preparatory work for the formulation of proposals for the establishment of a Garda Reserve.

These visits greatly illustrated the importance and value placed in the Special Constabulary by the British Government, police forces and the general public alike.

Registry of Title.

332. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if he will instruct the Land Registry Office to expedite a schedule on a folio (details supplied) in County Mayo as this matter is causing undue hardship. [17247/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy

[Mr. McDowell.]

that I have requested the Land Registry to contact him directly concerning the current position of the application in question.

Visa Applications.

333. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform the action he will take on behalf of a person (details supplied) in County Sligo in order to have their application for business permission processed as soon as possible; and if he will make a statement on the matter. [17248/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question made an application to engage in business in the State in August 2005. Applications of this nature are dealt with chronological order, in fairness to all such applicants, and currently take approximately nine months to process. The application of the person concerned is currently being processed and it is expected that a decision will issue shortly.

International Agreements.

334. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the reason the Government has failed thus far to even consider ratifying Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which it signed up to more than five years ago and which would potentially be of great benefit to a range of groups suffering discrimination here; if and when the Government intend to ratify the protocol; and if not, the reason for same. [17249/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department is considering, in consultation with other Departments, the legal and policy implications of ratification. The Government will consider whether or not to ratify based on a thorough review of the implications.

Crime Levels.

335. **Mr. Kelleher** asked the Minister for Justice, Equality and Law Reform the number of people convicted and arrested for committing a crime while out on bail in Cork City and County; and the breakdown of the types of crime. [17266/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Figures for the number of people who were recorded as being on bail at the time an offence was committed are not readily available at a Garda Divisional level.

I will be in further contact with the Deputy when the information is to hand.

Garda Investigations.

336. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform if, as per his letter of 30 January 2006 to a person (details supplied) in Dublin 6 he has received the requested Garda report; the assistance which will be given to this family; and if he will make a statement on the matter. [17295/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to refer the Deputy to my reply to Parliamentary Question No. 463 of 3 May, 2006.

Garda Equipment.

337. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the view of Gardaí investigating road accidents of the importance of photographic evidence in determining the causes of such accidents; and if he will ensure that each Garda squad car is equipped with a functioning camera and that adequate training is provided on its use vis-a-vis road traffic collisions. [17322/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested a report from the Garda authorities on the matters raised by the Deputy. I will revert to the Deputy when this information is to hand.

338. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform the extent of software available to Gardaí to simulate as accurately as possible a road traffic collision; and his plans to upgrade such equipment for use in investigations. [17323/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that An Garda Síochána is currently in the process of purchasing a hardware and software package which will be available to assist Gardaí in the investigation of fatal and serious injury collisions.

A request for tender document for this equipment is at an advanced stage. It will be forwarded by the Garda authorities to my Department for publication in the EU Journal and on the Government tendering website *etenders.gov.ie* in the coming weeks.

Garda Deployment.

339. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform the number of probationer Gardaí who were allocated from the Garda college to each Garda station in Dublin City and County during 2005. [17324/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the

detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána as at 31 March 2006 was 12,439. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,737 (or 16.2%) in the personnel strength of the Force during that period.

I have been further informed by the Garda authorities that the number of Probationer Gardaí allocated to each Garda Station in the Dublin Metropolitan Region in 2005 was as set out in the following tables.

Station	Allocation
Ballyfermot	11
Ballymun	1
Blackrock	9
Blanchardstown	12
Bray	15
Bridewell	10
Cabinteely	2
Clondalkin	6
Clontarf	7
Coolock	13
Crumlin	7
Donnybrook	12
Dún Laoghaire	6
Dundrum	14
Finglas	3
Fitzgibbon St	15
Harcourt Tce	4
Howth	2
Irishtown	2
Kevin St	11
Kill-O-Grange	2
Kilmainham	5
Leixlip	1
Lucan	2
Malahide	1
Mountjoy	7
Pearse St	24
Raheny	2
Rathfarnham	7
Rathmines	4
Ronanstown	12
Santry	21
Shankill	7
Store Street	23
Sundrive Road	4
Swords	4
Tallaght	19
Terenure	12
Whitehall	2

The Dublin Metropolitan Region extends into parts of Counties Wicklow and Kildare. In this

regard the Garda stations at Bray, Greystones and Enniskerry, while within the Wicklow County boundary, form part of the Dublin Metropolitan Region East Division. Leixlip Garda Station, which lies within the Kildare County boundary, forms part of the Dublin Metropolitan Region West Division.

It is the responsibility of Garda management to allocate personnel to and within Divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs.

I should also say that the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members in line with the commitment in the 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 this year. I am pleased to inform the Deputy that the first group of newly attested Gardaí under the accelerated recruitment programme came on stream in March and a further 275 newly attested Gardaí will come on stream every 90 days from here on in.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources.

Garda Deployment.

340. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform the number of the 21 Gardaí at all ranks, who were transferred out of a station (details supplied) in Dublin 24 in 2005, who were appointed to a national unit; the number who were transferred to another Garda station following a request from the officer concerned; if he will confirm, that the 21 Gardaí transferred during 2005 had their places within the station filled by probationer Gardaí, allocated directly from the Garda college; and if he will make a statement on the matter. [17325/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána as at 31 March 2006 was 12,439. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,737 (or 16.2%) in the personnel strength of the Force during that period. I am further advised that the personnel strength (all ranks) of Tallaght Garda Station as at 31 March 2006 was 170. This compares with an equivalent figure of 133 as at 31 December 1997, and represents an increase of 37 (or 27.8%) in that period.

[Mr. McDowell.]

I have been further informed by the Garda authorities that of the 21 Gardaí transferred from Tallaght Garda Station in 2005, a total of eight Gardaí had been successful in competitions to join national units. Accordingly, eight Gardaí from Tallaght Garda Station were allocated to national units in November, 2005. I have also been informed by the Garda authorities that one Garda was transferred to the Garda College and the remaining twelve Gardaí were transferred following requests from the individuals concerned.

Garda Management state that 19 Probationer Gardaí were allocated directly from the college to Tallaght Garda Station on the first allocation. One Garda transferred into Tallaght Garda Station in 2005. It is the responsibility of Garda management to allocate personnel to and within Divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs.

I should also say that the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members in line with the commitment in the 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 this year. I am pleased to inform the Deputy that the first group of newly attested Gardaí under the accelerated recruitment programme came on stream in March and a further 275 newly attested Gardaí will come on stream every 90 days from here on in. 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 Tallaght Garda Station will be given the fullest consideration.

341. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform the number of Gardaí at all ranks in each station during 2005, in relation to all Garda stations in Dublin City and County, who requested a transfer out of that station, for the purposes of facilitating a transfer to another Garda station during the year; and if he will make a statement on the matter. [17326/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána as at 31 March 2006 was 12,439. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,737 (or 16.2%) in the personnel strength of the Force during that period. I have been further informed by the Garda authorities that the number of members of An Garda Síoch-

ána who sought transfers during 2005 in each Garda Station in the Dublin Metropolitan Region which have yet to be acceded to are as set out in the table hereunder:

Station	Members Requesting a transfer
Pearse St	10
Harcourt Tce	1
Kevin St	3
Kilmainham	0
Donnybrook	0
Irishtown	1
Crumlin	0
Sundrive Rd	3
Rathfarnham	3
Tallaght	6
Rathmines	3
Terenure	3
Santry	3
Whitehall	0
Ballymun	2
Dublin Airport	0
Coolock	1
Malahide	0
Swords	0
Raheny	0
Clontarf	1
Howth	2
Blanchardstown	6
Cabra	5
Finglas	1
Lucan	0
Leixlip	1
Ballyfermot	2
Clondalkin	2
Ronanstown	2
Rathcoole	2
Store St	14
Fines Office	0
Fitzgibbon St	7
Mountjoy	1
Bridewell	2
Dún Laoghaire	2
Dalkey	1
Kill-O-Grange	2
Cabinteely	0
Bray	1
Enniskerry	0
Shankill	2
Greystones	4
Blackrock	2
Dundrum	2
Stepaside	0

Members who applied for a transfer in 2005 and have since been transferred are not included in these figures. Garda management advise that this information is not readily available and can only be obtained by the disproportionate expenditure of Garda time and resources relative to the information sought.

I should also say that the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members in line with the commitment in the 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 this year. I am pleased to inform the Deputy that the first group of newly attested Gardaí under the accelerated recruitment programme came on stream in March and a further 275 newly attested Gardaí will come on stream every 90 days from here on in. 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 stations referred to by the Deputy will be given the fullest consideration.

Youth Projects.

342. **Mr. M. Higgins** asked the Minister for Justice, Equality and Law Reform if he will publish the independent evaluation report on a project (details supplied) which was part of the Youth Diversion Programme and which was closed in May 2005; the action he proposes to take on foot of the report; the results of the evaluation for an alternative programme; and the commencement date of such a programme. [17354/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Parliamentary Question No. 385 of 28 March, 2006. The evaluation referred to by the Deputy is complete and the report is awaited. On receipt of the report, a decision will be made soon after on action to be taken.

Anti-Racism Measures.

343. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the position the Irish delegation in the council has taken on the proposal for a council framework decision on combating racism and xenophobia, specifically in the Working Part on Substantive Criminal Law. [17398/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The proposal for a Council Framework Decision on combating racism and xenophobia was presented by the Commission in November 2001. From the outset, Ireland took a positive approach to the negotiations on the proposal. The primary Irish objective in the negotiations was to ensure that our constitutional

guarantee of freedom of expression was not compromised. Following extensive discussions, in April 2003 the then Presidency conceded that it was unable to obtain final agreement on the proposal. In preparation for the Irish Presidency in 2004, I visited the Capitals of Member States for an exchange of views with Justice and Interior Ministers on many issues relevant to our Presidency, including whether there was any realistic chance that agreement could be reached on this Framework Decision. As it was clear to me that positions had not changed, and it was unlikely that they would change in the timeframe of the Irish Presidency, I reluctantly concluded that attempting to initiate further discussions at that stage would divert resources which would be better concentrated on issues where there was a possibility of agreement. A subsequent attempt to obtain agreement on the proposal failed. I hope it will not be too long before all Member States are in a position to agree a final text. At that time I will seek the approval of the Government and the Houses of the Oireachtas to it.

Garda Investigations.

344. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the resources which have been made available to An Garda Síochána for the investigation and pursuit of those responsible for violations of the Geneva Conventions Act 1967 or the Criminal Justice (United Nations Convention on Torture) Act 2000; if there are plans to establish a dedicated unit within An Garda Síochána to police such matters, in particular after the International Criminal Court Bill 2003 passes into law; and if he will make a statement on the matter. [17401/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that they are satisfied that adequate resources and strategies are available to investigate complaints made under the Geneva Conventions Act 1962 and the Criminal Justice (United Nations Convention against Torture) Act 2000. Where necessary the services of the national units, under Assistant Commissioner, National Support Services are available to assist members with such investigations. The establishment of a dedicated unit is not considered warranted.

345. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if An Garda Síochána has carried out investigations under the Geneva Conventions Act 1967, the Criminal Justice (United Nations Convention on Torture) Act 2000 or similar statute; the details of such investigations; if the failure to investigate such matters was the result of resources or expertise issues; and if he will make a statement on the matter. [17402/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have requested a report from the Garda authorities in relation to the matters raised by the Deputy. I will contact the Deputy directly when the information is to hand.

Liquor Licensing Laws.

346. **Dr. Upton** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that off-licences are offering a take-away service for alcohol, to be paid for on delivery; the controls which apply to this activity; his plans to prevent this service; his views on the fact that underage drinkers may order alcohol through this service; and if he will make a statement on the matter. [17403/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that section 31 of the Intoxicating Liquor Act 1988, as amended by the Intoxicating Liquor Acts of 2000 and 2003, provides for offences relating to the sale and delivery of intoxicating liquor to persons under the age of 18 years. Under section 31(2) of the 1988 Act, it is an offence for a licensee to sell or deliver, or permit any other person to sell or deliver, intoxicating liquor to any person for consumption off his or her licensed premises by a person under the age of 18 years in any place except with the explicit consent of the person's parent or guardian in a private residence in which he or she is present either as of right or with permission.

The penalty for this offence is a fine of up to €1,270 for a first offence and up to €1,904 for a second or subsequent offence. Moreover, the Intoxicating Liquor Act 2000 provides for the mandatory temporary closure of licensed premises where a licensee is convicted of an offence under section 31 of the 1988 Act (up to 7 days for a first offence, or at least 7 and not more than 30 days for a second or subsequent offence).

Under section 17(3) of the Intoxicating Liquor Act 2003, it is an offence for a licensee, with intent to evade the conditions of the licence, to take intoxicating liquor from the licensed premises for the purpose of its being sold on the account, or for the benefit or profit, of the licensee, or to permit any other person to do so. The penalty in this case is a fine of up to €1,500 for a first offence and up to €2,000 for a second or subsequent offence. Concerns in relation to specific premises should be brought to the attention of the Gardaí.

Question No. 347 answered with Question No. 311.

Registration of Title.

348. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for registration in respect of a

person (details supplied) in County Longford; if same will be expedited; and if he will make a statement on the matter. [17438/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that I have requested the Land Registry to contact him directly concerning the current position of the application in question. I understand that, in circumstances where the completion of an application in a particular case is urgent, the Land Registry will make every reasonable effort to facilitate such requests on receipt of a written explanation as to the reason underlying the urgency.

Prison Medical Service.

349. **Mr. Connolly** asked the Minister for Justice, Equality and Law Reform the number of both counselling and clinical psychologists employed in the Irish Prison Service; if this level is deemed to be adequate; his plans to increase the levels of psychological services available in the prison service; and if he will make a statement on the matter. [17439/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Prison Psychology Service now comprises eight Clinical Psychologists, five Counselling Psychologists and one Forensic Psychologist. The recruitment of six new psychologists in 2005 brought the total number of psychologists to fourteen — the largest number since the Psychology Service was established in 1981. A further recruitment competition is underway at present with a view to appointing another four psychologists.

Garda Recruitment.

350. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number of non-Irish nationals and the number of Irish nationals from outside the jurisdiction who applied for entry into An Garda Síochána in each of 2006, 2005, 2004, 2003, 2002, 2001 and 2000; the proportion of applicants in each of the above categories who were successful in their applications; and if he will make a statement on the matter. [17444/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am advised by the Public Appointments Service (PAS), which is responsible for Stages One (aptitude tests) and Two (interviews) of the Garda recruitment competitions, that the information sought by the Deputy is not available and that to attempt to retrieve said information would necessitate the expenditure of a disproportionate amount of time and resources. While the vast majority of applicants provided addresses in Ireland, this does not determine whether they are Irish or non-Irish; this is equally the case with regard to applications made

from outside Ireland. The PAS has, however, been able to supply information as to the ethnicity of applicants for Garda recruitment competitions by way of data gathered from Equality Monitoring Surveys. I have previously provided a detailed ethnic breakdown of the applicants under the 2005 competition to Deputy Michael D. Higgins in reply to Question No. 72 of 2 February, 2006. I would refer the Deputy to this reply.

351. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the efforts which are being made to encourage non-Irish nationals to join An Garda Síochána; his plans to encourage such persons in the future; and if he will make a statement on the matter. [17445/06]

352. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the efforts which are being made to encourage non-Irish nationals from outside the jurisdiction to join An Garda Síochána; his plans to encourage such persons in the future; and if he will make a statement on the matter. [17446/06]

353. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the efforts which are being made to encourage Irish nationals from outside the jurisdiction to join An Garda Síochána; his plans to encourage such persons in the future; and if he will make a statement on the matter. [17447/06]

354. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the requirements regarding the Irish language which are in place for applicants to An Garda Síochána; if the requirements are varied or adapted for applicants from other jurisdictions; his plans to change such requirements; and if he will make a statement on the matter. [17448/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 351 to 354, inclusive, together.

Following the Government decision in October 2004 to approve my proposal to increase the strength of An Garda Síochána to 14,000, I asked the Garda Commissioner to review the eligibility criteria for entry to the Garda Síochána. I am of the belief that future intakes of recruits to the Garda Síochána should as far as possible reflect the composition of Irish society, and my view was that this was an opportune time to ensure that the criteria for entry would better meet the evolving needs of An Garda Síochána and the society they serve.

I initially increased the maximum age of applicants from 26 to 35 in time for the recruitment competition in November 2004. That change has had a significant effect, with a significant percentage of recent recruits coming within the extended

age range. In particular, it enables applications from a greater proportion of those members of the immigrant community who may have had years of relevant experience in their countries of origin before coming to Ireland. Equally, it presents a new career option to Irish nationals within this age bracket who may have lived abroad for some time and now wish to return.

In advance of advertising the most recent Garda recruitment competition, which was launched in September 2005, following a period of thorough consultation with the Commissioner and other stakeholders, I secured Government approval for a number of important changes aimed at facilitating recruitment from different ethnic backgrounds in our society.

