

DÁIL ÉIREANN

—
Dé Céadaoin, 24 Bealtaine 2006.
Wednesday, 24 May 2006.
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Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

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Paidir.
Prayer.
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Leaders' Questions.

Mr. Kenny: Yesterday's Supreme Court decision has serious consequences for the protection of young girls. Today, it is not illegal for a man to have consensual sex with a girl under 15 years of age. This is a grave situation and requires action by the House. As a result of the ruling that section 1(1) of the Criminal Law Amendment Act 1935 is unconstitutional, it is possible that people in jail for having sex with girls under 15 may be able to have their convictions struck down. There were 54 cases of statutory rape in recent years, raising the possibility of convicted sex offenders applying to have their names removed from the sex offenders register, which was put in place to protect young people.

The Government had fair warning of this. The Law Reform Commission recommended a change in this legislation as far back as 1990. We live in an Ireland that is very different from the Ireland of 1935, when this legislation was enacted. This is a far more dangerous country for young people in a society where drinking among the young has reached epidemic proportions and civility is absent in many areas. Protection of our young people must be a priority for legislators.

What urgent response will the Government make? What is the Taoiseach's view of the implications for those on the sex offenders register? Does the Government have a view on successful appeals to previous convictions arising from the judgment?

The Taoiseach: This is an urgent and important matter, and in the absence of clear law, we must deal with it as speedily as possible. The Attorney General and the Department of Justice, Equality and Law Reform have been working on that last night and this morning. We must examine all aspects of it, including previous discussions on this, the 1990 Law Reform Commission report and the 1997 report. The judgment of 23 May has struck down the law under which sexual intercourse with an underage girl is an offence of strict liability, in other words, one where there is no

defence of mistake as to age. The Department of Justice, Equality and Law Reform is consulting the Attorney General's office on the implications of this and the scope and timing of amending legislation that would meet the terms of that judgment. We are examining the complexities and legal points of this but we must take into account all aspects. There is no return to law that has been struck down and we must bring in new legislation.

Deputy Kenny mentioned the 1990 report, to which I referred. The Department of Justice, Equality and Law Reform published a discussion paper about the law on sexual offences in 1998. It addressed matters such as the age of consent and the defence of mistake as to age. The majority view of those who gave views on that paper was that no change should take place. The discussion paper led directly to the drafting and enacting of the Sex Offenders Act. Other legislation dealing with sexual offences is at an advanced stage of preparation in the Department of Justice, Equality and Law Reform.

Deputy Kenny referred to those who are in prison for such offences. The Irish Prison Service has been checking records and warrants from the court with regard to those in jail as a result of convictions for unlawful carnal knowledge and we hope to have a clear picture of this by lunchtime.

Mr. Kenny: This side of the House will be more than willing to facilitate whatever action the Government deems appropriate to respond to the Supreme Court ruling. We are dancing at the crossroads here and people will pay the price. This is an arcane law that belongs in the last century. I agree that there is no return to it. I am sure all parties will facilitate the introduction of new and urgent legislation. The question of young boys was overlooked in the 1935 legislation. The Taoiseach's response referred to examination of all aspects. I assume the provision regarding young boys will also be considered, as will the section dealing with 15 to 17 year old girls, which is equally open to challenge and might also be struck down. What is the Taoiseach's view? Will all aspects of the legislation be taken into account to deal with today's much more complex society? I consider this an absolute priority to protect young people, and I will support the Government in taking urgent action to deal with a serious lacuna in the law.

The Taoiseach: I appreciate the support of Deputy Kenny and the Fine Gael Party in this matter. Like many laws, this law has been in place for three quarters of a century. Looking over the sections last night and this morning, I saw that it was framed for a very different society and age when people did not consider issues that we would all consider the norm today. While the point is very clear, the one raised by the Deputy and many others must be considered.

[The Taoiseach.]

We must look back at what was said in 1990 and 1998. It is interesting that, when people examined the issue eight years ago, not 75 years ago, they saw no requirement for change. I am not sure why that was so or whether it was felt that it opened up a broad range of other complex issues. I think that may have been the case. In retrospect, looking at the judgment, one sees that it left something open, but we must ask ourselves what are the other ramifications. We must consider that urgently, and the Deputy mentioned some of those points.

The stark conclusion is that there can be no return to a law that has been struck down. In that case, there is no law, and we must move quickly to address that. Yesterday's judgment has highlighted that, regarding underage girls, where there is strict liability, there is no defence of mistake. I understand from the briefing I received this morning that any case would have to be taken individually. There can be no blanket cover for other cases, such as those of people in jail or on the sex offenders' register. It is not the case that people can walk free, but the judgment will obviously be examined so it is important that we move quickly in this case.

Mr. Rabbitte: Perhaps the Taoiseach will set out the Government response to the report by the Comptroller and Auditor General on housing rent supplement. He will know that the cost to the taxpayer of housing rent supplement went from €151 million in 2000 to €369 million this year. Whereas that is very bad value for the taxpayer, it is far more serious for the 60,000 people on rent supplement who cannot enter full-time work. This is a pot of gold for the landlords. In very many cases, it provides a bounty worth tens of millions to those already the beneficiaries of tax breaks to build the apartments that they now rent out. Once one is on housing rent supplement, one cannot enter the workforce, and that is surely the biggest poverty limbo created by this scheme. The Minister has made reforming comments at his usual Sunday afternoon press conferences, with some of which I agree. However, I have not yet seen the detail of any of those reforms.