Key among these was that the requirement to hold a qualification in both Irish and English in the Leaving Certificate or equivalent was replaced with a requirement to hold such a qualification in two languages, at least one of which must be Irish or English. A new nationality or residency requirement was also introduced. While there was previously no such explicit requirement, the need to have a qualification in Irish had effectively limited entry to An Garda Síochána to Irish citizens. Admission as a trainee is now open to nationals of an EU Member State, an EEA State or the Swiss Confederation, and nationals of any other state who are lawfully present in Ireland and have five years’ lawful residence here.

These changes have opened up entry to An Garda Síochána to persons from all parts of the community and from all ethnic backgrounds. This is a hugely significant step which will help ensure that future intakes of recruits to An Garda Síochána reflect the composition of Irish society, to the benefit of the Force and the people it serves. A special working group comprising representatives of my Department, An Garda Síochána, the Public Appointments Service and the National Committee for Racism and Interculturalism, was established in order to devise an awareness campaign in conjunction with the 2005 competition, involving targeted media publicity and further consultations with representatives of the ethnic minority communities. This working group is now holding further meetings to review the outcome of the 2005 competition and to consider further initiatives to promote and publicise the next recruitment competition among these communities.

I believe that the participation from ethnic minorities in our police force will make a positive and lasting contribution to the ongoing change and modernisation in An Garda Síochána. Planning for the policing service we want to have for this country in 20 years time should begin now. We must be pro-active, progressive and build a vision as to how An Garda Síochána can provide an effective policing service in a more diverse Ireland.

355. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of applicants who, having passed the psychometric testing phase of the entrance criteria, were refused entry to An Garda Síochána on one or more of physical fitness, physical disability, ability in the Irish language, ability in the English language, visual impairment, hearing impairment or other stated basis; and if he will make a statement on the matter. [17449/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Assessments of eligibility as regards the educational criteria for admission as a Garda Síochána trainee are carried out by the Public Appointments Service on the applications of those who have been successful at Stage 1 of the recruitment process (aptitude tests). I am advised by the Public Appointments Service that in 2004 a total of 52 such applicants were deemed ineligible purely on the basis of not having the required qualification in either English or Irish.

As the Deputy will be aware, in advance of the 2005 recruitment competition I replaced the requirement to hold particular qualifications in English and Irish with a new requirement to hold particular qualifications in two languages, at least one of which must be English or Irish. As such, neither language represents a stand-alone criterion on which a candidate can be found ineligible. In any event, the assessment process under the 2005 competition is not yet complete and thus details are not yet available as to numbers of applicants deemed ineligible on the basis of the educational criteria.

The extent to which applicants meet the other criteria referred to by the Deputy is assessed by the Garda authorities with respect to applicants who have been successful at Stage 2 (the interview stage) of the recruitment process. In this regard I am advised by the Garda authorities that the information requested by the Deputy in respect of the 2004 competition is not readily available and can only be obtained by the disproportionate expenditure of Garda time and resources relative to the information sought. As mentioned, the assessment process is not yet complete in respect of the 2005 competition.

Tribunals of Inquiry.

356. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform his plans to implement the recommendations of the final report of the Joint Committee on Justice, Equality, Defence and Women’s Rights on the report of the Independent Commission of Inquiry into the Murder of Mr. Séamus Ludlow; what those plans are; and if he will make a statement on the matter. [17450/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I understand that the primary recommendation of the Final Report that a Com-

mission of Investigation be established to investigate aspects of the State’s handling of the murder of Mr Seamus Ludlow are under consideration by the Department of the Taoiseach.

In accordance with several of the other recommendations, the Garda Commissioner has established a review of the murder investigation under a Garda Superintendent, with appropriate staff, who reports to the Assistant Commissioner, National Support Services. I am informed that this review, which has regard to the relevant Northern Ireland authorities, is ongoing.

The proposed Coroners Bill is currently being drafted and is expected to be published later this year. As recommended in the Final Report, the proposed Bill will make provision, for the first time, for a formal notice period of a coroner’s inquest to next of kin.

Finally, in respect of the remaining recommendations of the Final Report, these are under consideration, in consultation with the Garda authorities.

Prison Committals.

357. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons currently in prison for non-payment of fines; and the number of such persons in prison on 31 December and 30 June for each of 2005, 2004, 2003, 2002, 2001 and 2000. [17451/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are 323 persons currently in prison for non-payment of a fine. This includes 53 persons in respect of whom the non-payment of the fine is the principal basis for their imprisonment.

Records are not maintained in such a way as to provide this information in respect of the earlier dates referred to in the Question. Compilation of that information would require expenditure of an inordinate amount of time and cost.

358. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons currently imprisoned for debt-related offences; and the number of persons in prison for such offences on 31 December and 30 June for each of 2005, 2004, 2003, 2002, 2001 and 2000. [17452/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are 13 persons currently in prison for debt-related offences. This includes 6 persons in respect of whom the debt-related offence is the principal basis for their imprisonment.

Records are not maintained in such a way as to provide this information in respect of the earlier dates referred to in the Question. Compilation of that information would require expenditure of an inordinate amount of time and cost.

359. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons currently in prison for sentences of less than three months duration; and the number of such persons in prison on 31 December and 30 June for each of 2005, 2004, 2003, 2002, 2001 and 2000. [17453/06]

360. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons currently in prison for sentences of less than one months duration; and the number of such persons in prison on 31 December and 30 June for each of 2005, 2004, 2003, 2002, 2001 and 2000. [17454/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 359 and 360, inclusive, together.

There are 131 persons currently serving prison sentences of less than three months duration, of whom 39 are serving sentences of less than one month. The corresponding statistics in respect of the earlier dates referred to in the Questions are not readily available. I would, however, refer the Deputy to the annual reports of the Irish Prison Service in the Oireachtas Library which contain statistics of prisoner committals categorised by sentence length, in respect of certain dates in the years in question as well as the total number of committals for less than three months in each year since 2001, inclusive.

361. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons currently in prison for speeding offences; and the number of such persons in prison on 31 December and the 30 June for each of 2005, 2004, 2003, 2002, 2001 and 2000. [17455/06]

362. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons currently in prison for drink driving offences; and the number of such persons in prison on 31 December and 30 June for each of 2005, 2004, 2003, 2002, 2001 and 2000. [17456/06]

363. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons currently in prison for road traffic offences other than speeding or drink driving offences; the nature of those offences; the number of persons in prison in respect of each; and the number of such persons in prison on 31 December and 30 June for each of 2005, 2004, 2003, 2002, 2001 and 2000. [17457/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 361 to 363, inclusive, together.

The number of persons currently in prison for speeding offences, drink driving offences and other road traffic offences are 8, 69 and 994 respectively. 756 of these 1,071 persons were also

committed to prison on conviction on foot of other offences.

The corresponding statistics in respect of the earlier dates referred to in the Questions are not readily available. I would, however, refer the Deputy to the annual reports of the Irish Prison Service in the Oireachtas Library which contain statistics of committals to prison on foot of conviction on road traffic offences.

364. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons currently in prison for offences under the Non-Fatal Offences Against the Person Act 1997; the nature of those offences; the number of persons in prison in respect of each; and the number of such persons in prison on 31 December and 30 June for each of 2005, 2004, 2003, 2002, 2001 and 2000. [17458/06]

365. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons currently in prison for offences under the Criminal Justice (Public Order) Acts 1994 and 2003; the nature of those offences; the number of persons in prison in respect of each; and the number of such persons in prison on 31 December and 30 June for each of 2005, 2004, 2003, 2002, 2001 and 2000. [17459/06]

366. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons currently in prison for offences under the Criminal Law (Rape) Acts, 1981 and 1990; and the number of such persons in prison on 31 December and 30 June for each of 2005, 2004, 2003, 2002, 2001 and 2000. [17460/06]

367. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of persons currently in prison for offences under the Criminal Justice (Theft and Fraud Offences) Act 2001; the nature of those offences; the number of persons in prison in respect of each; and the number of such persons in prison on 31 December and 30 June for each of 2005, 2004, 2003, 2002, 2001 and 2000. [17461/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 364 to 367, inclusive, together.

Prison committal records are not maintained in such a way as to provide offence-related information categorised by individual statutes. However, I can inform the Deputy that the numbers of persons currently in prison following conviction on sexual offences and public order-type offences are 270 and 166 respectively. The number of persons currently serving a sentence in respect of a non-fatal offence against the person is 1,140. It is not possible to readily identify the total number of committals to prison in respect of fraud and theft offences.

Corresponding statistics, insofar as they are available, in respect of certain dates in the earlier

[Mr. McDowell.]

years referred to in the Questions are contained in annual reports of the Irish Prison Service for those years, copies of which are available in the Oireachtas library.

Question No. 368 answered with Question No. 331.

Prison Statistics.

369. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the number and location of prisons here; the number of prison spaces in each of these as of 4 May 2006; the number of prisoners in each of these by prison as of 4 May 2006; and if he will make a statement on the matter. [17469/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy is set out in the following table and refers to numbers at unlock on the morning of 4 May, 2006.

Institution	Bed Capacity	Number in Custody
Mountjoy Prison	445*	500
Dóchas Centre	85	96
St. Patrick's Institution	217	192
Cork Prison	253	256
Limerick Prison (Male)	275	267
Limerick Prison (Female)	20	18
Castlerea Prison	206	214
Cloverhill Prison	433	403
Wheatfield Prison	372	361
Portlaoise Prison	188	112
Arbour Hill Prison	139	137
Training Unit	96	92
Midlands Prison	447	435
Loughan House	110	63
Shelton Abbey	56	50
Total	3,342	3,196

* Mountjoy Prison also has provision for an additional 45 spaces on the "A Wing" of the prison which are used whenever additional capacity is required. This accommodation was used on the date in question.

The provision of approximately 1,300 new prison spaces in recent years, at considerable cost, has put the Irish Prison Service in a much better position to accommodate prisoners for the duration of their sentences than was the case during the "revolving door" era of the 1990s. However, with most of our prisons operating at or near full capacity, some accommodation difficulties occur from time to time. It should also be noted that this issue is not simply one of matching the global prisoner population to a global figure for beds or cells. A number of factors have to be taken into account including the prisoner's age, gender, the

nature of the offence, location, security and whether they are on remand or sentenced.

The Deputy will also be aware of plans for two major prison developments, one in North County Dublin and the other on Spike Island, Co. Cork. It is intended that these new facilities will address the overcrowding difficulties that arise from time to time and they will offer significant improvements in the areas of work, training, educational and medical services for inmates as well as predominantly single cell accommodation with proper in-cell sanitation facilities.

Redundancy Payments.

370. **Ms Hoctor** asked the Minister for Education and Science the reason for the delay in having a redundancy payment made available to a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [17244/06]

Minister for Education and Science (Ms Hanafin): My Department has reached agreement on the terms of a redundancy package for special need assistants (SNAs) employed in primary and second level schools. I expect that confirmation of the provisions of the redundancy arrangements will issue to schools shortly.

In this particular case, I can confirm that an application form for redundancy payment has been received in my Department. My officials have recently been in contact with the special need assistant concerned and a representative from the Deputy's office regarding this issue. As soon as the final arrangements for payment of redundancy are confirmed, a decision will be communicated directly to the special need assistant.

School Transport.

371. **Mr. McHugh** asked the Minister for Education and Science if she will ensure that a directive issued by the transport section of her Department is implemented as agreed (details supplied); and if she will make a statement on the matter. [16854/06]

Minister of State at the Department of Education and Science (Miss de Valera): The circumstances of the case raised by the Deputy, in the details provided, are being reviewed at present by my Department and I anticipate that the matter will be submitted for my consideration in the near future. Arrangements will be made to notify all relevant parties as soon as a decision has been made.

372. **Mr. McHugh** asked the Minister for Education and Science the measures she is putting in place to ensure continuation of school transport for 52 pupils who have been removed from the current school transport (details supplied) due to

the introduction of a one child per seat policy; and if she will make a statement on the matter. [16855/06]

Minister of State at the Department of Education and Science (Miss de Valera): The pupils referred to by the Deputy in the details supplied were availing of transport on a concessionary fare-paying basis under a three for two seating arrangement. However, under Regulations recently made by the Minister for Transport, seat belts must be used in buses, where fitted, which means that the three for two seating arrangement no longer applies on school buses fitted with seat belts. Bus Éireann has reported that one of the two buses serving the schools in question is already fitted with seat belts, while the owner of the second bus is anxious to have belts fitted as soon as possible. Accordingly, Bus Éireann has put arrangements in place to accommodate children on both buses on a one seat per child basis. Priority is being afforded to eligible pupils but some of those who applied for concessionary transport can be accommodated. However, the demand for concessionary transport exceeds the number of spare seats available.

I recently met with a deputation from the school referred to in the details supplied and my Department is considering a submission presented by the group. However, I must emphasise that pupils availing of concessionary transport are not guaranteed a service on an indefinite basis. The allocation of such transport has always been subject to its availability on a term-to-term basis.

373. **Mr. McHugh** asked the Minister for Education and Science the measures she is putting in place to ensure the continuation of school transport for concessionary paying students after the elimination of the three students per two seat rule; and if she will make a statement on the matter. [16856/06]

Minister of State at the Department of Education and Science (Miss de Valera): The introduction of one for one seating arrangements on school transport services operated on my Department's behalf does not necessarily mean that concessionary transport will be discontinued. The availability of such transport depends on the number of spare seats available after all other eligible pupils have been accommodated. I must point out, however, that significant investment has been made by the Government to address capacity shortfalls arising from the phasing out of the three for two seating arrangement on school buses. A programme for Bus Éireann to acquire a number of new and modern second-hand buses is well advanced. In addition, Bus Éireann has hired-in over 220 additional vehicles from the private sector and the situation is being kept under review.

I must emphasise, however, that pupils availing of concessionary transport are not guaranteed school transport. The allocation of such transport has always been subject to its availability on a term-to-term basis.

Pupil-Teacher Ratio.

374. **Mr. Bruton** asked the Minister for Education and Science if the allocation of extra teachers under revised pupil/teacher allocation ratios can be used sensibly by schools in a roving capacity between classrooms, rather than rigidly allocating them to a specific class; her views on the desirability of such flexibility, particularly in schools which are constrained by the number of rooms available; and if she will make a statement on the matter. [16869/06]

Minister for Education and Science (Ms Hanafin): The staffing of a primary school is determined by reference to the enrolment of the school on the 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule and is finalised for a particular year following discussions with the education partners. The guidelines can only be deviated from where a school experiences rapid growth in its enrolment. In such cases, an additional post, referred to as a developing school post, may be sanctioned provisionally where the projected enrolment at the 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on the 30th September, sanction for the post is withdrawn.

The staffing schedule is structured to ensure that all primary schools will operate to a general average mainstream class size of 28 pupils for the 2006-07 school year. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum. Teachers are allocated under the Schedules for mainstream class teaching purposes. Where a school has additional accommodation needs it should contact the School Building Unit of my Department. Where it is not possible to immediately provide separate accommodation for an individual teacher and his or her class a school may have to deploy the teacher in a flexible manner pending the resolution of the accommodation difficulties. However any such teacher should be deployed for mainstream class teaching duties. I have requested my Department's Inspectorate to monitor the deployment of staff and class sizes and, where necessary, to discuss with school authorities the basis on which

[Ms Hanafin.]

school policy decisions in this regard have been made, and to report to my Department, where appropriate.

Summer Works Scheme.

375. **Mr. Deenihan** asked the Minister for Education and Science if funding will be provided under the summer works scheme 2006 to a school (details supplied) to improve the entrance to the school; and if she will make a statement on the matter. [16890/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that funding has been approved for this school under the Summer Works Scheme 2006 to carry out the works in question.

Site Acquisitions.

376. **Mr. N. O’Keeffe** asked the Minister for Education and Science if approval for the purchase of a site has been granted; and if a suitable site has been purchased (details supplied) in County Cork. [16891/06]

Minister for Education and Science (Ms Hanafin): Projected long-term enrolments at the school referred to by the Deputy have dropped since the proposal for a new school was originally approved. Before committing significant capital resources to the planned new school it is essential to confirm that the provision of a new second level school in the area is absolutely warranted. A review of second-level provision in the area is nearing completion in School Planning Section of my Department. This review has been carried out in consultation with the school authorities and took into account factors such as current and projected enrolments at the school, the likely impact of ongoing and proposed housing developments and existing provision in the general area. A decision will be taken shortly on how best to provide for current and emerging needs and site acquisition will be initiated, if this is necessary.

Psychological Service.

377. **Mr. O’Connor** asked the Minister for Education and Science the number of psychologists currently employed by the National Education Psychologist Service; the costs of increasing the number to 300; and if she will make a statement on the matter. [16892/06]

Minister for Education and Science (Ms Hanafin): Since the establishment of the NEPS in 1999, the number of NEPS psychologists has increased from 43 to 122 at present, with a financial provision of €15.425 million for 2006. The Public Appointments Service recently concluded a new recruitment competition for the appointment of Educational Psychologists to NEPS.

Regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need. My Department is currently in the process of recruiting a further 9 psychologists.

All primary and post primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA) that is administered by NEPS and full details of which are available on my Department’s website.

It is estimated that the (full year) annual cost to my Department of increasing the number of NEPS psychologists to 300 would be an additional €18million approximately — this estimate is based on the financial out-turn for NEPS for 2005 and assumes the continuance of the current mix of staffing grades.

Schools Building Projects.

378. **Mr. McGuinness** asked the Minister for Education and Science if her Department has lodged a planning application with Kilkenny County Council for a new school building for a school (details supplied) in County Kilkenny; the timeframe involved in lodging the application and bringing the project to construction stage; and if she will make a statement on the matter. [16906/06]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy was listed among the 43 schools that I announced to start architectural planning in March of 2005. I am pleased to inform the Deputy that my Department has appointed a full Design Team on the project with the architectural service for this project being dealt with in-house by the School Building Section and indeed, substantial work on the early stages of the design process has already been completed.

My Department’s officials have already had a preliminary meeting with the Local Authority Planners of Kilkenny County Council in order to address any possible conditions which the Local Authority may have in relation to the impending planning application and the School Authorities have been informed of the outcome of the meeting. It is not possible at this point to indicate when the planning application will be lodged and when the architectural planning process will be completed. There are 5 stages in this process and the timeframe for completing these stages is contingent on various factors including any unexpected issues that may arise.

At present the Civil / Structural Engineer is looking at the site specific issues and when his report is forwarded to my Department, my Officials will be in further contact with the School Authorities as to the next steps involved in progressing this project. Progression of projects to Construction will be considered in the context of

the School Building and Modernisation Programme 2006-2010.

379. **Mr. Kehoe** asked the Minister for Education and Science the number of applications her Department has received from primary and post primary schools in County Wexford seeking new school buildings or extensions under the Department's school building programme; and if she will make a statement on the matter. [16908/06]

Minister for Education and Science (Ms Hanafin): The information is not readily available in the format requested by the Deputy. If the Deputy has a query about a particular school my Department will be happy to provide the information.

School Enrolments.

380. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [16909/06]

Minister for Education and Science (Ms Hanafin): The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils for the 2005-06 school year. Posts allocated on the basis of this schedule are specifically for mainstream classes and should be deployed accordingly. Schools authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum. In the school referred to by the Deputy there are 16 classes in the current school year of which 11 classes have 30 or more pupils and 5 classes have less than 30 pupils.

381. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [16910/06]

Minister for Education and Science (Ms Hanafin): The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils for the 2005-06 school year. Posts allocated on the basis of this schedule are specifically for mainstream classes and should be deployed accordingly. Schools authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation,

fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum. In the school referred to by the Deputy there are 26 classes in the current school year of which 10 classes have 30 or more pupils and 16 classes have less than 30 pupils.

382. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [16911/06]

Minister for Education and Science (Ms Hanafin): The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils for the 2005-06 school year. Posts allocated on the basis of this schedule are specifically for mainstream classes and should be deployed accordingly. Schools authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum. In the school referred to by the Deputy there are 10 classes in the current school year of which 3 classes have 30 or more pupils and 7 classes have less than 30 pupils.

383. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) which have 30 or more children; and if she will make a statement on the matter. [16912/06]

Minister for Education and Science (Ms Hanafin): The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils for the 2005-06 school year. Posts allocated on the basis of this schedule are specifically for mainstream classes and should be deployed accordingly. Schools authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum. In the school referred to by the Deputy there are 10 classes in the current school year of which 5 classes have 30 or more pupils and 5 classes have less than 30 pupils.

384. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [16913/06]

Minister for Education and Science (Ms Hanafin): The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils for the 2005-06 school year. Posts allocated on the basis of this schedule are specifically for mainstream classes and should be deployed accordingly. Schools authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum. In the school referred to by the Deputy there are 12 classes in the current school year all of which have less than 30 pupils.

385. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [16914/06]

Minister for Education and Science (Ms Hanafin): The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils for the 2005-06 school year. Posts allocated on the basis of this schedule are specifically for mainstream classes and should be deployed accordingly. Schools authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum. In the school referred to by the Deputy there are 20 classes in the current school year of which 14 classes have 30 or more pupils and 6 classes have less than 30 pupils.

386. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [16915/06]

Minister for Education and Science (Ms Hanafin): The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils for the 2005-06 school year. Posts allocated on the basis

of this schedule are specifically for mainstream classes and should be deployed accordingly. Schools authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum. In the school referred to by the Deputy there are 6 classes in the current school year of which 3 classes have 30 or more pupils and 3 classes have less than 30 pupils.

387. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [16916/06]

Minister for Education and Science (Ms Hanafin): The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils for the 2005-06 school year. Posts allocated on the basis of this schedule are specifically for mainstream classes and should be deployed accordingly. Schools authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum. In the school referred to by the Deputy there are 12 classes in the current school year of which 4 classes have 30 or more pupils and 8 classes have less than 30 pupils.

388. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) in Dublin 15 which have 30 or more children; and if she will make a statement on the matter. [16917/06]

Minister for Education and Science (Ms Hanafin): The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils for the 2005-06 school year. Posts allocated on the basis of this schedule are specifically for mainstream classes and should be deployed accordingly. Schools authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and

smallest classes is kept to a minimum. In the school referred to by the Deputy there are 24 classes in the current school year of which 19 classes have 30 or more pupils and 5 classes have less than 30 pupils.

389. **Ms Burton** asked the Minister for Education and Science the number of classes in a school (details supplied) which have 30 or more children; and if she will make a statement on the matter. [16918/06]

Minister for Education and Science (Ms Hanafin): The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils for the 2005-06 school year. Posts allocated on the basis of this schedule are specifically for mainstream classes and should be deployed accordingly. Schools authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum. In the school referred to by the Deputy there are 31 classes in the current school year of which 20 classes have 30 or more pupils and 11 classes have less than 30 pupils.

390. **Mr. Kehoe** asked the Minister for Education and Science if a child from a feeder school (details supplied) in County Wexford, who is excluded from the catchment area of a particular secondary school, will be considered for admission to the secondary school. [16929/06]

391. **Mr. Kehoe** asked the Minister for Education and Science if her attention has been drawn to the fact that the number of children being affected by the enrolment policy in a school (details supplied) in County Wexford over the next four years is only 24; her views on whether this small figure is not going to impact negatively on the pupils already attending the school but will impact negatively on the pupils from this area; and if she will make a statement on the matter. [16930/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 390 and 391 together.

The post primary school to which the Deputy refers is heavily oversubscribed as a result of a significant number of pupils enrolling from outside its catchment area. The cumulative effect of the development of this type of situation over a number of years can impact negatively on pupils from within the catchment area who are entitled, as of right, to a place in a particular school. It also invariably impacts negatively on the school or

schools to which these pupils should rightly attend and in which considerable capital investment has been made for this purpose. It is a matter for all school authorities, in the context of their enrolment policies, to limit enrolment to within their catchment areas to ensure that such situations do not arise.

As a once off exceptional measure, my Department decided that a number of named pupils from outside the catchment area to which the Deputy refers would be allowed to enrol in the post primary school in question for the 2005-06 school year. This decision was taken because the pupils concerned had an expectation that they would be enrolling in the school and did not have sufficient notice to secure alternative placements. It was made clear to the school authority in July of last year that this arrangement would apply for the 2005-06 school year only. It was made equally clear that the arrangement did not create a precedent and that it would not be repeated in subsequent years.

The catchment areas affected by this situation have a total of five post primary schools between them. An examination of enrolment trends in these schools has been carried out by School Planning Section for the purposes of ensuring that there is sufficient accommodation to cater for demand for pupil places. This examination revealed that enrolments in all five schools have dropped, in some cases quite dramatically, in the past ten years.

I am satisfied, therefore, that there are adequate places for the enrolment of the pupils in question in schools in their own post primary centres. I am also satisfied that adequate notice has been given to the particular post primary school concerned to ensure that it implements an appropriate enrolment policy for the 2006-07 school year in the best interests of its own pupils. Indeed, confirmation has been received from the school that it is effecting such an enrolment policy. In all of the circumstances, my Department's position in this matter remains unchanged.

Schools Building Projects.

392. **Mr. Gormley** asked the Minister for Education and Science the building grants applied for to her Department by a school (details supplied) in Dublin 6; the response of her Department to these applications; the assistance and money received to date; and if she will make a statement on the matter. [16948/06]

393. **Mr. Gormley** asked the Minister for Education and Science the building grants applied for to her Department by a school (details supplied) in Dublin 6; the response of her Department to these applications; the assistance and money received to date. [16949/06]

394. **Mr. Gormley** asked the Minister for Education and Science the building grants applied for

426. **Mr. Gormley** asked the Minister for Education and Science the building grants applied for to her Department by a school (details supplied) in Dublin 6w; the response of her Department to these applications; the assistance and money received to date; and if she will make a statement on the matter. [16982/06]

427. **Mr. Gormley** asked the Minister for Education and Science the building grants applied for to her Department by a school (details supplied) in Dublin 4; the response of her Department to these applications; the assistance and money received to date; and if she will make a statement on the matter. [16983/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 392 to 427, inclusive, together.

The information requested by the Deputy is not readily available in my Department.

Departmental Assessments.

428. **Mr. Durkan** asked the Minister for Education and Science if she will give an assurance that an estate (details supplied) in County Kildare will continue to provide research and promotional services in the future. [17014/06]

Minister for Education and Science (Ms Hanafin): The Estate to which the Deputy refers is in the ownership of a third level institution. The Institution's Governing Authority gave approval to commence exploring the possible relocation of its farm facilities at the Estate. This process is expected to be protracted and will require a full academic assessment of the activities currently based at the Estate. It does not assume any decision.

Disadvantaged Status.

429. **Dr. Cowley** asked the Minister for Education and Science the reason a school (details supplied) in County Mayo has not been included in the current DEIS programme in view of the continuing deprivation in the area; and if she will make a statement on the matter. [17038/06]

Minister for Education and Science (Ms Hanafin): I am sure the Deputy would agree that it is important to make sure that schools serving the most disadvantaged communities get all the extra support possible and will welcome the extra resources that DEIS will provide. I can assure the Deputy that there is no reason for schools that were in receipt of resources under pre-existing schemes and that haven't been identified for the new programme to worry as they will continue to get support in line with the level of disadvantage among their pupils. No school has been told that they will lose any resources as a result of DEIS. DEIS is designed to ensure that schools serving the most disadvantaged communities benefit

from the maximum level of support available. Over the years, no less than 8 separate schemes for disadvantaged primary schools have been put in place. Some schools were benefiting from just one or two of these and others were benefiting from more. The DEIS initiative is designed to ensure that the most disadvantaged schools benefit from a comprehensive package of supports.

While the whole rationale behind the new programme is to ensure that the most disadvantaged schools benefit from all of the available supports, schools that are benefiting from existing schemes will keep the extra resources — financial and human — that they are getting under these initiatives for the 2006-07 school year. After that they will continue to get support in line with the level of socioeconomic disadvantage among their pupils.

A review process has been put in place for primary and second-level schools that did not qualify for participation in the new School Support Programme and that regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the Programme. The review process will operate under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review. The closing date for receipt of review applications was Friday 31st March, 2006. The school referred to by the Deputy has submitted a review application. It is intended that the review process will be completed by the end of the current school year.

Higher Education Grants.

430. **Mr. Wall** asked the Minister for Education and Science the position of a grant for persons (details supplied) in County Kildare in regard to their university fees; and if she will make a statement on the matter. [17046/06]

Minister for Education and Science (Ms Hanafin): My Department has contacted the awarding Local Authority, in this case Laois County Council, in relation to the students referred to by the Deputy. Laois County Council confirmed that both students are in receipt of the Third Level Maintenance Grant. Laois County Council have confirmed that the reckonable income exceeds €15,626 which is the income threshold for the Top-up grant. It is not open to me, or to my Department, to depart from the terms of the schemes in individual cases.

Special Educational Needs.

431. **Mr. Kehoe** asked the Minister for Education and Science the position of the application for a special needs assistant for a person (details

supplied) in County Wexford; and if she will make a statement on the matter. [17055/06]

Minister for Education and Science (Ms Hanafin): I can confirm for the Deputy that my officials have contacted the National Council for Special Education (NCSE) in relation to this matter. I will arrange for a letter to issue to the Deputy once the relevant information has been received from the NCSE.

432. **Mr. Kehoe** asked the Minister for Education and Science the current position of the application for a special needs assistant and additional resource hours for a person (details supplied) in County Wexford; and if she will make a statement on the matter. [17056/06]

Minister for Education and Science (Ms Hanafin): I can confirm for the Deputy that my officials have contacted the National Council for Special Education (NCSE) in relation to this matter. I will arrange for a letter to issue to the Deputy once the relevant information has been received from the NCSE.

School Transport.

433. **Mr. Howlin** asked the Minister for Education and Science the number of school buses over the age of 10 years, 15 years and 20 years; if she has satisfied herself with the condition and road worthiness of these buses; and if she will make a statement on the matter. [17062/06]

Minister of State at the Department of Education and Science (Miss de Valera): The specific information sought by the Deputy in relation to the ages of school buses is not readily available.

However, I can assure the Deputy that all vehicles operating under the School Transport Scheme are required to meet the statutory regulations as laid down by the Department of Transport. Where vehicles have over eight adult seats and are more than one year old, they are required to pass that Department's annual roadworthiness test.

In addition, Bus Éireann vehicles are subject to a routine scheduled maintenance programme to ensure that the highest safety standards are achieved. Contractors employed by Bus Éireann are contractually obliged to keep their nominated vehicle in a safe and roadworthy condition at all times.

I am satisfied, on the basis of information available to me from Bus Éireann, which operates the services on my Department's behalf, that these regulations are being adhered to and that, in consequence, the school bus fleet is roadworthy.

Health and Safety Regulations.

434. **Mr. Gormley** asked the Minister for Education and Science the person who has been given responsibility for addressing the recom-

mendations of the 1995 report on Occupational Health and Safety in Education by the Health Service Authority advisory committee; the progress which has been made to date in implementing these recommendations; and if she will make a statement on the matter. [17078/06]

435. **Mr. Gormley** asked the Minister for Education and Science the progress which has been made in developing the mainstreaming of occupational health and safety in education and training, as called on by the 2003 Rome Declaration to all EU Member States; and if she will make a statement on the matter. [17079/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 434 and 435 together.

The 2003 Rome Declaration recommended that by 2010 all pupils leaving school in EU Member States should have had at least 8 hours of occupational health and safety training as part of their education. In Ireland, health and safety issues are dealt with as a core part of the Social Personal and Health Education programme, which is mandatory in primary schools and in junior cycle in second level schools. The programme includes a specific strand unit on Safety and Protection. Through exploring safety and protection children are encouraged to develop an increasing sense of personal responsibility for their own safety and that of others, and to make informed decisions about their health, personal lives, and social development. The personal safety module in junior cycle deals specifically with road and fire safety and accident prevention at school and in the home. In the overall programme, issues such as personal safety, physical and emotional health, relationships and sexuality, substance abuse are also included.

Health and safety are also in-built elements of such subjects as Home Economics (food science and nutrition, preparation and processing of food, safe and hygienic practices and safety awareness) the Science subjects (use of safety equipment, recognising hazards and performing laboratory procedures safely, and in the Technology subjects. In Business, the issue of the social and ethical responsibilities of business, regulatory, environmental, insurance and risk issues are covered. The Leaving Certificate Applied Programme includes a specific Health and Safety unit as part of the vocational preparation and guidance aspects of the programme. The National Centre for Technology in Education provides advice and resources to schools, teachers and parents regarding Internet Safety.

My Department has published a number of documents in regard to safety in school laboratories. These include Safety in School Science in 1996 and updated in 2001. In addition a further circular in the matter was issued to all schools in March 2004.

[Ms Hanafin.]

A review of Occupational Health and Safety in the Technologies in Post Primary Schools was published jointly by the State Claims Agency and my Department in 2005, and sets out a range of recommendations as to how the issue of health and safety can be further progressed in second level schools. Audit checklists for management of occupational health and safety risk in schools, and for workshops, a Machinery Risk Assessment Tool, a draft health and safety plan and guidelines for School Safety Committees are also included in the report.

A €40m investment package for the technology subjects, to address health and safety concerns and to provide for updated syllabi was also announced in December 2005 when I launched the report. The funds will enable a new subject in Technology at senior cycle, as a progression from junior cycle, together with a revised syllabus in Design and Communications Graphics to be implemented in schools with effect from 2007. Revised syllabi have also been developed by the NCCA in Leaving Certificate Engineering Technology (formerly Engineering) and Architectural Technology (formerly Construction) which will be implemented as soon as possible thereafter. These syllabi have a greatly strengthened emphasis on health and safety and sustainable development issues. A team of trainers is currently being recruited to provide in-service training for teachers on the revised syllabi. This will include the health and safety aspects of provision.

The recommendations in the most recent report cover a range of areas such as equipment and resourcing, management in schools, teacher training, and curriculum and examinations, which are being progressed by the Building and Planning, Teacher Education and Qualifications and Curriculum units of my Department.

Schools Refurbishment.