The crisis is created by the absence of public authority housing. The Government has contrived to transfer its social housing needs to the private rented sector for the same reason. Taking public authority and voluntary social housing, approximately 6,500 units are being realised per year. That goes nowhere near meeting existing need. The cloud hanging over negotiations for a new social contract reminds one of the commitment made over three years ago to produce 10,000 affordable houses under Sustaining Progress, the social contract now expiring. That has not happened, and the reason that so many young women find themselves in such conditions is that they cannot afford a mortgage or get a public authority house.

My colleague, Deputy Gilmore, has been hammering away at this issue for years. On a recent Adjournment debate, he raised the issue of a young woman with three children who was paying rent of €1,200 per month. When she got married to someone earning €505 in a low-paid job, they immediately lost the €300 per week rent supplement, leaving them with €205 to live on, worse off than before their marriage.

The system is not working, but instead producing a social and poverty limbo. The Comptroller and Auditor General now bears out the arguments that have been made by Deputy Gilmore in this House for some time. I would like to hear the Taoiseach's response.

The Taoiseach: Deputy Rabbitte's question concerns the Comptroller and Auditor General's value for money examination, which was undertaken to determine the factors that gave rise to the rapid increase in expenditure on rent supplement between 2000 and 2005, to establish whether the Department had managed the scheme with due regard to economy during that period and to review the roles of the Department of Social and Family Affairs and the HSE in planning, managing and operating the rent supplement scheme. Rent supplement is administered by the Health Service Executive's department of community service on behalf of the Department. It is viewed as a welfare safety net for those with short-term income problems.

The main finding, of which Deputy Rabbitte will be aware, was that recipient numbers have increased from 42,700 to 60,000. The increase in numbers claiming and in average rent supplement are the main factors in the cost increase. Single parents make up a large, but not the only, element in that. The point was made that the Department must capture and report data allowing for informed analysis, and the Department has spelt out its reply. It has been suggested that it did not adjust rent limits downwards when rents were falling, but there is no evidence to support that. The Department froze rent limits in 2002. Together with subsequent measures, that has had a stabilising effect on rent limits in the relevant market sector.

The potential loss of rent supplement would act as a deterrent to taking up employment, the point that Deputy Rabbitte has highlighted. My response is that substantial measures have been taken to remove possible disincentives. We have introduced an improvement disregard of almost €200 and the tapered withdrawal of benefits as earnings increase. The Minister has stated his intention to continue that as it has been very helpful for those who wish to work. Deputy Rabbitte's points were more relevant to the previous situation when there was neither a disregard nor tapering. As in all such issues, the more one improves matters, the more people will have the opportunity to work. There are employment supports and special retention arrange-

ments for those taking up employment, and those are all good. In a recent report, the Minister spelled out other areas in which he felt these issues should be examined, and those are matters for the Department in its budgetary exercise. However, there have been a number of improvements.

The Comptroller and Auditor General's other conclusion was that rent supplement had evolved from short-term support to major social housing assistance programmes, a point also made by Deputy Rabbitte. That is being addressed under the rent assistance scheme. Local authorities now have a specific responsibility to meet the long-term housing needs of this category on the basis of a phased implementation. When fully implemented, the arrangements will allow rent supplement to return to its original objective of short-term income support.

On the social housing issue, it is true that somewhere between 6,000 and 7,000 local authority houses will be started or acquired this year. The needs of approximately 14,000 households will be met from the range of social and affordable housing schemes. The provision for social and affordable housing this year is more than €2 billion. That is more than double the expenditure for the first year into which this report looked. This increase of €1.4 billion in Exchequer provision is an increase of 13% this year, so it is incorrect to state substantial resources are not being provided.

The Government has honoured its commitment in social partnership to make available during the course of the programme sites from the State's holding of 10,000 units. We have surpassed that. As I pointed out yesterday, the houses are under construction. It was never the case that they would all be built within the three-year period. Perhaps the House wants to set aside emergency legislation and ignore zoning and planning. It takes a developer six years to follow the process. Nobody in the trade union movement believed it would be done in under three years.

Mr. Rabbitte: This crisis has arisen because of the rate of increase in house prices and the low output of social housing. Those are the twin causes so, therefore, it is part of the same problem. The output of public authority houses is now lower than in the mid-1970s. The Minister neutered Part V and, as a result, we now have approximately 4% of achievable affordable houses under that scheme. Under the savage 16 cuts made, the Government rowed back on many of the back-to-work measures to facilitate people entering the workforce. When the Taoiseach talks about the disregard, it is virtually meaningless in the context of a minimum wage which provides a basic subsistence rate per hour.

That €1.6 billion to landlords would have built 6,000 or 7,000 local authority houses. What we have had under Fianna Fáil is landlords

benefitting from this pot of gold while the Taoiseach tells people they can live on sites. These 60,000 people cannot live on the sites which have been assembled over the past three or four years. They thought they were getting houses and not sites.

Mr. J. O'Keeffe: They could put up tents.

Mr. Rabbitte: At the rate of building, more people are being forced into private rented accommodation. Even though they are capable and willing to go out to work, they cannot do so because of the impediments in the scheme. That is the issue and there is no point trying to kerfuffle or obfuscate it. I would like to hear from the Taoiseach or the Minister in his next press briefing not an analysis of the problem, on which we seemed to be broadly agreed, but what is going to be done about it.