436. **Mr. Bruton** asked the Minister for Education and Science the fund in 2006 available for once-off initiatives for post-primary schools refurbishment projects; the amount of same which is to be devoted to science laboratory projects; the criteria which is to be used for selecting successful applicants; and the status of an application by a school (details supplied). [17087/06]

Minister for Education and Science (Ms Hanafin): Current funding for once-off initiatives for refurbishment and modernisation projects in post-primary schools in 2006 is €13.66m, of which some €2.75m is to be allocated to the refurbishment and upgrading of science laboratory facilities.

The projects considered were drawn from application originally made under the Summer Works Scheme and elements of major refurbishment projects from the main Building and Modernisation Programme. These projects have

a particular emphasis on Science, ICT and Technology areas and are suitable for progressing on a similar basis to the Summer Works Scheme. I will be announcing details of the specific allocations under this initiative shortly.

Schools Building Projects.

437. **Mr. Ring** asked the Minister for Education and Science the next stage in the process of building a school (details supplied) in County Mayo in view of the fact that a site has been identified; if funding has been provided for same and when building is expected to commence. [17090/06]

445. **Dr. Cowley** asked the Minister for Education and Science further to Parliamentary Question No. 77 of 5 April 2006 if her attention has been drawn to the fact that the local authority and the gaelscoil are waiting for planning permission application to be submitted in relation to the new school building for a school (details supplied) in County Mayo; when this application will be submitted; when her officials will meet with the local authority to discuss the application; and if she will make a statement on the matter. [17286/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 437 and 445 together.

The new school referred to by the Deputy is one of 62 major school building projects that I announced in January to commence architectural planning in 2006. This is a 10-classroom school project and my Department intends to use an suitable existing design (that has been successfully completed in another location) in order to ensure that the new school will be completed in the shortest possible timeframe.

As the acquisition of the site is at late conveyance stage, it is not possible to be precise on when the new school will be completed. However, my Department is fully aware of the urgency involved in having the new school completed in sufficient time to deal with the temporary accommodation issues at this school.

Physical Education Facilities.

438. **Mr. O'Connor** asked the Minister for Education and Science if arrangements are in place to open the facilities of the new physical education hall at a school (details supplied) in Dublin 24. [17175/06]

Minister for Education and Science (Ms Hanafin): My Department has provided funding in excess of €34m for the construction of nine dual use halls with enhanced facilities, attached to post-primary schools. Eight of the halls, including the hall referred to by the Deputy, are in Dublin and one is in Cork.

The halls in question have been built as part of a joint programme to develop community sports facilities in drugs task force areas and, accordingly, issues relating to the funding, management and staffing of the halls to facilitate community usage are being considered by my Department. Each school authority will be kept advised of relevant developments.

School Transport.

439. **Mr. Crowe** asked the Minister for Education and Science the measures she intends to take to resolve the school bus crisis in Kilcredan in east Cork which has seen school children as young as seven years of age removed from overcrowded school buses. [17205/06]

Minister of State at the Department of Education and Science (Miss de Valera): My Department has requested Bus Éireann to furnish a detailed report on the background to the case referred to by the Deputy. The matter will be considered as soon as the report is received and the Deputy will be advised of the position.

Community Services.

440. **Mr. O'Connor** asked the Minister for Education and Science if the old County Dublin Vocational Educational Committee offices at Main Road, Tallaght will be made available for community use; and if she will make a statement on the matter. [17232/06]

Minister of State at the Department of Education and Science (Miss de Valera): The future use of the premises in question is primarily a matter for the VEC. There is currently a shortage of accommodation for the services provided by the VEC in the Tallaght area. Accordingly, the committee intends to use the premises exclusively for the provision of these services. They will not be available for community use.

Schools Building Projects.

441. **Mr. Ferris** asked the Minister for Education and Science the number of schools in both north and south Kerry that have applied for new school buildings, extensions or refurbishment under the school building project for 2006; the number which have been approved to date; and if she will make a statement on the matter. [17251/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy with regard to schools in County Kerry which have applications with my Department for new schools, refurbishments or extensions is not readily available in the format requested. However, should the Deputy have queries relating to specific individual schools officials in School Planning Section of my Department

would be happy to assist. With regard to the schools in County Kerry which have been awarded funding in 2006 I draw the Deputy's attention to the series of announcements I have made so far this year as part of the 2006 School Building Programme and details of which are available on my Department's website at www.education.ie. These announcements, which were published in county order, are as follows: Schools authorised to commence architectural planning. Details of schools with projects approved under the 2006 Summer Works Scheme. School with major building projects allowed to move to tender and construction. Schools invited to deliver their building projects on the basis of devolved funding.

Applications for capital works from schools in County Kerry which are not included in these announcements are being assessed and considered for inclusion in further announcements as part of the 2006-10 School Building and Modernisation Programme.

School Staffing.

442. **Mr. Hayes** asked the Minister for Education and Science the action she will take in the case of a school (details supplied) in County Tipperary which has been notified of a decision to reduce it from a two-teacher to a one-teacher school for the coming year due to the shortage of one pupil in the current year. [17252/06]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year.

According to data submitted to my Department by the Board of Management of the school referred to by the Deputy, the enrolment in the school on 30th September 2005 was 11 pupils. In accordance with the staffing schedule (Circular 0023/2006), which has issued to all primary schools and is also available on my Department's website at www.education.ie, the mainstream staffing in the school for the 2006-07 school year will be a Principal teacher. To ensure openness and transparency in the system an independent Appeal Board is now in place to decide on any appeals. The criteria under which an appeal can be made are set out in Department Primary Circular 24/06.

The Board of Management of the school referred to by the Deputy, has submitted an appeal to the Staffing Appeal Board. The appeal will be considered by the Appeal Board at a meeting which is scheduled to take place in May. The Board of Management will be notified of the outcome of the appeal as soon as possible thereafter. The Appeal Board operates independently

[Ms Hanafin.]

of the Minister and my Department and its decision is final.

I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operation of the independent Appeal Board.

Special Educational Needs.

443. **Mr. Crowe** asked the Minister for Education and Science her plans to provide a school facility on Dublin's northside specifically for children who have autism. [17264/06]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware of my commitment to ensuring that all children, including those with autism receive an education appropriate to their needs, preferably through the primary and post primary school network. My Department supports an eclectic approach to the education of children with autism where a range of teaching methods can be applied specific to the needs of individual pupils. I am pleased to advise the Deputy that Dublin's northside already has many facilities catering for children with autism including pre-school classes for children with autism, 5 of which are located on the north side of Dublin, special classes for children with autism attached to special schools and mainstream schools, 12 of which are located on the northside of Dublin, special classes for Asperger's syndrome, 2 of which are located on the north side of Dublin plus a range of supports for pupils with autism integrated in mainstream classes. A pilot scheme facilitated the establishment of 12 specific autism units nationwide, 1 of which is located on the northside of Dublin.

A specific function of the National Council for Special Education (NCSE) which is now operational, through its network of local Special Educational Needs Organisers (SENOs), is to identify appropriate educational placements for all children with special educational needs, including children with autism for the area in question.

Schools Recognition.

444. **Mr. Timmins** asked the Minister for Education and Science if official recognition will be given to a school (details supplied) in County Wicklow. [17284/06]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, I recently made an announcement giving recognition to six new Primary Schools with effect from September, 2006. As part of that announcement, I indicated that I had deferred a decision in relation to three other schools including the one to which the Deputy refers. My Department will be corresponding with the Patron bodies in the coming days outlining the position in relation to these schools. In relation to the school to which the

Deputy refers, my officials are considering the comments made by the New Schools Advisory Committee with regard to the totality of provision in the area.

Question No. 445 answered with Question No. 437.

Site Acquisitions.

446. **Ms O. Mitchell** asked the Minister for Education and Science if she intends to acquire for use, as an urgently needed secondary school, lands reserved for that purpose in the Stepside area action plan to cater, as envisaged in the plan, for the expanding population in the Stepside area. [17330/06]

Minister for Education and Science (Ms Hanafin): While my Department has no immediate plans to purchase the site referred to by the Deputy, we will continue to monitor the demand for school places in the Stepside area to ensure that any extra demand for post primary school places is met in a timely manner.

Special Educational Needs.

447. **Ms Enright** asked the Minister for Education and Science if a person (details supplied) in Dublin 18 will be provided with the educational service that they need while attending a national school; the reason it has not been provided to date; and if she will make a statement on the matter. [17340/06]

Minister for Education and Science (Ms Hanafin): I can confirm for the Deputy that my officials have contacted the National Council for Special Education (NCSE) in relation to this matter. I will arrange for a letter to issue to the Deputy once the relevant information has been received from the NCSE.

Site Acquisitions.

448. **Mr. M. Higgins** asked the Minister for Education and Science the number of sites which have been examined by the Office of Public Works with respect to identifying a suitable site for the construction of a new school building for a school (details supplied) in County Galway; the progress which has been made with respect to the establishment of the new school following her most recent meeting with representatives and parents of children of the school; and if she will make a statement on the matter. [17341/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that the Property Management Section of the Office of Public Works has been requested to source a site for the school in question. The requirement for a suitable site was recently advertised in the relevant local newspapers. An examination of all

proposals will be undertaken after 12th May 2006, the closing date for submissions of offers.

Higher Education Grants.

449. **Ms C. Murphy** asked the Minister for Education and Science if it is intended to curtail financial supports currently allocated to third-level students who meet the appropriate criteria; if changes are to be expected with respect of third level fees or grants; and if she will make a statement on the matter. [17342/06]

Minister for Education and Science (Ms Hanafin): My Department funds three means-tested maintenance grant schemes for third-level students. The Higher Education Grants Scheme operates on a statutory basis, while the Vocational Education Committees' Scholarship Scheme and the Third-Level Maintenance Grants Scheme for Trainees operate on an administrative basis. The statutory framework for maintenance grants under the Higher Education Grants scheme is set out in the Local Authorities Higher Education Grants) Acts, 1968 to 1992.

Under the terms of the student support grant schemes assistance is awarded to students who meet the prescribed conditions of funding including those which relate to nationality, residency, means and previous academic attainment. The process of reviewing the thresholds for eligibility and the grant levels for the 2006-07 academic year is currently ongoing. Decisions on the 2006 schemes will be announced as soon as this process is completed.

Under the Free Fees Initiative, operated by my Department, the Exchequer meets the tuition fees of eligible students who are attending approved undergraduate third-level courses. There is no proposal to curtail financial supports currently allocated to third-level students who meet the appropriate criteria under the Maintenance Grants Scheme or the Free Fees initiative scheme.

450. **Ms C. Murphy** asked the Minister for Education and Science if, in view of the need for employees to constantly update their skills, it is envisaged that part-time third-level fees will be abolished or a system of subsidies will be put in place for same; and if she will make a statement on the matter. [17343/06]

Minister for Education and Science (Ms Hanafin): I have no plans at present to extend the free tuition fees schemes to include part-time students. I wish to advise the Deputy of the provisions under Section 473A, Taxes Consolidation Act, 1997. This provides tax relief for eligible persons, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate

courses in E.U. Member States and postgraduate courses in non-EU countries.

Tax relief for courses of at least two years' duration at undergraduate level extends to approved full/part-time courses in both private and publicly funded third-level colleges in the State and any other EU Member State and approved full/part-time courses operated by Colleges in any EU Member State providing distance education in the State. In 2001, Section 29 of the 2001 Finance Act amended the Taxes Consolidation Act, 1997 to provide for the following:

(a) The amalgamation of the then existing four tax reliefs for third level education fees;

(b) The section also extended the relief by removing the restrictions

— For repeat years;

— On individuals undertaking more than one course;

— On individuals already holding a third level qualification and

— The exclusion of certain courses in medicine, dentistry, veterinary medicine and teacher training;

(c) The relief is also extended to postgraduate fees paid for third-level education in private and publicly funded third-level colleges in non-EU countries.

(d) Tax relief for undergraduate fees is also now available in EU countries for duly accredited private third-level colleges.

Tax Relief on tuition fees is claimed directly from the Tax Office using an I.T. 31 Form. Details of approved colleges and courses are also available on Revenue's Internet site at www.revenue.ie.

Communications Masts.

451. **Mr. Cuffe** asked the Minister for Education and Science if she or her Department officials have made representations to other Government Departments or statutory agencies on the siting of telephone masts in close proximity to schools; and if she will make a statement on the matter. [17355/06]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that the drafting of Planning and Development Regulations is a matter for the Minister for Environment, Heritage and Local Government and the siting of individual mobile phone masts is a matter for the relevant planning authority.

Higher Education Grants.

452. **Ms Enright** asked the Minister for Education and Science if she will reconsider the position of a person (details supplied) in County Cork as set out by County Clare Vocational Edu-

[Ms Enright.]

cational Committee regarding their eligibility to apply for a grant to City of Cork Vocational Educational Committee for the academic year 2006-2007; and if she will make a statement on the matter. [17399/06]

Minister for Education and Science (Ms Hanafin): The decision on eligibility for maintenance grants is a matter for the relevant local authority or VEC. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired.

Under the terms of my Department's four Student Maintenance Grant Schemes, grants are payable to candidates pursuing approved full-time courses who meet prescribed conditions, including those pertaining to nationality, residency, means, age and previous academic attainment.

Under the residency requirement a candidate's parents, or in the case of an independent mature candidate, the candidate herself/himself, must have been resident in the State from the 1st October of the year prior to entry on an approved course.

I regret that in cases, such as the one referred to by the Deputy, where an Independent Mature Candidate is not ordinarily resident in the State from the specified date, 1st October 2004 in this instance, she is ineligible for financial assistance.

It is not open to me, or to my Department, to depart from the terms of the schemes in individual cases.

Generally speaking, candidates continue to be assessed under the terms and conditions of the Scheme appropriate to their year of entry.

453. **Mr. Hayes** asked the Minister for Education and Science if a person (details supplied) in County Tipperary will be approved for a higher education grant. [17406/06]

Minister for Education and Science (Ms Hanafin): Under the terms of the Third Level Student Support Schemes, administered by the Local Authorities and Vocational Education Committees on behalf of the Department of Education and Science, a student is not eligible for grant assistance in respect of a second period of study at the same level, irrespective of whether a grant was paid previously. The schemes also provide that grants may not be paid to candidates who already hold a postgraduate qualification and are pursuing a second postgraduate qualification.

Notwithstanding this condition, candidates who already hold a postgraduate qualification and are progressing to a further postgraduate course which represents progression from the level at which the previous postgraduate qualification(s)

was attained, may be deemed eligible for grant aid.

For the purposes of the maintenance grant schemes a Masters qualification is deemed to represent progression from the Higher Diploma in Education. While the Higher Diploma is accepted as progression from the Honours Bachelor Degree, an undergraduate qualification, it is not accepted as progression from any postgraduate qualification.

South Tipperary County Council, the awarding body responsible for assessing the student referred to by the Deputy has informed the candidate that as he already holds a Masters from the University of Limerick (Level 9) and would now wishes to pursue a Higher Diploma in Education (Level 8) he will be unable to receive a grant as the Level 8 would not represent progression.

Apart from the maintenance grants scheme and the free fees initiative, financial support is also available to students, in approved third level institutions, through the Student Assistance Fund. The objective of the Fund, which is ESF-aided, is to assist students, in a sensitive and compassionate manner, who might otherwise, due to their financial circumstances, be unable to continue their third-level studies. Information on the Fund is available from the Access Officer at University College Cork.

Schools Amalgamation.

454. **Mr. Boyle** asked the Minister for Education and Science the number of amalgamated primary schools that exist here; the dates such amalgamations occurred; and the period in each circumstance after which new school facilities were provided. [17407/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not readily available in the format requested. However, should the Deputy require information in relation to a specific school, or schools, I would be happy to arrange to have this provided.

Court Cases.

455. **Mr. Timmins** asked the Minister for Education and Science the number of court actions being taken against her Department with respect to the failure of the State to supply an adequate or suitable education to a person or persons; the outline details of each of these cases; the situation in relation to same; and if she will make a statement on the matter. [17470/06]

Minister for Education and Science (Ms Hanafin): The Deputy refers to litigation taken against the State in which my Department is a named party and in this context I cannot comment on any individual case. I can confirm that at present there are 80 active legal cases involving

provision for children with special educational needs to which my Department is a party. The Deputy will be aware of the enormous progress made over the past number of years in relation to increasing the number of teachers and other supports in our schools which are specifically dedicated to providing education for children with special educational needs. I can confirm that I will continue to prioritise the issue of special needs education and, in co-operation with the National Council for Special Education, ensure that all children with special needs are adequately resourced.

Capitation Grants.

456. **Mr. Connolly** asked the Minister for Education and Science her views on whether primary school capitation grants are adequate to meet ever increasing costs of cleaning, maintenance and insurance; if she envisages index-linking of capitation payments to the CPI in the future; and if she will make a statement on the matter. [17471/06]

Minister for Education and Science (Ms Hanafin): Primary schools' running costs are met by my Department's scheme of capitation grants. These grants are intended to contribute towards the general operating costs of national schools. The capitation grant has been increased substantially in recent years. Since 1997 the standard rate of capitation grant has been increased from €57.14 per pupil to €133.58 with effect from 1st January, 2005 and has been further increased by €12 per pupil with effect from 1st January, 2006 bringing the standard rate to €145.58. This represents an increase of almost 155% in the standard rate of capitation grant since 1997.

There are no proposals to index-link capitation grants to the CPI. However, I am pleased to inform the Deputy, that the increases in the level of capitation grant since 1997 have far exceeded increases in the CPI in the period.

The significant increase in the funding of schools in the primary sector over recent years is a clear demonstration of my commitment to prioritise available resources to address the needs of primary schools.

State Examinations.

457. **Mr. Connolly** asked the Minister for Education and Science her assessment of the success of the leaving certificate applied examination; her views on whether it adequately meets the particular requirements of students with special needs; and if she will make a statement on the matter. [17472/06]

Minister for Education and Science (Ms Hanafin): The Leaving Certificate Applied (LCA) is one of the options of the expanded senior cycle provision designed to cater for the

diversity of participants' needs. The programme was introduced in 1996 and it has proved to be most successful.

The success of the Leaving Certificate Applied is evidenced by the continuing substantial increase in the level of participation in the programme. When it was first introduced, 50 schools and centres for education offered the programme and 1200 students enrolled on it. Now, 360 schools and centres for education provide LCA and just over 3200 candidates completed the final examinations in June 2005. Within the next few days, teachers from fifteen schools that will provide the LCA programme for the first time in September 2006 will undertake in-service training.

A national evaluation of the programme, conducted by the inspectorate of my Department in forty seven schools and two out-of-school centres, identified a wide range of areas in which the LCA was found to be particularly successful. These included the extent to which programme objectives were being met in schools, the benefits of realisable short-term goals and immediate feedback to students and the level and quality of teacher engagement in professional development activity. The report on this evaluation was published in 2002 and is available on my Department's website, (www.education.ie).

The State Examinations Commission published a range of reports on candidate performance in the LCA examinations in June 2005. These contain substantive evidence of the continuing success of the programme. They are available on the Commission's website at www.examinations.ie.

The LCA programme was designed for students who do not wish to proceed directly to third level education or for those whose needs, aspirations and aptitudes are not adequately catered for by the other Leaving Certificate options. It meets the needs of a broad range of students including some who have special educational needs. Before an individual student enrolls on the LCA programme, the needs of that student should be carefully considered to ascertain whether the programme is designed to meet his or her requirements.

I believe that the key to the success of the Leaving Certificate Applied is that it focuses on the talents of individual students and helps them to apply their learning to the reality of their lives. The programme is innovative in the way students learn, in what they learn and in how their achievements are assessed. It is characterised by educational experiences of an active, practical and student-centred nature and it concentrates on providing for the development of students' understanding, self-esteem and their sense of responsibility.

The LCA programme statement and its modules are subject to review and appropriate revisions are made to ensure that the needs of all

[Ms Hanafin.]

students in the intended target group are met in the best possible way.

Question No. 458 answered with Question No. 76.

Naval Service Vessels.

459. **Aengus Ó Snodaigh** asked the Minister for Defence the inventory of the ships in the naval service's possession and at its disposal including the specifications, capacity and general functions of same; and if he will make a statement outlining intentions to purchase more ships including the envisaged specifications, capacity and general functions of same. [17071/06]

Minister for Defence (Mr. O'Dea): The Naval Service operates eight general purpose patrol ships. The details of the ships are in the form of a tabular statement which follows. All eight ships are fitted with primary and secondary armament. The Primary armament ranges from 40 mm to 76 mm and secondary armament ranges from 12.5 mm to 20 mm.

The ships are involved in coastal and offshore patrolling and surveillance by maintaining a Naval and Maritime service for the State in that part of the seas where State jurisdiction applies such as Internal Waters, Territorial Sea and the Irish Sector of the Exclusive Economic Zone and

on the high seas. They are the maritime element of defence. The ships operate with the Army and Air Corps to provide national defence services. The functions performed by these ships and the services provided, other than in the Military and Security areas, include Fishery Protection, which makes up 90% of the routine operational tasking of the Naval Service.

In the White Paper on Defence, the Government decided that the Naval Service will be developed around the provision of an eight-ship flotilla. In recent years, two new ships have been delivered to the Naval Service and the Service is operating with the recommended eight ships. The total cost of the two ships was €50m. Both ships have proved to be tremendous assets to the Naval Service in carrying out its various day-to-day roles.

There is a continuous process of refurbishment of the current fleet. Through a combination of improved support/operational systems and equipment and ongoing maintenance, the operational capability of the Naval Service is maintained at a very high level.

The replacement programme for Naval Service vessels is under continuous review. As a general guide, the objective would be to replace vessels after approximately 30 years service. On this basis, two vessels would be due for replacement in the period 2007 to 2009. This issue is currently under examination and I expect it will be submitted to me for decision later this year.

Vessel	LE Emer	LE Aoife	LE Aisling	LE Eithne
Class	OPV	OPV	OPV	OPV
Displacement (tonnes)	1019.5t	1019.5t	1019.5t	1760t
Dimensions (metres)	(65.2×10.5×4.4m)	(65.2×10.5×4.4m)	(65.2×10.5×4.4m)	(80.8×12×4.3m)
Speed (knots)	17kts	17kts	17kts	19kts
Range (miles)	4000ml at 17kts; 6750ml at 12kts	4000ml at 17kts; 6750ml at 12kts	4000ml at 17kts; 6750ml at 12kts	7000ml at 15kts
Crew	46 (5 Officers and 41 Ratings)	46 (5 Officers and 41 Ratings)	46 (5 Officers and 41 Ratings)	85 (9 Officers and 77 ratings)
Commissioned	16 January 1978	29 November 1979	21 May 1980	7 December 1984

Vessel	LE Órla	LE Ciara	LE Róisín	LE Niamh
Class	CPV	CPV	OPV	OPV
Displacement (tonnes)	712t	712t	1,500t	1,500t
Dimensions (metres)	(62.6×10×2.7m)	(62.6×10×2.7m)	(78.84×14×3.84m)	(78.84×14×3.84m)
Speed (knots)	25kts+	25kts+	17kts	17kts
Range (miles)	2500ml at 17kts	2500ml at 17kts	6000ml at 15kts;	6000ml at 15kts
Crew	39 (6 Officers and 33 ratings)	39 (6 Officers and 33 ratings)	44 (6 Officers and 38 Ratings)	44 (6 Officers and 38 Ratings)
Commissioned	3 May 1985	17 Oct 1984	15 December 1999	18 September 2001

OPV = Offshore Patrol Vessel.

CPV = Coastal Patrol Vessel.

Overseas Missions.

460. **Mr. Gormley** asked the Minister for

Defence when legislation will be forthcoming to facilitate Ireland's participation in the EU battle-groups; what that legislation will entail; and if he will make a statement on the matter. [17427/06]

Minister for Defence (Mr. O’Dea): As the House will be aware I established an Inter-departmental Group to examine all issues relating to Ireland’s potential participation in an EU-led rapid response capability. The Group reported to me in November 2005 and, since then, its report has been considered by the Cabinet Sub Committee on European Affairs and, informally, by the Government.

As part of its study the Group recommended changes to current legislation in light of the increasing range of operations where military forces can play a role and the need for increased interoperability and training so as we can be more effective and more efficient once deployed. It is worth pointing out that the requirement for this amending legislation arises irrespective of our participation in Battlegroups.

It is important to the development of capabilities and the ongoing training of the Defence Forces that they can undertake training overseas and learn from best practice in other countries. While not conclusive, the study raised possible questions as to whether Defence Forces can be sent on such overseas training. This training is essential to the development and maintenance of high standards in the military and our existing peace support operations, where we work alongside many other armies.

I intend to introduce amending legislation to put this issue beyond doubt. Moreover, in light of developments since the Defence Act was amended in 1960 to provide for participation in UN peace support operations, for the avoidance of doubt, I also intend to update the wording in the Act to more closely reflect current practice in the formulation of UN Security Council resolutions endorsing Peace Support Operations. The Triple Lock requirement of UN, Government and Dáil approval will stand.

I also propose to provide for the participation by Defence Forces personnel in humanitarian operations in response to natural and man-made disasters such as the tsunami in South East Asia or the earthquake in Pakistan. Currently personnel must volunteer for service with a civil undertaking, in the same manner as any ordinary citizens and cannot be deployed at the behest of the Government.

All of these issues are important and must be addressed. To this end I will be bringing the draft heads of a bill formally to Government for approval in the next few weeks and I expect to have the necessary legislation enacted before the Summer recess.

Airspace Encroachments.

461. **Ms C. Murphy** asked the Minister for Defence the number of encroachments into airspace controlled by Casement Aerodrome in 2004 and 2005; the locations where the aircraft

took off or landed; if any were defined as a near miss; the action which was taken; and if he will make a statement on the matter. [17436/06]

Minister for Defence (Mr. O’Dea): I am advised by Air Corps Air Traffic Services that there were 16 encroachments in 2004 and 17 encroachments in 2005 into military airspace, i.e. those portions of airspace designated for use by the Defence Forces during periods when those areas had been notified to civil air traffic services as being active, without an air traffic control clearance.

The records held by the Air Corps do not note the location where the aircraft encroaching this airspace take off or land. The Air Corps Air Traffic Controller is only required to record the points at which the encroaching aircraft enters and exits military airspace.

The Air Corps reports all such infringements to the Irish Aviation Authority, the body responsible for the safety regulation of Irish airspace. None of the infringements reported in 2004 and 2005 were considered to be a near miss.

Defence Forces Recruitment.

462. **Mr. Gregory** asked the Minister for Defence the number of persons with a home address in Dublin 1 who were recruited into the Defence Forces on the two occasions when recruitment took place. [17088/06]

463. **Mr. Gregory** asked the Minister for Defence the reason a person (details supplied) in Dublin 1 who successfully completed the application requirements for entry to the Defence Forces on no less than three separate occasions was not called up; the further reason others who applied after them were called up; the reason the Freedom of Information process could provide no explanation for same; and if he will make a statement on the matter. [17089/06]

Minister for Defence (Mr. O’Dea): I propose to take Questions Nos. 462 and 463 together.

The White Paper on Defence of February 2000 sets out a figure of 10,500 personnel for the Permanent Defence Force. This comprising 930 for the Air Corps, 1,144 for the Naval Service and 8,426 for the Army. Recruitment into the Permanent Defence Force is continuous in order to maintain the strength at the level set out in the White Paper, as required to meet military needs.

For the year 2005 there were 1,125 applications for general service positions in the Permanent Defence Force from which there were 384 enlistments. There are currently no details available of numbers of applications received in 2006. However there were 134 enlistments up to 5 May 2006. Statistics are not compiled for applications or enlistments based on postal address. Conse-

[Mr. O'Dea.]

quently, there are no figures available for the number of applicants specifically from the Dublin 1 area.

The day to day administration of recruitment in the Defence Forces is the responsibility of the Chief of Staff. Each application is treated individually. In relation to the particular case to which you refer, as you will readily understand, it is a requirement under Data Protection legislation and indeed the policy of the Department of Defence to treat the details of all applications for enlistment in the Defence Forces as strictly private and confidential.

I understand that the individual concerned applied to enlist in the Defence Forces on a number of occasions in the past. In July 2003 at the time he made an application under the Freedom of Information Acts 1997 and 2003, his application to enlist in the Defence Forces was still being processed and he was advised accordingly.

As can be seen from the figures given above the number of applications received for positions in the Permanent Defence Force exceeds the number of positions available in any year therefore not every applicant can be successful.

The individual concerned is welcome to re-apply for enlistment to the Permanent Defence Force and I can assure you that his application will be given full consideration by the Military authorities.

Question No. 464 answered with Question No. 70.

Air Corps Personnel.

465. **Mr. Rabbitte** asked the Minister for Defence his views on acknowledging the courage and sacrifice of the Air Corps personnel who died in the Tramore helicopter crash of July 1999 through the reward of appropriate posthumous medals to the crew members who died; if he will confirm that a recommendation for an award of posthumous distinguished service medal was made after the tragedy; and if he will make a statement on the matter. [17410/06]

466. **Mr. Gilmore** asked the Minister for Defence if it is intended to acknowledge the courage and sacrifice of the Air Corps personnel who died in the Tramore helicopter crash of July 1999 through the reward of appropriate posthumous medals to the crew members who died; and if he will make a statement on the matter. [17411/06]

Minister for Defence (Mr. O'Dea): I propose to take Questions Nos. 465 and 466 together.

I would like to take this opportunity to once again acknowledge the supreme sacrifice of the Air Corps personnel who so tragically lost their

lives in the Tramore helicopter crash and to extend my renewed sympathy to their families, to their friends and also to their colleagues in the Air Corps. We all recognise and appreciate the nature of the tragic loss occasioned by their deaths.

I also fully understand that the question of acknowledging their service in a tangible lasting manner is of great personal importance to the families concerned. In relation to the specific matter of the award of posthumous Distinguished Service Medals, the position is that Defence Force Regulations A9 provide for the criteria and procedures for awarding Medals and Decorations to personnel of the Defence Forces. These Regulations require that any recommendations for possible awards must be made in accordance with the relevant procedures, and in the case of recommendations for the award of Distinguished Service Medals, such recommendation should be made not later than 4 years from the performance of the act in respect of which the recommendation is made. The military authorities advise that no such recommendation was made in these cases.

Recognition of the devotion to duty and loyal service to the Defence Forces of the personnel who lost their lives has been marked in a very fitting and personal way by their colleagues in the Air Corps, who commissioned and installed a special memorial window in the church at Casement Aerodrome, Baldonnell dedicated to the memory of the four Air Corps personnel killed in the accident at Tramore on 2 July, 1999. A permanent memorial was also erected by the Air Corps to their memory at Finner Camp in Donegal, where the crew had been previously stationed.

Official recognition of this tragic loss of life was marked by my Department's close involvement with Tramore Town Commissioners and Waterford County Council who erected a memorial in honour of the memory of the four Air Corps personnel. My Department contributed €10,000 towards this memorial and also assisted the Town Commissioners in the organisation of a formal ceremony in Tramore on 4 September, 2000 where the memorial was unveiled by President McAleese. This ceremony was attended by the families and colleagues of those who died along with the then Minister for Defence, Mr. Michael Smith, T. D., the then Chief of Staff Lieutenant General David Stapleton and the then General Officer Commanding the Air Corps Brig General Patrick Cranfield. This memorial and those in Baldonnell and Finner are a fitting public acknowledgement of the crew's devoted service to the State and to the esteem in which their service and sacrifice is held.

Search and Rescue Service.

467. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself that the Navy and Air Corps are sufficiently and adequately equipped to deal with all possible situations arising in the event of emergency or air or sea rescue; and if he will make a statement on the matter. [17414/06]

Minister for Defence (Mr. O'Dea): The Irish Coast Guard has overall responsibility for the provision of maritime Search & Rescue services within the Irish Search and Rescue Region. The White Paper on Defence establishes the roles of the Defence Forces as including the provision of assistance to civil authorities as and when required. The Defence Forces have never been found wanting in this regard, and in the event of any emergency request from the Coast Guard, or, indeed from any other service, the Naval Service and Air Corps will respond to any such request in its usual efficient and supportive manner and to the best of their capability.

Naval Service Vessels.

468. **Mr. Durkan** asked the Minister for Defence if sufficient vessels and equipment are available to the Naval Service to ensure adequate coastal surveillance; and if he will make a statement on the matter. [17415/06]

Minister for Defence (Mr. O'Dea): The Naval Service operates eight general-purpose patrol ships. All eight ships are involved in coastal and offshore patrolling and surveillance by maintaining a Naval and Maritime service for the State in that part of the seas where State jurisdiction applies such as Internal Waters, Territorial Sea and the Irish Sector of the Exclusive Economic Zone and on the high seas. They operate as the maritime element of defence. I am satisfied that the Naval Service has the required assets to meet its obligations in coastal and offshore patrolling and surveillance.

In the White Paper on Defence, the Government decided that the Naval Service will be developed around the provision of an eight-ship flotilla. In recent years, two new ships have been delivered to the Naval Service and the Service is operating with the recommended eight ships. The total cost of the two ships was €50m. Both ships have proved to be tremendous assets to the Naval Service in carrying out its various day-to-day roles.

There is a continuous process of refurbishment of the current fleet. Through a combination of improved support/operational systems and equipment and ongoing maintenance, the operational capability of the Naval Service is maintained at a very high level. The replacement programme for Naval Service vessels is under continuous review.

As a general guide, the objective would be to replace vessels after approximately 30 years service. On this basis, two vessels would be due for replacement in the period 2007 to 2009. This issue is currently under examination and I expect it will be submitted to me for decision later this year.

Defence Forces Equipment.