The Taoiseach: The Minister for Social and Family Affairs has set out those issues, although Deputy Rabbitte might not like some of them. Substantial measures have already been taken to improve possible disincentives to allow people who want to work and are in receipt of rent supplements to do so. The Minister has improved income disregards. One cannot simply ignore them and have situation where a person on any income can get a rent subsidy. The Minister has correctly improved the disregards. He would like to go higher than €200 over a period. He has tapered the withdrawal of benefits as earnings increase, which is the correct way to deal with this issue. We have given employment supports and provided special retention arrangements for those taking up employment.

In my world, one needs a site before one can build a house. I am not sure how one could do so otherwise. The State has done something which may not been done previously and certainly not since the 1930s. We have made available sites in the ownership of the State, including health board and departmental property, including Department of Defence property, so that we can provide affordable housing. Many of those houses are coming on stream, as are the Part V arrangements.

Comparing the situation with that in the 1970s shows how things have moved. At that time, proportionately, we were building more social housing.

Mr. M. Higgins: Some 20,000 houses per year.

The Taoiseach: The reason we were doing so was that people were not working and were living in poverty, which they are not living in today. We are now building four times more houses than in the 1970s. Through a range of schemes, including social and affordable housing schemes, the shared ownership scheme and the Part V scheme, people are able to purchase their own homes even when

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they are on lower incomes. That has been proved in the figures each year.

This year we will spend €2 billion on social housing for those people who totally depend on it. That is a sizeable support of taxpayers' money to social housing which will help the needs of 14,000 households. The figure over the three-year period, as set out by the Minister, is of the order of 15,000 units of affordable housing between 2006 and 2008. These are substantial figures.

Caoimhghín Ó Caoláin: This day 15 years ago Donegal county councillor, Eddie Fullerton, a member of Sinn Féin, was shot dead in his home in Bunrana. Yesterday, Ken Barrett, the only person convicted of the murder of Pat Finucane, was released after three years' imprisonment and whisked away by the British Ministry of Defence to a secret location outside Ireland. Last Sunday marked the 12th anniversary of the shooting dead of Martin Doherty as he courageously prevented the bombing of the Widow Scallan's pub in nearby Pearse Street. Last week marked the 32nd anniversary of the Dublin and Monaghan bombings of 1974 when 33 people were killed.

Does the Taoiseach accept that, in all these cases, it is widely accepted that the perpetrators were acting as agents of the British armed forces in the Six Counties? Does he recall that, in March of this year, this House unanimously passed a resolution calling on the British Government of Tony Blair to establish a full independent public inquiry into the murder of Pat Finucane and that, before the debate even commenced, the Northern Ireland Office, so-called, issued a statement describing the resolution and the debate as flawed and misleading?

What sanctions does the Taoiseach intend to apply to the British Government for its dogged refusal to establish a full independent public inquiry into the murder of Pat Finucane, recognising that it has rejected the unanimous resolution of this House and that the British Prime Minister has clearly rejected the Taoiseach's repeated calls for such an inquiry? Will the Taoiseach seek a special summit between himself and the British Prime Minister focusing solely on the issue of collusion and not as an item on a wider agenda, thereby helping to bring full international attention on this important issue?

What steps is the Taoiseach prepared to take in this jurisdiction to establish truth and justice about collusion? Will he establish a full public inquiry into the Dublin and Monaghan bombings as called for by Justice for the Forgotten? Will he establish a full public inquiry into the case of Eddie Fullerton as called for by his family, including by his late son Albert Fullerton?

The Taoiseach: All these cases were part of, or were associated with, the Troubles and they are all sad. In the time available, I will not be able to go through each one. In regard to the central

point about the Finucane case, Mr. Barrett was released yesterday after serving less than four years, under the terms of the early release scheme under the 1998 Agreement for all prisoners who had been involved in various atrocities in Northern Ireland. An independent board considers these cases and decides who is to be released, as in this case. It is hard for Geraldine Finucane and her family to accept this, as it is for all the affected families to see people released under this scheme. The board acted consistently. It is independent and it is a matter for the board to decide on these cases.

We agreed after discussion in Weston Park some years ago that a series of cases representative of some of the terrible atrocities in Northern Ireland between the late 1960s and the late 1990s would be examined by a tribunal mechanism. It took some time to find an international judge but Mr. Justice Peter Cory of the Canadian Supreme Court accepted the task, and reported. He deemed that we would have to inquire into certain cases in our jurisdiction and we have moved on those under the terms he set out. He also identified cases with which the British Government should deal.

The British Government has set up a different type of inquiry from that we propose. We have protested continuously about that. I have referred to it in the United States whose President I asked to raise it with the British Government. I have raised it in the European context. It is well known internationally, and legal and media friends of Geraldine Finucane have lobbied and placed advertisements in the international press presenting that case.

There is no doubt that the British Government is determined not to hold an examination that will bring members of MI5 and MI6, and of the security machinery into the public light. The government has made its position clear and that is not likely to change. This is not a question of sanctions. We continue to disagree and have stated that we will not co-operate with the British Government on this, as Geraldine Finucane will not. We continue to support her as this and all Irish Governments have done since the late 1980s. We continue to press for the full inquiry. We asked for an independent inquiry such as we held in the Buchanan and other cases. As long as the British Government rejects that we will have a difference with it.

Mr. Patrick MacEntee SC is examining the issues considered by the sub-committee of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights, in respect of the Dublin-Monaghan bombings and the question of collusion. The British Government is supporting him in his questions and investigations proceeding from the work undertaken by Mr. Justice Liam Hamilton and by Mr. Justice Barron. That work continues.

Caoimhghín Ó Caoláin: Will the Taoiseach join me in acknowledging that the Finucane family has not objected to the release of Mr. Barrett under the Good Friday Agreement but rather has stated that he was a British agent who was protected at every stage? Clearly, a deal was done and a guilty plea entered into, which prevented the full truth from emerging. It was an exercise in ensuring that the role of the British forces in the murder of Pat Finucane remained behind a dark screen.

The same happened with the other British agent, Brian Nelson, who was also involved in the murder of Pat Finucane. British collusion is ongoing. Does the Taoiseach not recognise that the British continue to protect their agents and there is a bounden responsibility on him not simply to accept that there is a difference between himself and the British Prime Minister, but to take up the gauntlet in the interests of the Finucane family and of truth and justice? Will he not seek a summit with the Prime Minister that focuses on the issue of collusion such as we have proposed time and again? It is not enough to let Tony Blair off the hook. He must be forced, in the full glare of the international media, to face this issue directly with the Taoiseach.

We are confident the Taoiseach will put the case but we ask that he seize the moment and put the British Prime Minister in the dock on this issue to prise from him an agreement to set up the full independent public inquiry for which the Finucane family has called, and which it deserves. Will the Taoiseach internationalise this call and bring it before the European Union and the United Nations? There are steps he can take.

Will he press ahead with the plan and proposals in respect of the Dublin-Monaghan bombings as presented by Justice for the Forgotten? On this day, 15 years after Eddie Fullerton's cruel murder, I ask the Taoiseach to heed the appeal of the Fullerton family to establish a full public inquiry into the murder of an elected representative.

The Taoiseach: The Minister for Justice, Equality and Law Reform has been in correspondence regarding the late Eddie Fullerton, a councillor in Donegal, whom I knew.

It is correct to say Geraldine Finucane and the family accept the release of prisoners, as does every other family. We support the Finucane family's call for a full inquiry. The family does not lack international or Government support. Likewise, it has the support of this House, as was shown in March, and that of people, at the highest level who take an interest in Irish affairs in Canada, Australia and America. The British Government has not acceded to the form of inquiry that we sought. We will continue our effort, and the work of Mr. MacEntee SC will continue on the issue of collusion and the other issues arising from the reports of this House on the Dublin-Monaghan bombings.

Deputy Ó Caoláin states the obvious in respect of the difficulties surrounding agents and collusion. It is clear, without going on at length about it, that we have seen agents on all sides, including the loyalist side. We debated the role of agents and all the other issues here recently and Denis Donaldson was unfortunately murdered for his role. There is no doubt that agents working for anyone and everyone were all over the place during the Troubles. People are reluctant to give all the information on these issues and that is probably behind the British Government's refusal to inquire into them. We will, however, continue to press for information and see how far we can get.

Caoimhghín Ó Caoláin: What about the summit?

The Taoiseach: We will continue to work on this. I assure the House that we will maintain our consistent efforts to highlight, and fight for, the case of the Finucane family, ably led by Geraldine Finucane and her sons.

Ceisteanna — Questions.

Regulatory Reform.

1. **Mr. J. Higgins** asked the Taoiseach if he will report on the progress to date in implementing the recommendations of the OECD report on regulatory reform. [14283/06]

2. **Mr. Rabbitte** asked the Taoiseach his Department's plans for a study of business attitudes to regulation; and if he will make a statement on the matter. [14874/06]

3. **Mr. Rabbitte** asked the Taoiseach his Department's plans for a consultation paper in regard to regulatory appeals; and if he will make a statement on the matter. [14875/06]

4. **Mr. Kenny** asked the Taoiseach if he will report on the implementation of the recommendations of the OECD on regulatory reform; and if he will make a statement on the matter. [16021/06]

5. **Mr. Sargent** asked the Taoiseach if he will report on progress in implementing the recommendations of the OECD report on regulatory reform; and if he will make a statement on the matter. [16191/06]

The Taoiseach: I propose to take Questions Nos. 1 to 5, inclusive, together.

Significant progress has been made since the publication of the OECD report on regulatory reform in Ireland. The focus of our efforts in progressing regulatory reform is now on implementing the White Paper on Better Regulation,

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Regulating Better, which was published in January 2004 in response to the OECD's report. It sets out six core principles which will be reflected in how we design, implement and review legislation and regulation. Some of the key areas outlined in the OECD report relate to specific sectoral issues and the appropriate Ministers with responsibility for those sectoral areas are reporting directly to the House on progressing the OECD recommendations.

Progress has been made in a number of key areas set out in the White Paper. The better regulation group was established in 2004 to oversee the implementation of the action plan arising from the White Paper. The group has met twice this year. Three subgroups have been established, the first of which is to progress certain commitments in the White Paper with regard to developing improved approaches to regulatory appeals and reviewing the issue of penalties for non-compliance with laws or regulations. This group has prepared a consultation paper on regulatory appeals, which I understand will be presented to the Government shortly. The paper will form the basis for a public consultation process regarding existing appeals mechanisms and how they might be streamlined and improved. As the paper has yet to be sent to Government, I cannot comment on its specifics but I understand it contains information on the range of existing appeals mechanisms and will invite comment on relevant issues and challenges. Submissions made as part of the consultation process will inform proposals which will be developed by the better regulation group to ensure an approach to appeals in keeping with the White Paper's principles.