469. **Mr. Durkan** asked the Minister for Defence if in the event of a natural disaster or terrorist attack, the Army, Navy and Air Corps services have access to life preserving equipment such as breathing apparatus, gas masks or body armour; and if he will make a statement on the matter. [17416/06]

Minister for Defence (Mr. O'Dea): An Garda Síochána have primary responsibility for law and order, including the protection of the internal security of the State. The potential threats to the State arising from terrorism are continuously monitored by them in cooperation with the Defence Forces. It is important that all prudent precautions are taken and that matters are kept under continuous review. The objective of the Government is to ensure that all State bodies can react quickly and efficiently to any large-scale emergency irrespective of whether it arises from an act of terrorism or from a man-made or natural disaster. The key issue in relation to responding to any terrorist attack is to have in place appropriate and effective plans to respond to the impact of that attack and to protect the civilian population.

The Government Task Force on Emergency Planning has worked, since it was set up in 2001, to coordinate emergency planning and response arrangements across those Government Departments that lead and support the State's response in an emergency. The focus for this work continues to be on making the necessary arrangements to, at best, prevent or, at least, minimise the risks from terrorist activities, ensuring that the protection available to the Irish people is maximised, putting mechanisms in place to support the response agencies and providing coordination for maximum efficiency and effectiveness.

The Defence Forces make contingency plans for a range of scenarios where the security of the State may be at risk. In addition, the Defence Forces have contingency plans in place in relation to the provision of Aid to the Civil Power (meaning in practice to assist, when requested, an Garda Síochána), and the provision of assistance to the Civil Authorities for a range of emergency situations.

The Defence Forces have available to them equipment for monitoring and protecting their members in dealing with Nuclear, Biological or Chemical (NBC) threats identified from time to

[Mr. O'Dea.]

time. They hold an extensive range of modern NBC equipment that meets their current requirements. This range includes approximately 9,500 NBC suits, of which 800 were delivered in January 2006. In addition, the Defence Forces has sufficient stock of Respirators for each individual soldier. They also have 98 of the most technologically up to date Chemical Agent Monitors and Defence Forces personnel have been trained on their operation. Other equipment on hands includes Biological Agent Detector and Screening Kits, Group Decontamination Equipment and Personal Decontamination Equipment. The requirement for additional NBC equipment is kept under continuous review by the Defence Forces. A programme for the purchase of NBC equipment is ongoing and whatever equipment deemed necessary is purchased expeditiously to meet the changing requirements.

The Deputy specifically refers to body armour. In that regard, a tender competition was held in 2005 for the provision of body armour for the individual soldier. An order has now been placed for 6,000 units for delivery this year. The new body armour provides significantly greater protection, comfort and coverage than the old model as well as a doubling of the range of sizes available.

Questions Nos. 470 and 471 answered with Question No. 68.

Defence Forces Equipment.

472. **Mr. Durkan** asked the Minister for Defence if he has satisfied himself that the Army, Navy and Air Corps are sufficiently equipped with modern vehicles, vessels and aircraft to ensure adequate familiarisation in likely overseas engagements in the future; and if he will make a statement on the matter. [17419/06]

Minister for Defence (Mr. O'Dea): The safety and health of Irish personnel serving overseas is always of paramount concern to me and it is my policy and practice to ensure that Defence Forces personnel are appropriately prepared and equipped to carry out their mission. The ongoing equipment modernisation programme ensures that the Defence Forces are fully equipped with the most modern of equipment for their day-to-day roles on overseas missions. Particular regard

is, of course, taken of factors such as climatic conditions in areas of operations overseas and every effort is made to ensure that whatever familiarisation is required is carried out to the best extent possible. There are no plans for the involvement of Naval Service or Air Corps assets in overseas missions although individual members may be deployed on overseas peace support operations as they have been in the past.

Question No. 473 answered with Question No. 83.

Question No. 474 answered with Question No. 96.

Overseas Missions.

475. **Mr. Durkan** asked the Minister for Defence the number of locations at which the Defence Forces are currently serving overseas; the number of personnel involved; the likely numbers required in the future; and if he will make a statement on the matter. [17422/06]

Minister for Defence (Mr. O'Dea): Ireland is currently contributing approximately 765 Defence Forces personnel to 19 different missions throughout the world. Full details of all personnel currently serving overseas are listed in the tabular statement attached. The main commitments are to the United Nations Mission in Liberia (UNMIL), with 422 personnel, to the NATO-led International Security presence (KFOR) in Kosovo, with 213 personnel and to EUFOR, the EU-led operation in Bosnia and Herzegovina, with 60 personnel. Other personnel are serving as monitors and observers with the United Nations (UN), the European Union (EU) and the Organisation for Security and Cooperation in Europe (OSCE). Staff are also deployed at the organisational headquarters of the UN, the EU and NATO.

Ireland's commitment under the United Nations Stand-by Arrangements System (UNSAS) is 850 which represents 10% of the total Army strength. This is the figure set in the White paper on Defence and is the maximum sustainable commitment that Ireland can make to overseas operations. There are no plans at this time to increase the level of our commitment to UNSAS and any contribution to EU or UN Missions will be met within the context of the 850 ceiling.

Members of the Permanent Defence Force serving Overseas as of 01 May, 2006

1. UN Missions	
(i) UNIFIL (United Nations Interim Force in Lebanon)	5
(ii) UNTSO (United Nations Truce Supervision Organisation) — Israel, Syria and Lebanon	13
(iii) MINURSO (United Nations Mission for the Referendum in Western Sahara)	4
(iv) UNMIK (United Nations Interim Administration Mission in Kosovo)	4

(v) MONUC (United Nations Mission in Democratic Republic of the Congo)	3
(vi) UNOCI (United Nations Mission in Ivory Coast)	2
(vii) UNMIL (United Nations Mission in Liberia) FHQ UNMIL 94th Inf Bn	6 416
TOTAL	453
UN Mandated Missions	
(viii) EUFOR (EU-led Operation in Bosnia and Herzegovina)	60
(ix) KFOR (International Security Presence in Kosovo)	213
(x) ISAF (International Security Assistance Force in Afghanistan)	7
Total number of personnel serving with UN missions	733
2. EU Missions	
(i) European Union Monitor Mission (EUMM) to the former Yugoslavia	5
(ii) EU support to UN authorised African Union Mission in Sudan (AMIS)	3
(iii) ACEH Monitoring Mission (AMM)	1
TOTAL NUMBER OF PERSONNEL SERVING WITH EU MISSIONS	9
3. Organisation for Security and Co-operation in Europe (OSCE)	
(i) OSCE Mission to Bosnia & Herzegovina	1
(ii) OSCE Mission in Montenegro	1
(iii) OSCE Presence in Albania	2
(iv) OSCE Mission in FRY	2
(v) OSCE Mission in Georgia	1
(vi) Staff Officer, Higher Level Planning Group, Vienna	1
Total number of personnel serving OSCE	8
4. Head of Military Staff (Brussels)	1
5. EU Military Staff (Brussels)	4
6. EU Military Staff (New York)	1
7. Liaison Office of Ireland, PfP (Brussels)	2
8. Permanent Representative to EU (Brussels)	3
9. Military Representatives/ Advisers	
(i) Military Adviser, Permanent Mission to UN, New York	1
(ii) Military Adviser, Irish Delegation to OSCE, Vienna	1
(iii) Military Representative to Partnership Co-ordination Cell/Supreme Headquarters Allied Powers Europe (SHAPE), Mons, Belgium	1
10. Appointments — UN HQ (New York)	
Officer seconded to DPKO (Department of Peace Keeping Operations)	1
TOTAL NUMBER DEFENCE FORCES PERSONNEL SERVING OVERSEAS	765

Question No. 476 answered with Question No. 68.

Nuclear Safety.

477. **Ms Shortall** asked the Minister for the Environment, Heritage and Local Government if there is a mechanism under EU law whereby Ireland could seek resources from the UK or directly from the EU to fund preparations for the possibility of an accident at Sellafield nuclear power station or other such power stations.
[17299/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In the event of

a natural, technological or environmental disaster inside the European Union, the European Community Mechanism for Civil Protection provides for Member States to request assistance in the form of interventions from other Member States where domestic emergency services need support to cope with the particular disaster. The Mechanism is operated by an EU Civil Protection Monitoring and Information Centre which is accessible 24 hours a day and able to react immediately. Assistance under the Mechanism is normally in the form of specialised personnel and specific equipment and supplies, rather than financial resources. Offers of interventions by participating States are on a voluntary basis in response to

[Mr. Roche.]

requests. The Mechanism has been used also to provide support outside the EU, including in respect of the earthquakes in Pakistan and Iran.

In addition to this EU Mechanism, there is the International Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, which entered into force in 1991. Under the Convention, Contracting Parties, which include Ireland and the UK, are required to co-operate between themselves and with the International Atomic Energy Agency (IAEA) in order to facilitate the provision of prompt assistance in the event of a nuclear accident or radiological emergency to minimise its consequences. The Convention also provides that, where a Contracting Party needs assistance in the event of such an accident or emergency, whether or not the accident or emergency originates within its territory, the Contracting Party may call for such assistance from any other Contracting Party directly, or through the IAEA, or, where appropriate, from other international inter-governmental organisations.

As the House will be aware, Ireland and the UK signed a Bi-lateral Agreement in December 2004 relating to the early notification of a major nuclear accident or radiological emergency and the swift exchange of information in the event of such an accident or emergency. In addition to this Agreement, Ireland, specifically the Radiological Protection Institute of Ireland, has been given access to the UK's radiation monitoring system which ensures real time data on radioactivity levels arising from any such accident or emergency is immediately available.

Finally the Irish Government has in place a National Emergency Plan for Nuclear Accidents designed to respond to a major emergency at a nuclear installation in the UK or elsewhere that could result in radioactive contamination reaching Ireland. The Plan conforms to best international standards and practice as established by the IAEA. It is regularly exercised and is continuously reviewed and updated in the light of technological, scientific and medical advancements. Given the continuous review, updating and regular testing of the Plan and the international assistance that would be available under the EU Community Mechanism and international Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, I am satisfied that the Plan is robust and that the country is ready to respond effectively to any such accident or emergency.

Road Network.

478. **Mr. M. Higgins** asked the Minister for the Environment, Heritage and Local Government the position in relation to the upgrading of the R340 from Carna to Screebe and from Carna to

Recess in County Galway which has been repeatedly sought by local groups; his views on progress being made in this regard relating particularly to the issue of widening the road surface and the laying of pipes as part of the proposed water scheme. [17334/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The provision and improvement of non-national roads in County Galway is a matter for Galway County Council to be funded from its own resources supplemented by State grants provided by my Department.

In August 2005, local authorities were invited to submit applications to my Department for consideration for funding under the 2006 EU Co-Financed Specific Improvements Grant Scheme. In 2006 Galway County Council has been allocated grants totalling €600,000 for works on the R340 under this scheme. The Council proposes to carry out works on the R340 at Droichead Doire Iorrais, at a cost of €450,000, and works on the Carna to Glinsce Road, at a cost of €150,000, from this allocation. I understand that the water scheme referred to is the Carna/Kilkieran Water Supply Scheme which is approved for construction in my Department's Water Services Investment Programme 2005-2007 and on which pipe-laying works have been substantially completed.

Communications Masts.

479. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government his views on whether the regulations on siting of telephone masts do not prohibit masts being placed in close proximity to schools; and if he will make a statement on the matter. [17355/06]

506. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he will put in place regulations to ensure that mobile phone antennae are not placed in close proximity to schools and other educational establishments; and if he will make a statement on the matter. [17359/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 479 and 506 together.

Under the Planning and Development Act 2000 and associated regulations communications masts require planning permission. The Regulations do, however, set out certain exemptions in this area including, subject to certain conditions, the attachment of additional antennae to an existing antenna support structure, the erection of an antenna support structure in place of an existing antenna support structure and the attachment of antennae to certain existing structures, such as telegraph poles, electricity pylons and certain

public or commercial buildings. However education facilities, childcare facilities and hospitals are specifically excluded from the exemption relating to public buildings and planning permission would therefore be required to attach antennae to such buildings.

The Oireachtas Joint Committee on Communications, Marine and Natural Resources reported in June 2005 on Non-ionising radiation from mobile phone handsets and masts. The Report made 11 recommendations, including a recommendation that planning guidelines and planning exemptions be examined with a view to ensuring that no “electromagnetic emissions” or “radio frequency emissions” emitting equipment be permitted to be sited near health centres, schools or other sensitive sites such as playgrounds or pitches etc.

Following the report of the Joint Committee, the Government, in September 2005, approved the establishment of an inter-departmental advisory committee and an expert group, working to the committee, on the health effects of electromagnetic fields. The committee will provide advice to the Government on the appropriate action to be taken on foot of the recommendations contained in the report. My Department is represented on the committee. The work of the committee and expert group is in train and it is understood that the committee expects to report to the Government before the end of 2006. On receipt of the committee’s advice the Government will make a decision regarding appropriate action. In the interim, it is not proposed to amend the Planning Regulations.

Architectural Heritage.

480. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government when phase two of the restoration of Carrigafoyle Castle in Ballylongford, County Kerry, will begin; and if he will make a statement on the matter. [16851/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 257 of 30 March 2006. The position is unchanged.

EU Directives.

481. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government if the deadline for farmers to provide the minimum manure storage capacity on livestock farms will be extended from 31 December 2008 to December 2010; and if he will make a statement on the matter. [16859/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The European Communities (Good Agricultural Practice for the

Protection of Waters) Regulations 2005 prescribe minimum storage capacities for livestock manure and other substances on farms. The storage capacity required for pig manure must be in place by 31 December 2006. The storage capacity required for other livestock manure must be in place by 31 December 2008. I have no proposals to amend the Regulations in this regard. The Minister for Agriculture and Food has announced a number of measures, including a revised and significantly improved Farm Waste Management Scheme, to assist farmers in meeting their obligations under the Regulations.

482. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government his views on the advice of Teagasc in relation to nitrogen and phosphorus fertiliser limits as recently submitted to his Department; if he will include the limits put forward by Teagasc for both nitrogen and phosphorus fertiliser limits when restoring part three of the regulations; and if he will make a statement on the matter. [16860/06]

483. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government the position regarding negotiations in Brussels in relation to the Nitrates Directive; if a decision will be made on same based on the scientific evidence prepared by Teagasc; and if he will make a statement on the matter. [16870/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 482 and 483 together.

Consideration of the issues arising from recent scientific advice on the implementation of the Nitrates Action Programme is being advanced by my Department, the Department of Agriculture and Food and Teagasc with a view to developing a formal submission to the European Commission this month.

Planning Issues.

484. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if local authorities can insist on the completion of housing estates in accordance with the planning acts; if he intends to introduce legislative changes to ensure compliance; and if he will make a statement on the matter. [16875/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Planning and Development Act 2000 a person who has carried out unauthorised development is guilty of an offence: unauthorised development includes development which is not carried out in accordance with the terms of the planning permission. A planning authority may issue an enforcement notice in connection with an

[Mr. Roche.]

unauthorised development requiring such steps as it considers necessary to be taken within a specified period. Substantial penalties are provided for on conviction for an offence under the Act. Section 160 of the Act also provides that a planning authority may apply to the Circuit Court or the High Court for an order requiring that a development be carried out in accordance with the permission.

The Planning Act also allows a planning authority to attach conditions to a planning permission requiring the satisfactory completion within a specified period of a proposed housing development and the giving of adequate security for the satisfactory completion of the development. With regard to housing estates, planning authorities have been advised by my Department in the past, and again in Circular Letter PD 1/06 of January 2006, that their policy in this area should include the provision of an acceptable level of security by the developer, which will not be released until the estate is completed to the specified standards.

Accordingly it is clear that planning authorities have very substantial powers to compel the completion of housing estates by developers in accordance with the terms of the planning permissions. Additionally, in the Strategic Infrastructure Bill, which has just passed committee stage, I propose to amend section 35 of the Planning Act to enable the planning authority to refuse permission to a developer who has been in substantial non-compliance with a previous planning permission. The applicant will have to apply to the High Court if he or she wishes to have the decision overturned. This will be a reversal of the current position as set out in section 35, whereby a planning authority wishing to refuse permission in such a case must obtain the authorisation of the High Court.

Community Development.

485. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the grant schemes which are available to a community group that are interested in having a design plan drawn up for their rapidly expanding village. [16920/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department does not directly provide financial assistance to community groups to draw up design plans for their localities.

Under the Planning and Development Act 2000, a planning authority may prepare a local area plan for any particular area within its functional area. A local area plan must be made in respect of an area that is designated as a town in the most recent census of population (other than

a town designated as a suburb or environs) and has a population in excess of 2000. In making a local area plan, it is open to a planning authority to enter into an arrangement with any local community group for the preparation, or the carrying out of any aspect of the preparation, of the plan. A planning authority shall also take whatever steps it considers necessary to consult the public before preparing, amending or revoking a local area plan, including consultations with local residents and community groups.

My Department organises the national Tidy Towns competition, and provides a substantial prize fund, which this year will exceed €200,000. Local Tidy Towns committees are encouraged to develop a simple strategic plan for their town or village, to co-ordinate their efforts and allow them measure progress made under each competition category. Prize moneys won by a local committee may be used to commission such a plan. However, professional advice is not necessary, and my Department provides appropriate guidance on the preparation of such plans. Financial and other assistance may also be available to Tidy Towns committees from local authorities and other local agencies, such as LEADER groups.