Another sub-group of the better regulation group is considering improving electronic access to statutory instruments and a third group is completing an audit of the regulatory framework.

In July 2005, I announced the establishment of a business regulation forum. This forum, which is under the aegis of the Minister for Enterprise, Trade and Employment, comprises senior members from the public sector and business. It gives businesses an opportunity to identify regulatory measures that impact negatively on business and competitiveness, or issues arising from inefficient, outdated or disproportionate regulation. The forum has met three times so far.

The better regulation unit in my Department has commissioned a comprehensive survey of business attitudes to, and the experience of, regulation. This will build on a similar survey conducted four years ago. The survey will be guided by input from both the better regulation group and the business regulation forum. It is intended that it will focus not only on red tape and administrative burdens but also on the impact of regulation on business more broadly, such as the extent to which it facilitates or is a barrier to economic growth and the competitiveness of Irish business.

The ESRI has been appointed to conduct the survey after a competitive tendering process and it is expected that the results will be published in the autumn.

My Department continues to provide support and guidance to Departments and offices on regulatory impact analysis, which is now required for all proposals for significant new regulation being sent to Government for approval. The process of modernising the Statute Book will continue in 2006 with the introduction of the Statute Law Revision (Pre-Union) Bill. This Bill will repeal nearly 2,300 old statutes dating from before 1800 which have been identified as redundant or obsolete. The Bill will also retain in force about 300 statutes from the same period as they are not yet suitable for repeal. The next step in the process will be to examine those statutes from the period 1800 to 1922. As Deputies know, this work builds on the Statute Law Revision (Pre-1922) Act 2005, which repealed 206 Acts.

Deputies will also be aware of the Statute Law (Restatement) Act 2002. Work is also ongoing on giving effect to that Act's provisions and I hope to report on progress in this regard before the summer.

Mr. Rabbitte: What prompted the survey on business attitudes to regulation? Was it motivated by a perception by businesses that the regulatory environment is overly demanding, bureaucratic and costly or impedes competition and productivity? Did a sense of disquiet in the business community cause the Taoiseach to commission the study?

The Taoiseach: The survey was commissioned on foot of the comments on the original White Paper. The organised business groups — the representative groups — say they have no problem with regulations or the burdens of the regulatory process as they see them, but they believe they must be of some value or use and that they must be streamlined. They want to try to move away from red tape and have a more satisfactory system. It is not a matter of trying to get out of essential issues.

The business representatives have made some valid points in this regard because many of the regulatory mechanisms date back many years. Their value and usefulness may not be great in many cases. In other cases, compliance is not great where it is very important and it is therefore a matter of determining what is important to the State and trying to get the parties concerned to do this right and remove some of the arguments and difficulties.

The initiative resulted from the original White Paper and the associated discussions and debates. The business regulation survey will assess Irish businesses' attitudes to, and their experience of, regulation. It is intended that the survey, in addition to assessing attitudes to red tape and administrative burdens, will focus on the impact

of regulation on business more broadly, including the extent to which it might affect economic growth in general and the competitiveness of business specifically. The intention is that the results of the survey will be used to identify possible sectoral areas for future regulatory reform.

Some groups have practically tried to say there are far too many groups and agencies and they have made all kinds of arguments to the effect that the whole process should be abandoned and started again. I do not agree with this and we must proceed in a careful way. There are areas in which many of our regulatory systems are outdated and it is better that businesses have an input into them. Ultimately, they are the ones fulfilling the criteria and paying for the staff to do so.

Mr. Kenny: Will the Taoiseach indicate the number of OECD conclusions implemented since the publication of the report five years ago? On the question of regulatory reform, is it not a cause of concern to the Government that one of the principal issues being raised by businesses concerns energy security and the fact that, within 15 years, all of Ireland's imported energy resources will come from one field in the Russian Arctic, which will also supply China and the United States? Should this not be dealt with as a matter of urgency?

Bearing in mind yesterday's announcement on the new ownership of Eircom, there seems to have been real difficulties concerning the regulations. BT pulled out of the discussions. I read the speech made by the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, at the e-Galway conference. It set out the regulations concerning broadband, yet, when one looks at the graphs, one will note that we are very far down the list of countries in terms of broadband penetration.

An Ceann Comhairle: Detailed questions should be directed to the line Minister.

Mr. Kenny: It is on regulatory reform.

An Ceann Comhairle: The Deputy is outside the limit but I am allowing the first question.

Mr. Kenny: The Ceann Comhairle has been very good with the European Commissioner and the Australian Prime Minister. It is a matter of only one question and he will not knock me on it.

The Taoiseach: On Deputy Kenny's first point, I do not know exactly how many of the OECD's recommendations were implemented, but I know it is a large number. This is helping in the work in that there has been direct engagement over the past year. Senior business people and senior representatives of IBEC and the chambers of commerce are involved in the setting up of new regulations for business, which is helping in regard to

future regulation. The business regulation forum is considering all the issues, which is certainly helping.

As I said to Deputy Rabbitte, the concept of business regulation arose through IBEC with a view to developing formalised working relationships with the Government regarding regulation. The forum has advised the Government on regulatory issues in so far as they impact on business and competitiveness. Particular problems arise from outdated, inefficient or disproportionate regulation and these are being addressed by the Minister for Enterprise, Trade and Employment. The small business people have fed into the process.

There is no doubt that the issue of energy, with which I will not deal directly, has become the main issue at European Council meetings, bearing in mind that it was not mentioned at them heretofore. The Commission for Energy Regulation is the independent statutory body established under the Electricity Regulation Act, passed by this House, and it has regulated the electricity market over recent years. Its functions and duties are wide-ranging and have grown rapidly since its establishment. This is likely to continue. In line with the EU directive requirements, full market opening has been in place for the past 14 months, since 19 February last year. That represents the culmination of a number of years of planning and development and market implementation. From a regulatory viewpoint, while the delivery of a fully liberalised retail market is a major achievement, a significant amount of work is needed to create an electricity market in this country to optimise the benefits of liberalisation and compliance and the impact of competition for customers. It is an issue that the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, and the regulator must continue to deal with.

On the Deputy's broader question about the issue of supply, without getting into a long answer, we will have to deal with energy on a European level. That is the solution. It has not been the case up to now. The contribution of the new German Chancellor Angela Merkel to this debate is one I support. There is no doubt that Russia is going to play hardball. It has gone back into itself. Everybody is concerned about that situation. The Russians have fallen on their feet and—

Mr. Kenny: They hold all the resources.

The Taoiseach: They have the resources and their friends in the countries around them have the rest. They have enormous muscle until an alternative is found, which hopefully will happen. The only way to deal with the problem is for Europe to act in a collective fashion. Otherwise, it is quite obvious what will happen. I fully support Chancellor Merkel's opinion on this and as the Deputy knows from his own group, a fair amount

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of discussion is taking place on that. I have taken a strong position in support of her initiative.

Dr. Cowley: Further to what the Taoiseach has been saying about the importance of regulations and laws that serve the people I want to ask about regulations already enacted such as Part V of the Planning and Development Act 2000, which provides for developers to provide 20% social and affordable housing. That certainly is good, and would have delivered to a great extent. I want to ask about the extent to which this initiative has been undermined by the ability of builders to buy their way out of the Part V arrangement——

An Ceann Comhairle: That matter does not arise out of these questions. It is a question for the line Minister.

Dr. Cowley: The Taoiseach said the emphasis should be on people. There has been a complete stop on transport for people on dialysis, those with cancer——

An Ceann Comhairle: It does not arise. I suggest——

Dr. Cowley: ——and older people.

An Ceann Comhairle: ——the Deputy submits questions to the line Minister concerned.

Dr. Cowley: The total stopping of transport for dialysis patients in the west is an urgent matter for the Taoiseach to investigate. It is a disgrace. It also applies to cancer patients and older people.

An Ceann Comhairle: The Deputy will please submit questions to the line Minister.

Mr. Boyle: I want to ask the Taoiseach about three areas in which his Government has been involved as regards regulation in certain sectors of the economy and how it is dealing with each of them. Deputy Kenny has already mentioned the energy area. Does the Taoiseach have an opinion on Eirtricity's decision in February not to——

An Ceann Comhairle: That does not arise. It is a question for the line Minister.

Mr. Boyle: There is a specific question to be addressed on the failure of regulation at the time and I am addressing the Taoiseach in that regard, with particular reference to a moratorium on wind farm connections. The second area concerns a decision which the Government chose not to take as regards the licensing of café bars. The Government has established an inter-departmental committee——

An Ceann Comhairle: Again, this matter does not arise on Taoiseach's Questions. It is a question for the line Minister.

Mr. Boyle: This is an interdepartmental committee for which, I presume, the Taoiseach has primary responsibility.

An Ceann Comhairle: It does not arise out of the OECD report on regulation——

Mr. Boyle: It has to do with the area of regulation because it has a European dimension, of which the OECD is very much a part. This inter-departmental committee has been informed that there might be a breach of EU laws as regards the decision not to go ahead with the Government decision——

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

Mr. Boyle: I am putting the question to the Taoiseach as well.

The third issue is the concerns that exist as regards regulation for business. Will the Taoiseach say whether it is about the amount or type of regulation and given the recent decision to get rid of the groceries order and the impact that has had, some sectors of the business community——

An Ceann Comhairle: That does not arise. It is a general question.

Mr. Boyle: This has to do with the question of regulation. This is a debate that occurred about whether regulation was acknowledged.

An Ceann Comhairle: This is not an omnibus debate on all regulations by all line parties.

Mr. Boyle: It is about the Government's policy on regulation and its effects.

An Ceann Comhairle: The Chair has ruled time and again, as have my predecessors, concerning questions for line Ministers. The groceries order question is for the line Minister.

Mr. Boyle: I am asking about the situation of the groceries order *per se*. If the Ceann Comhairle lets me continue for 15 seconds, I will have concluded my questions. The Taoiseach will be in a position to answer, I am sure. My question is about the fact that in this debate, some business interests felt it was unnecessary control of market mechanisms, while others thought it was unnecessary regulation. What does the Taoiseach and the Government do in those types of situations? The question is very pertinent.