Waste Management.

486. **Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government when his Department will approve the Killybegs waste water treatment scheme to go to tender, in particular the networks and pumping station element, bearing in mind that this scheme is prioritised since the 1994 capital programme. [16921/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Question No. 240 of 26 April 2006.

Fire Stations.

487. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 758 of 8 November 2005, the position regarding a new fire station for Clones; if the design drawings and cost plan have been agreed; if the funding will be provided for construction in 2006; and if he will make a statement on the matter. [16984/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keeffe): Provision has been made under the Fire Services Capital Programme for Monaghan County Council's proposal for a new fire station at Clones to be advanced to construction by the end of 2006. My Department has recently conveyed approval to the local authority to invite tenders for this project.

Library Projects.

488. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 759 of the 8 November 2005, the progress which is being made towards the provision of the new county library in Clones, County Monaghan; if funding will be available in 2006; and if he will make a statement on the matter. [16985/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): On 14 February 2006, Monaghan County Council was authorised by my Department to proceed to invite tenders for the construction of a new County Library in Clones. Further progression of the project is now a matter for Monaghan County Council.

Waste Management.

489. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government if he will elaborate on his replies to Parliamentary Question Nos. 945 and 991 of 25 April 2006, and put an exact date on when discussions between his Department and the IFFPG will be resolved as the situation is causing an enormous amount of upset in the Mayo area; his views on whether it needs to be rectified immediately as it has the potential to cause huge problems for the environment; and if he will make a statement on the matter. [17054/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Waste Management (Farm Plastics) Regulations 2001, producers — i.e. manufacturers and importers — of farm plastics (silage bale wrap and sheeting) are required to take steps to recover farm plastics waste which they have placed on the market or alternatively to contribute to, and participate in, compliance schemes to recover the waste in question. The Irish Farm Film Producers Group (IFFPG) is currently the sole approved body in Ireland for the purposes of implementing a compliance scheme for the recovery of farm plastics waste.

Under the IFFPG scheme, producers apply a levy on the sale of farm plastics that in turn is transferred to the IFFPG for use in funding the collection and recovery of farm plastics waste. It is estimated that around 8,500 tonnes (some 55%) of farm plastics placed on the market in 2004 were collected for recycling. An estimated 55,000 farmers availed of the collection service in 2004. IFFPG estimate that over 12,500 tonnes of farm plastics were collected in 2005.

In spite of the successful operation of the scheme in recent years, more recently it has become apparent that the Scheme lacked sufficient resources to satisfy the demand that existed for collections of farm plastics. I have

therefore, following discussions with the IFFPG, farming organisations and local authorities, recently announced amendments to the scheme to support improved services to farmers. Under the new arrangements, the scheme will be funded by a combination of the existing levies paid by the producer members of IFFPG who run the scheme and funding from weight based collection charges to be paid by farmers availing of the service. This will improve the operational efficiency of the scheme by incentivising the presentation of clean, dry plastic by farmers. IFFPG estimate that a typical farmer will incur a cost of €50 every second year arising from the introduction of this charge. The effect of the introduction of a charge will be to ensure that supply of collections of farm plastics to farmers can match the demand on an ongoing basis.

In order to ensure that producer responsibility remains the principal source of funds for the IFFPG, minimum recovery/recycling targets, to be funded by producers placing this material on the market, are being set. The target will be 50% for 2006 and 2007 and this will rise to 55% by end 2008 and 60% thereafter. In addition, to address the issue of accumulated backlogs of farm plastic, designated facilities will be provided this year on a temporary basis by local authorities where farmers may deposit stockpiled farm plastic. This will operate on a pilot basis in the first instance in counties Galway, Clare, Mayo, Offaly and Waterford. It is planned to roll out this service to other areas after the initial trial, which will assist in determining the quantities of plastic likely to be recovered for recycling under this initiative. This service will be free to the farmer and funding to assist the local authorities will be made available from my Department through the Environment Fund. My Department is asking the local authorities involved to proceed with collections at the earliest possible opportunity.

Further steps are also to be taken by IFFPG to improve traceability whereby the compliance scheme will now examine the question of introducing a register of suppliers. The purpose of this measure will be to support compliance with the requirements of the scheme and to reduce scope for unfair competition from 'free riders' in the market. Overall, this package of measures is designed to improve the efficiency of the IFFPG, reduce the scope for non-compliance and ensure that farmers can avail of a more reliable service.

Local Authority Housing.

490. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government when the Housing Bill will be introduced to enable tenants in non-local authority houses to purchase their dwellings; and the opportunity there is for these people to purchase their homes. [17070/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): I assume that the Question refers to housing by approved housing bodies with funding provided under my Department's capital loan and subsidy scheme. While there is no provision at present in the voluntary housing scheme for the purchase of individual houses by tenants, my Department indicated in the recently published document Housing Policy Framework, Building Sustainable Communities, that consideration would be given, in consultation with the voluntary and co-operative sector, to pilot a tenant purchase scheme for some new voluntary homes under the scheme. The timing and modalities of such a scheme, including any legislative element, will be developed in the coming months.

Local Authority Funding.

491. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government if he will extrapolate the capital funding that has been allocated to each local authority from the local Government fund in respect of the years 2000 to 2005 exclusive as requested in Parliamentary Question No. 900 of 21 March 2006; and if he will make a statement on the matter. [17083/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): While the reply to Question No. 900 of 21 March 2006 detailed all funding to local authorities from the Local Government Fund in the years 2000 to 2005, the following table sets out the capital funding from the Local Government Fund to every local authority for the years in question.

Local Government Fund — Capital Funding paid to Local Authorities 2000-2005

Local Authority Name	2000	2001	2002	2003	2004	2005
	€	€	€	€	€	€
Carlow County Council	2,656,795	2,952,066	3,103,780	4,305,730	3,817,801	3,748,679
Cavan County Council	11,583,991	12,510,819	13,265,708	13,600,931	13,612,096	13,811,542
Clare County Council	11,028,209	12,222,354	12,904,079	13,534,731	14,668,876	15,336,028
Cork County Council	13,289,247	22,485,233	26,886,852	27,681,843	24,695,759	26,421,749
Donegal County Council	17,182,517	20,223,686	21,183,857	15,255,044	23,719,799	23,764,990
Dún Laoghaire Rathdown County Council	5,314,928	5,065,593	3,169,568	4,027,002	6,572,520	5,464,585
Fingal County Council	4,413,497	3,893,525	3,371,260	3,425,092	3,489,082	3,664,057
Galway County Council	16,595,996	16,866,474	17,942,919	17,958,032	17,835,933	19,265,447
Kerry County Council	12,811,322	13,154,173	14,413,748	14,771,071	15,676,472	17,713,239
Kildare County Council	12,059,480	8,358,220	7,556,292	8,338,292	9,579,234	9,660,542
Kilkenny County Council	7,355,781	6,270,665	8,301,658	8,023,255	8,187,565	8,944,746
Laois County Council	4,729,269	5,148,694	6,248,803	6,176,863	5,899,884	5,899,778
Leitrim County Council	7,646,411	7,748,610	8,143,499	8,942,207	8,772,193	9,362,289
Limerick County Council	10,107,915	11,208,561	11,308,843	12,013,718	12,082,782	12,719,375
Longford County Council	4,911,763	5,285,046	5,925,560	5,551,434	5,976,205	6,101,999
Louth County Council	2,401,807	4,306,618	5,244,633	4,310,886	5,652,246	5,019,309
Mayo County Council	14,034,120	15,011,411	16,303,128	17,361,016	20,046,438	18,151,433
Meath County Council	9,844,858	12,206,839	11,811,632	10,978,306	10,815,670	10,740,547
Monaghan County Council	10,390,117	11,373,220	11,759,589	12,879,179	11,969,245	12,214,145
North Tipperary County Council	5,746,865	6,598,205	7,081,255	7,194,473	7,270,635	7,394,683
Offaly County Council	5,088,030	5,440,277	6,024,620	5,894,474	6,105,829	6,662,646
Roscommon County Council	8,633,538	9,510,639	9,524,239	9,647,999	9,681,538	9,861,087
Sligo County Council	7,410,547	7,013,601	7,606,267	8,330,189	8,446,416	9,644,426
South Dublin County Council	5,161,485	2,600,034	4,665,832	4,661,220	4,145,401	3,038,151
South Tipperary County Council	6,635,420	7,172,383	7,355,564	7,735,927	7,679,249	9,058,015
Waterford County Council	6,436,074	6,270,664	6,922,362	7,255,132	7,304,545	8,448,217
Westmeath County Council	4,253,750	5,469,897	5,269,302	5,564,715	5,373,838	9,013,161
Wexford County Council	8,117,999	8,745,994	9,487,894	9,814,418	9,947,453	11,320,240
Wicklow County Council	6,754,970	7,073,786	6,918,819	6,978,653	6,834,807	8,851,821
Cork City Council	4,345,044	2,845,483	3,344,740	4,026,641	7,756,622	4,670,271
Dublin City Council	7,586,908	5,614,200	8,916,974	4,223,720	7,230,358	4,130,132
Galway City Council	2,337,680	1,005,891	1,145,371	1,270,067	1,160,924	1,190,349
Limerick City Council	2,014,264	1,719,409	1,580,182	1,643,414	1,796,741	2,164,753

Local Authority Name	2000	2001	2002	2003	2004	2005
	€	€	€	€	€	€
Waterford City Council	2,791,631	1,557,180	1,703,482	1,825,122	11,275,672	2,579,174
Clonmel Borough Council	552,336	472,343	244,000	244,000	500,000	687,500
Drogheda Borough Council	495,198	234,902	287,670	287,500	262,272	318,500
Kilkenny Borough Council	173,954	228,553	252,500	252,500	266,000	273,000
Sligo Borough Council	628,406	669,152	1,362,500	877,500	754,000	851,150
Wexford Borough Council	173,954	214,491	244,000	244,000	255,000	257,427
Arklow Town Council	212,046	108,563	120,000	120,000	126,500	130,000
Athlone Town Council	212,046	218,395	244,000	244,000	255,000	262,500
Athy Town Council	212,046	108,563	120,000	120,000	126,500	114,292
Ballina Town Council	212,046	108,563	120,000	120,000	126,500	130,000
Ballinasloe Town Council	212,046	108,563	120,000	120,000	126,500	127,656
Birr Town Council	154,908	108,563	120,000	120,000	126,500	130,000
Bray Town Council	468,533	234,902	260,981	260,717	275,000	282,500
Buncrana Town Council	154,908	108,563	120,000	120,000	126,500	130,000
Bundoran Town Council	180,303	514,244	84,500	84,500	89,000	91,500
Carlow Town Council	212,046	108,563	120,000	120,000	266,000	273,000
Carrickmacross Town Council	154,908	76,184	84,500	84,500	89,000	91,500
Carrick-on-Suir Town Council	212,046	108,563	120,000	120,000	126,500	130,000
Cashel Town Council	154,908	76,184	84,500	84,500	89,000	91,500
Castlebar Town Council	212,046	235,536	420,000	220,000	376,500	330,000
Castleblaney Town Council	154,908	76,184	84,500	84,500	89,000	91,500
Cavan Town Council	154,908	108,563	120,000	120,000	126,500	130,000
Clonakilty Town Council	154,908	76,184	84,500	84,500	89,000	91,500
Clones Town Council	154,908	76,184	83,579	84,409	88,182	91,500
Cobh Town Council	212,046	108,563	104,035	92,853	126,500	130,000
Dundalk Town Council	468,533	234,902	261,000	261,000	275,000	282,500
Dungarvan Town Council	212,046	108,563	120,000	120,000	126,500	130,000
Ennis Town Council	435,520	218,395	243,990	244,000	266,000	273,000
Enniscorthy Town Council	154,908	108,563	120,000	120,000	126,500	130,000
Fermoy Town Council	154,908	108,563	120,000	120,000	126,500	90,238
Kells Town Council	154,908	76,184	84,500	84,500	126,500	130,000
Killarney Town Council	719,941	425,997	270,000	120,000	126,500	130,000
Kilrush Town Council	154,908	76,184	84,500	84,500	89,000	91,500
Kinsale Town Council	154,908	76,184	84,500	84,500	89,000	91,500
Letterkenny Town Council	212,046	241,885	295,000	120,000	255,000	262,500
Listowel Town Council	535,829	455,976	148,000	104,500	89,000	91,500
Longford Town Council	212,046	108,563	120,000	120,000	126,500	130,000
Macroom Town Council	154,908	76,184	84,500	84,500	89,000	91,500
Mallow Town Council	212,046	108,563	120,000	120,000	126,500	130,000
Midleton Town Council	154,908	94,241	120,000	120,000	126,500	130,000
Monaghan Town Council	212,046	108,563	120,000	120,000	126,500	130,000
Naas Town Council	212,046	108,563	120,000	120,000	266,000	273,000
Navan Town Council	154,908	108,563	120,000	120,000	266,000	273,000
Nenagh Town Council	212,046	108,563	120,000	120,000	126,500	130,000
New Ross Town Council	212,046	108,563	97,228	120,000	126,500	130,000
Skibbereen Town Council	154,908	76,184	84,500	84,500	89,000	91,500
Templemore Town Council	154,908	76,184	84,500	84,500	89,000	91,500
Thurles Town Council	212,046	108,563	120,000	120,000	126,500	130,000
Tipperary Town Council	154,908	108,563	120,000	120,000	126,500	130,000
Tralee Town Council	647,566	328,952	502,500	522,357	523,500	273,000
Trim Town Council	154,908	108,563	120,000	120,000	126,500	130,000
Tullamore Town Council	212,046	108,563	120,000	120,000	126,500	130,000

[Mr. Roche.]

Local Authority Name	2000	2001	2002	2003	2004	2005
	€	€	€	€	€	€
Westport Town Council	269,184	108,563	120,000	120,000	126,500	130,000
Wicklow Town Council	212,046	108,563	120,000	120,000	126,500	130,000
Youghal Town Council	212,046	108,563	120,000	120,000	126,500	121,661

EU Directives.

492. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government if he intends to secure an exemption for the installation of new or refurbished pipe organs from the provisions of draft EU directives on waste electrical and electronic equipment and restrictions of the use of lead in electrical and electronic equipment; his views on whether organ pipes, which may be connected to electrically motorised air pumps and so covered by the terms of the directives, have been made from tin or lead alloy for centuries and that these constituent properties contribute to the tone and voicing of the instrument; if he has consulted with ecclesiastical authorities on the impact of the proposed directive; and if he will make a statement on the matter. [17091/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Directives in question are those on Waste Electrical and Electronic Equipment (WEEE) and on the Restriction of the use of Certain Hazardous Substances in Electrical and Electronic Equipment (RoHS).

In common with various other products, the question of whether organ pipes fall within the scope of both Directives is under consideration at EU level. Ireland's position, as advised to the European Commission, is that church organ pipes should be regarded as outside the scope of the Directives as the pipes themselves do not require electric current or electromagnetic fields to perform their primary function. Their function is dependent on pumped air and, where an electric pump is fitted, it is the pump itself that must comply with the new legal requirements. Such pumps placed on the market from 1 July 2006 onwards must not contain any hazardous substances prohibited by the RoHS Directive. Recent media reports suggesting that existing organs might have to be removed from churches are incorrect as the RoHS Directive only applies to new products being placed on the market from 1 July 2006. Given the foregoing, I do not consider it necessary to consult with possible interested parties at this stage.

Recycling Policy.

493. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if,

in view of the fact that he has recently suggested there were financial reasons for not adopting a reverse vending approach to collecting certain recyclable material (details supplied), a full environmental and financial comparison between reverse vending recycling facilities and those facilities currently used to collect recyclable material has been carried out here; the body which carried out the research; and their terms of reference. [17092/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Ireland has achieved a significantly improved performance in meeting EU targets for the recovery of packaging waste. Under Directive 94/62/EC on packaging and packaging waste, 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 (with a minimum of 25% to be achieved by recycling, including a minimum 15% recycling rate for each type of packaging material). The 2001 target was achieved on time and furthermore the EPA has reported in its National Waste Report 2004 that packaging waste recycling increased to 56.4% in that year (one year in advance of the latter 2005 deadline).

The regulatory code governing packaging waste is well established. The Waste Management (Packaging) Regulations 2003 (as amended), which replaced earlier regulations introduced in 1997, provide the necessary legal framework to facilitate the recovery and recycling of packaging waste in Ireland. Under the regulations, all producers participating in the placing of packaging on the Irish market, must segregate the packaging waste arising on their own premises into specified waste streams and have it collected for recycling by authorised recovery operators. In addition, major producers i.e. those who have an annual turnover in excess of €1 million and who place more than 25 tonnes of packaging on the Irish market, have additional responsibilities with regard to the recovery of packaging waste from their customers.

Major producers have the option of either complying directly with their producer responsibility obligations (i.e. self-compliance), or alternatively, getting an exemption from those requirements by becoming a member of an approved packaging waste compliance scheme. Practical implementation of the Directive in Ireland is organised mainly through a collective industry-based com-

pliance scheme operated by Repak Limited, which had operated successfully to date.