The Taoiseach: On the general question, this arises out of a report we did some years ago in conjunction with the OECD, which did the

groundwork and the fieldwork. It looked at how to keep the economy competitive and how not to be restrictive in areas, while allowing competitiveness to develop for the benefit of business, specifically, and consumers. To answer Deputy Boyle's question, it is not so much about volume but about the concerns of businesses that they are complying with regulations they believe to be outdated, inefficient and disproportionate and that too much time, effort and person power must be devoted to providing information. It is a question of how valuable this is and how it is used within the system. They know from CSO and other statistics that they must comply with orders, however, so the better regulation forum is trying to work out what is important and how best to deal with matters, using technology to best advantage. It is seeking to determine what is most beneficial for the various agencies of the State, which collect information, and what is of benefit to business. There are now a number of regulators working on detailed issues as regards the particular areas for which they have responsibility. The enterprise steering group, which is responsible to the Minister for Enterprise, Trade and Employment, Deputy Martin, has regulations as regards the better regulation group. Questions in that regard should be put to him.

Caoimhghín Ó Caoláin: In the Taoiseach's omnibus response to the five questions grouped, he indicated that the business forum on regulation met on three occasions since it was established. What is the membership of the business forum on regulation?

The Taoiseach: I do not have the names, but they are senior representatives of IBEC, as well as an interdepartmental group of officials, under the direction of an assistant secretary of my Department.

Caoimhghín Ó Caoláin: Will the Taoiseach circulate the details?

The Taoiseach: Yes, I will. There is no problem with that.

National Security.

6. **Mr. J. Higgins** asked the Taoiseach when the National Security Committee last met; and if he will make a statement on the matter. [14284/06]

7. **Mr. Kenny** asked the Taoiseach the number of meetings of the National Security Committee which have been held to date in 2006; and if he will make a statement on the matter. [16022/06]

8. **Caoimhghín Ó Caoláin** asked the Taoiseach the role and function of the National Security Committee; when it last met; and if he will make a statement on the matter. [16089/06]

9. **Mr. Sargent** asked the Taoiseach when the National Security Committee last met; and if he will make a statement on the matter. [16192/06]

10. **Mr. Rabbitte** asked the Taoiseach when the National Security Committee last met; when the next meeting is scheduled; and if he will make a statement on the matter. [17144/06]

The Taoiseach: I propose to take Questions Nos. 6 to 10, inclusive, together.

The National Security Committee is chaired by the Secretary General to the Government and comprises representatives at the highest level of the Departments of Justice, Equality and Law Reform, Defence and Foreign Affairs and of the Garda Síochána and the Defence Forces.

The committee meets as required and will continue to do so. However, as I indicated in reply to a question in November last, I am satisfied that having regard to the security nature of the committee's work, it is not appropriate to disclose information about the dates of individual meetings or any of its proceedings. However, I can confirm that it met recently. In addition to their meetings, the members liaise on an ongoing basis to monitor developments which might have national security implications, in particular in the international arena.

The committee is concerned with ensuring the Government and I are advised of high level security issues and the responses to them — but not involving operational security issues.

Mr. Kenny: In view of the comments made by the British Government in respect of new nuclear plants in Britain, has the Government received any briefing for the National Security Committee, given al-Qaeda reports in the past that Britain is a legitimate terrorist target? I know the Taoiseach cannot give all of the details concerning security arrangements for Sellafield or any other proposed nuclear station on the west coast of Britain. He could not go the UN route and has taken the issue back to Europe. It is, obviously, a consideration at the National Security Committee.

Previously, I raised the issue of the emergency planning procedures being split between quite a disparate number of Departments, State agencies and sub-groups, including the task force on emergency planning, the interdepartmental working group on emergency planning, the Office of Emergency Planning and the National Security Committee. I raised the possibility of co-ordination under one roof to deal with national emergency planning. Has the Government given any consideration to streamlining, clarity and concentration of responsibility in this area?

The Taoiseach: The Office of Emergency Planning and the working groups on emergency planning are all co-ordinated under the various emergency services involved in all our contingency plans. The contingency group is chaired by the

[The Taoiseach.]

Minister for Defence, meets frequently and is under his control. It is working well and has set up a superstructure pulling together the people from each area. It is deemed not necessary — I hope it never is — to set it up as a tidier arrangement. It would involve significant cost to do that. We are a small enough area to be able to pull the people from the various groups. As long as it is under one Minister and committee, it works well.

The National Security Committee falls under the remit of my Department. It deals primarily with international issues and with the information that flows to us through Europol and Eurojust. This information flows on a well organised basis since 11 September 2001 which, if it achieved nothing else, at least got the European security system to work well.

We continue our efforts on the Sellafield question. We have engaged a high level group of legal and technical experts to work on the legal case. We continue to pursue the case and the Attorney General has given much effort and time to it. At a recent international conference he set out his full position and gave a full update on the situation. I refer Deputies to his speech on that occasion because it comprehensively pulls together all the aspects of the situation. We are continuing with the case.

As I predicted, for its own reasons the British Government is hell-bent on taking the nuclear route. It tells us that it will be done with the best of security and safety measures, but we are never totally convinced. We continue to make our case. The Minister for the Environment, Heritage and Local Government, Deputy Roche, and others have outlined our concerns. We have good dialogue with the British on these issues and are able to put forward our case and point of view, but I do not think that will stop them. If France and the UK have decided that their future energy interests lie with the nuclear option, they will continue on that path.