Our existing approach has been in operation since 1997 and is now firmly embedded among industry, local authorities and other stakeholders alike and is supported by a comprehensive national network of bring banks (1,929 sites) and civic amenity facilities (69 facilities) as well as segregated collection of dry recyclables from domestic households (over 560,000 households).

While no formal study on this matter has been carried out in Ireland, it is inevitable that additional start-up and operational costs would be associated with putting in place a separate, comprehensive and convenient reverse vending network at a national level which could not wholly substitute for the existing infrastructure for materials recovery. This latter infrastructure has been put in place at considerable cost. Account would also have to be taken of the impact of such a network on existing compliance arrangements and their effectiveness in meeting targets for recovery and recycling of packaging waste. The existing compliance scheme is principally funded by major producers and the impact of introducing reverse return systems could significantly undermine these arrangements.

As outlined in the reply to Question No. 108 of 8 March 2006, the introduction of a reverse vending approach to collect specific recyclable materials is not under consideration primarily because Ireland is achieving the required recovery and recycling targets for packaging waste. The priority now is to build on the infrastructure and collection/recycling systems that are already in place in order to ensure continued progress on our national performance with a view to achieving the higher recycling/recovery targets set for 2011 under the revised packaging and packaging waste directive.

Architectural Heritage.

494. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if the planned archaeologists inspection of Clogrennane Castle, Craiguecullen, County Carlow has been undertaken; if not, when it is expected to be undertaken; when a report on the condition of Clogrennane Castle will be available; and if he will make a statement on the matter. [17279/06]

495. **Mr. P. McGrath** asked the Minister for the Environment, Heritage and Local Government if the Office of Public Works is responsible for remedial works that might be necessary at Clogrennane Castle, Craiguecullen, County Carlow; if so, when such necessary works might be carried out; and if he will make a statement on the matter. [17280/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Question Nos. 494 and 495 together.

I refer to the reply to Question No. 514 of 11 October 2005. Clogrennane Castle is a national monument in private ownership and as such its upkeep and maintenance is a matter for the owner rather than the Office of Public Works. Clogrennane Castle was visited by an archaeologist of my Department who reported that there has not been any serious archaeological damage to the monument. My Department will consider advising the owner of the property on how the continued protection of the monument might be ensured.

Control of Dogs.

496. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government his views on the micro-chipping of all dogs; and if he will make a statement on the matter. [17281/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Control of Dogs Regulations 1998 require the owner or other person in charge of a dog to ensure that the dog at all times wears a collar bearing the name and address of the owner on an attached plate, badge or disc. The regulations contain penalties for non-compliance with this requirement or for defacing or rendering illegible the above particulars. These arrangements followed consideration of all practicable options for ensuring identification of dogs, including that of micro-chipping, and are being kept under review.

Register of Electors.

497. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government the contacts he has had with South Dublin County Council in respect of the voting register for Dublin south west; if he will give an assurance that everything possible will be done to ensure the accuracy of the register; and if he will make a statement on the matter. [17285/06]

503. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the amount to be allocated to each county for the purpose of updating electoral registers; the basis on which the sums were or will be calculated; and if he will make a statement on the matter. [17348/06]

504. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the number of local authorities which have sought funds to update their electoral registers; the local authorities which have sought same; the number which have identified serious shortcomings with

[Ms C. Murphy.]

the register; the dialogue there has been between his Department and the local authorities on the matter; and if he will make a statement on the matter. [17349/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 497, 503 and 504 together.

In law, the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the co-operation of the public, the accuracy and comprehensiveness of the Register.

I recently announced a package of measures, to be implemented over the coming months, aimed at assisting registration authorities improve the Register. The measures include the use of Census enumerators or other temporary personnel to support local authorities in preparing the next Register, as part of an intensive registration campaign to be conducted this summer. Related to this, I am prepared to make increased, ring fenced financial resources available to local authorities this year to update the Register; the details involved are being examined at present.

An early start will be made to the local authority Register campaign for 2007-08 and there will also be an intensive information campaign. My Department will issue updated and consolidated Guidance to ensure that all local authorities work to the same template. The Guidance will tell local authorities to make maximum use of databases available to them to crosscheck the Register. New IT based arrangements to delete deceased persons from the Register have also been put in place.

My Department is now working with a group of local authority managers and senior officials to put in place an enhanced programme for improving the next Register. This would include ensuring that each household is visited and provided with forms and information at least twice, if necessary. In the event that this process does not satisfactorily register the household, it is proposed that written notification would then be given cautioning of the danger of being omitted from the Register.

I recognise that Deputies of all political parties will wish to avoid disenfranchising voters and to encourage the fullest possible voter participation. However, Deputies have equally expressed a concern, which I share, that there must be a more rigorous approach to compiling the Register.

I consider that there should be a broad political consensus on these issues. For this reason, I have written to the Chairman of the Oireachtas Joint Committee on Environment and Local Government requesting that the Committee arrange an early discussion on these issues. While specific issues appropriate to registration authorities are raised with, or brought to the attention of, my

Department from time to time relating to the Register, in recent times I have received one request, which was in general terms, from a local authority (in November 2005 from Kildare County Council) seeking additional resources in relation to the Register. The letter did not provide substantive information in support of the request and was not considered to justify the establishment of special funding arrangements for the local authorities concerned, over and above those appropriate to local authorities generally.

Wildlife Acts.

498. **Mr. Wall** asked the Minister for the Environment, Heritage and Local Government the position of a person seeking to carry out work under the Wildlife Acts 1976-2000 Section 40 (details supplied); and if he will make a statement on the matter. [17300/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The cutting of free-standing trees in a garden around a house would not be considered to be an offence under section 40 of the Wildlife Act 1976, as amended. However hedgerows are protected under section 40 (1) (b) and may be cut within the period 1 September to end February.

Local Authority Funding.

499. **Mr. Ó Fearghaíl** asked the Minister for the Environment, Heritage and Local Government the funding provided by his Department to Kildare County Council under the local improvement scheme, in each of the past five years; the criteria used to disburse such funds by his Department; and if he will make a statement on the matter. [17337/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The allocation for 2006 and payments for each of the years 2002 to 2005 to Kildare County Council under the Local Improvements Scheme are set out in the following table:

Year	Local Improvements Scheme Payments
	€
2002	102,416
2003	99,757
2004	110,236
2005	88,504
2006 (Allocation)	111,268

Funding for the Local Improvements Scheme is considered in the context of the overall provision available for non-national roads and the cost of Local Improvements Scheme applications on

hands in each County at the end of the previous year.

Motor Taxation.

500. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government the motor tax take in 2005 and 2006 per county; the amount of same which was made up of on-line transactions; and if he will make a statement on the matter. [17344/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The amount of motor tax taken by each local authority and through the online motor tax service, operated by my Department, for 2005 and 2006 to-date (January to April) is set out in the following table.

Motor Tax Receipts (including online)

	2005	2006 to date
Carlow	9,577,446	3,679,657
Cavan	10,925,797	4,126,081
Clare	18,764,979	7,067,542
Cork	75,681,713	28,143,376
Donegal	23,283,121	8,951,548
Galway	35,296,681	12,991,220
Kerry	22,903,422	8,153,722
Kildare	27,319,360	9,477,385
Kilkenny	14,447,027	5,577,957
Laois	10,956,887	4,151,167
Leitrim	4,862,364	1,859,083
Limerick County	21,856,230	8,261,203
Longford	5,976,239	2,272,322
Louth	15,631,421	6,059,567
Mayo	20,002,308	7,447,045
Meath	26,632,321	9,801,005
Monaghan	10,376,392	3,995,050
Offaly	11,385,231	4,317,026
Roscommon	10,390,089	3,941,782
Sligo	9,887,747	3,833,159
North Tipperary	11,884,832	4,583,885
South Tipperary	15,207,443	5,849,090
Waterford Co.	10,142,982	3,853,884
Westmeath	12,711,338	4,983,090
Wexford	23,853,757	9,026,688
Wicklow	19,413,820	7,049,758
Dublin City	141,456,983	47,804,252
Limerick City	6,425,748	2,443,693
Waterford City	7,044,134	2,653,847
On-line	168,068,030	85,997,406
Total	802,365,839	318,352,489

Planning Issues.

501. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if his Department currently monitors the nature, extent and level of unauthorised developments that are granted retention orders each year by each local authority; if there are plans to set down common criteria which unauthorised developments must meet in order to be granted such retention orders; his views on whether in the absence of such provisions there is potential for inequality of service between local authorities to arise regarding such issues; and if he will make a statement on the matter. [17345/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department does not collect information on the nature and extent and level of unauthorised developments that are granted retention permission by planning authorities.

An application for retention permission is decided on the same criteria as a normal application for permission, that is, a planning authority must consider the application in the context of the proper planning and sustainable development of the area, having regard to the provisions of the development plan, any submissions or observations received and relevant Ministerial or Government policies/guidelines. The decision of a planning authority on an application for retention permission may be appealed to An Bord Pleanála in the same way as the decision of a planning authority on any other planning application. An Bord Pleanála, in determining an appeal, must consider the same matters as a planning authority in deciding an application.

I am satisfied that the current system is operating in accordance with the decision by the Oireachtas, which when enacting the Planning and Development Act 2000 decided that planning applications, including retention applications, should be determined by local authorities.

Local Authority Housing.

502. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if it is standard practice for local authorities to engage in negotiations with developers in order for developers to reacquire new properties designated for the purposes of social and affordable housing; and if he will make a statement on the matter. [17347/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I assume that the Question refers to Part V agreements reached between developers and local authorities following negotiations under the Planning and Development Act 2000-2004 which requires, inter alia, that up to 20% of

[Mr. N. Ahern.]

land zoned for residential developments or for a mix of residential and other uses, is to be reserved to meet social and affordable housing needs.

Instead of the transfer of land there are other options available to satisfy the Part V requirement. These include the provision of new units or other lands within the functional area of the local authority; the transfer of fully or partially serviced sites to the local authority or to an approved housing association, the payment of money in lieu or a combination of the above. Land that has been transferred following agreement can only be used to construct social and affordable housing while any monies received are ring-fenced for housing capital purposes and cannot be used for any other purpose.

In their negotiations with developers under Part V, local authorities are obliged to ensure that each agreement delivers the best possible result in terms of overall housing supply and social integration for their area. It is a matter for the local authority to accept or reject an offer made by a developer during negotiations, having regard to its housing strategy and whether it constitutes the best use of the resources available to it.

My Department is not aware of any instance whereby a developer may reacquire units that have been initially acquired by a local authority on foot of an agreement reached under Part V.

Questions Nos. 503 and 504 answered with Question No. 497.

Water and Sewerage Schemes.

505. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he has commissioned or received a report or briefing documents in regard to water supply and consumption in the Greater Dublin Area; his views on the growth of consumption in recent years; his plans to modify the building regulations to place greater emphasis on water conservation; and if he will make a statement on the matter. [17358/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): A number of regional water studies are being carried out by Dublin City Council with funding under my Department's Water Services Investment Programme 2005-2007. These include investigations of potential additional short and long-term water sources for the region. I understand that the Dublin Water Supply Strategic Storage Study, also funded under the Water Services Programme, has recently been completed by the City Council and will shortly be submitted to my Department.

Following an earlier strategic assessment of water needs in the Dublin region, funding for leak detection works and other measures to improve the management of water supplies in the region was provided under my Department's Water Services Investment Programme as part of the Dublin Region Water Conservation Project. Between 1996 and 2000, unaccounted for water levels in the region were reduced from 42% to below 29%. The local authorities themselves have since assumed ongoing responsibility for leakage detection and repair as an operational function.

A further allocation of €118.3 million has been provided for structural rehabilitation of defective and unserviceable water mains in the region as part of a national water conservation sub-programme being funded under the Water Services Investment Programme. Dublin City Council, acting as lead authority, has now appointed consultants to produce contract documents and to oversee the implementation of the relevant works in the region.

The reductions achieved in unaccounted for water and leakage, together with infrastructural schemes completed, under construction or in planning, will ensure the availability of adequate water supplies to meet the needs of the Dublin region in the medium term. For example, recently completed interim upgrade to the Ballymore Eustace Water treatment Plant has secured 22 million litres per day. A further planned expansion of this scheme will increase capacity by an additional 44 million litres per day.

I understand that local authorities in the Dublin region have, in recent years, made bye-laws, under the Local Government Act 1994, relating to the management and conservation of drinking water. The Building Regulations set out the legal requirements for sanitary installations, including toilets, in all areas. I propose to amend Part G of the Regulations to increase efficient use of water by requiring dual flush toilets in new buildings. I intend, in consultation with the Building Regulations Advisory Body, to publish proposals for comment before the end of 2006.

Question No. 506 answered with Question No. 479.

Water and Sewerage Schemes.

507. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government if he intends to provide funding for a new drinking water reservoir on land (details supplied) in County Wicklow; and if he will make a statement on the matter. [17360/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Stage 1 of the West Wicklow Water Supply Scheme, which will provide an improved quality water supply for

consumers in Blessington and surrounds, is approved for funding in my Department's Water Services Investment Programme 2005-07.

The Preliminary Report for the scheme submitted to my Department by Wicklow County Council identified three sites as potentially suitable for the location of the new storage reservoir to serve Blessington. The Preliminary Report ultimately recommended the Deerpark site at the edge of the Glending quarry as the most advantageous of the three for a number of reasons, including proximity to the supply area, eligibility for Part 8 planning, availability for acquisition by agreement and ability to accommodate future expansion of water supply services in the Blessington area.

Local authorities are responsible for the design and planning of individual water services projects, including site identification, assessment and acquisition. My Department's role in relation to approved projects is to ensure that they are technically and economically robust, that public procurement requirements are properly observed and that the design of the scheme reflects the intended objectives. The Department is not involved in site selection.

Nevertheless, because of illegal dumping and previous planning issues associated with the Deerpark site, I wrote to the County Manager in November 2005 seeking assurances that the Elected Members had been made aware of the three options which were available for the reservoir location, that they were aware of the history of the Deerpark site and that they had given their approval to it. The Manager's response indicates that the Elected Members had considered all three options and had adopted the Deerpark site as the preferred solution at a special meeting of the Council 20 March. It also advises that the Deerpark site has been endorsed by the Blessington and District Forum, is located 600 metres from, and is 25 metres higher than ground levels at, the nearest illegal landfill and that the provision of a closed water storage reservoir with inlet and outlet pipework on the site poses zero risk to water quality in supply.

I understand that, in presenting the options to the Elected Members and to the Blessington and District Forum, the Council indicated that either of the other two locations would, *inter alia*, necessitate site acquisition by Compulsory Purchase Order, require planning permission from another local authority, have greater visual impact, be more difficult to access and would carry higher cost risks due to site conditions, archaeology, etc. I also understand that the Council estimated that moving the reservoir from Deerpark to either of the other two locations would delay completion of the water supply scheme by at least 14 months.

My Department is now reviewing the Preliminary Report for the West Wicklow Water Supply

Scheme in light of the Council's response and a decision will be conveyed to the Council as soon as possible.

Private Rented Accommodation.

508. **Mr. Cuffe** asked the Minister for the Environment, Heritage and Local Government his views on introducing legislation to allow local authorities or the Private Residential Tenancies Board to conduct unannounced spot inspections for health and safety and fire prevention reasons of accommodation in the private rental sector. [17393/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): It is not proposed to sponsor legislation on these lines.

Under section 18 of the Fire Services Act 1981, as amended by section 29 of the Licensing of Indoor Events Act 2003, a person who has control over premises used for the provision of sleeping accommodation, other than a dwelling house occupied as a single dwelling, has a statutory obligation to take all reasonable measures to prevent the outbreak of fire in such premises; to provide, and ensure the application of, reasonable fire safety measures and appropriate fire safety procedures for ensuring the safety of persons on the premises, and, in the event of fire, to ensure the safety of persons on the premises. Fire authorities have power to inspect all such premises at any reasonable time and to take appropriate action including giving advice, serving fire safety notices and closing down premises. Local authorities also have adequate powers to carry out inspections in pursuance of their functions under the Housing Acts in relation to the standards of rented accommodation.

Town Councils.

509. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if it is expected that the necessary sections of the Local Government Act 2001 will be in place for the introduction of new town councils prior to the end of term for this Government; and if he will make a statement on the matter. [17394/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Local Government Act 2001 modernises the legislative framework, supports community involvement with local authorities in a more participative local democracy and underpins generally the programme of local government renewal. More than 80% of the Act has been brought into operation, on a phased basis, *inter alia* facilitating improved access, interaction, linkages and service provision for all towns and areas with their respective county councils.

[Mr. Roche.]

I am considering the steps necessary to commence the provisions of the 2001 Act in respect of new town councils. The creation of new town councils and their prospective functional responsibilities under the Act also feature in my discussions with local government interests as the

opportunity arises. I will continue to keep the position under review, in tandem with consolidating progress on quality customer service measures, with the aim of ensuring good accessible local government service delivery for all towns.