Caoimhghín Ó Caoláin: My question mirrors that of Deputy Kenny. With regard to the role and function of the National Security Committee, does it have a responsibility to address the threat posed to the people of this island by not only Sellafield, but the British nuclear arms stockpile of some 185 long-range missiles? There is no indication of any attempt at decommissioning on Britain's part, rather it is all talk of expansion. The Taoiseach did not address this matter in his reply to the previous question.

An Ceann Comhairle: That might be a question for the line Minister.

Caoimhghín Ó Caoláin: Will the Taoiseach indicate whether this is part of the focus of the National Security Committee. While we know the record of the Government with regard to Sellafield, has the Taoiseach ever raised the issue of

the British nuclear arms stockpile directly with the Prime Minister?

The Taoiseach: The National Security Committee is comprised of senior officials of Departments, the Garda and the Defence Forces and is a high-level forum for mutual awareness and consultation on issues of security. Any issue of security is raised at it and followed through, back to the line Departments. Sellafield is, obviously, an issue of concern. The committee provides for exchange of information and collective assessment on an ongoing basis. Its work precludes me from giving a description of the issues, but all the obvious issues are debated and discussed at a high level. The committee agrees on what action should be taken and this is followed through by the relevant Ministers or, if it is an issue that directly concerns the British Government, I follow through.

Caoimhghín Ó Caoláin: What about the nuclear armament stockpile? Has that been addressed by the committee?

An Ceann Comhairle: That matter does not arise at this point.

Mr. Rabbitte: On a minor point of clarity, do I understand that the committee only deals with potential security threats and has no role in anticipating or dealing with civil disasters? I heard what the Taoiseach said about continuing to prepare the case on Sellafield. Has the committee any role in monitoring the potential threat from Sellafield in the event of a disaster occurring?

The Taoiseach: The Office of Emergency Planning deals with that, but obviously Departments, in particular, the Department of the Environment, Heritage and Local Government, have a major role to play. The National Security Committee discusses any issue or intelligence it receives. If it has information, it passes it on to the relevant sources, but does not as a group meet individuals or governments. The Office of Emergency planning deals with national disasters and preparations to deal with them. The input into that committee comes mainly from the Department of the Environment, Heritage and Local Government, which has control over most of the emergency services, for example, the fire and local authority services.

Mr. Boyle: The Taoiseach mentioned earlier his concerns about Sellafield and the extension of nuclear power stations in Britain. Does he, through the National Security Committee, hope to address information that may come from Britain with regard to threats to civil aviation? We had the example in recent months of planes flying over Sellafield that had to be diverted to Scottish airports because of engine failure. The

Government was not given advance warning of this information. Did the Taoiseach seek further information on these diversions or an apology from the British Government for not being informed? Does the National Security Committee deal with these issues?

Does the committee give consideration to the colour code systems that operate in the United States and the United Kingdom with regard to threats from international terrorism?

In reply to questions on national security in November 2005, the Taoiseach only informed the Dáil then that the committee had met in the previous month. Why is there such secrecy with regard to past meetings of the committee? Why can the House not be informed that the committee met X number of times in the previous year?

The Taoiseach: On the general point, most of the information we get on international terrorism usually comes from Europol or Eurojust. Substantial information is transferred from them.

With regard to not being informed on rogue aircraft, there is an agreement, which is renewed annually, with the Department of Foreign Affairs on procedures for dealing with such events or any breaches of the agreement. The Department of Foreign Affairs is very careful to follow up any issues which arise, whether they arise along the Border, along the coast or in the sea between Ireland and Britain. There is a procedure for dealing with such issues. Traditionally, the National Security Committee does not give the dates of its meetings. While the committee meets fairly regularly, it does not meet monthly. The

various elements of the committee, such as the Garda and the Defence Forces, are in contact with one another on a more regular basis to consider various issues. I suppose the reason for the traditional practice is that if the committee were to start making the dates of its meetings known, people would start to ask what it was talking about etc. Many of the committee's dealings relate to international terrorism and much of the information it discusses relates to the movement of individuals. That was probably the convention in the past. There are many more discussions of that nature now for the obvious reason that there is a fair bit of movement of people who are of interest to the international agencies in Ireland and other countries.

Departmental Expenditure.

11. **Mr. Gormley** asked the Taoiseach the annual figures for moneys paid to a person and a company (details supplied) since 2002 for services to his Department; if he will justify this expenditure; and if he will make a statement on the matter. [14384/06]

The Taoiseach: When I am due to speak in Dáil Éireann or I am about to be interviewed for television, I make the normal preparations that are standard for all those who participate in television programmes, just as successive Taoisigh have done since the introduction of the televising of Dáil proceedings in 1990. The rates paid to the providers of the service are in line with current SIPTU rates. The annual amount paid in respect of the preparations since 2002 is detailed in the following table:

Year	Amount paid for preparation for television appearances to the person referred to in the question	Amount paid for preparation for television appearances to the company referred to in the question
	€	€
2002	3,887.69	7,857.08
2003	4,017.99	14,657.44
2004	9,782.44	15,870.38
2005	7,589.30	17,517.92
2006 (to end of March)	1,503.36	2,561.30

Mr. Gormley: It seems from figures I have seen previously that the Taoiseach is spending hundreds of euro on what are called “make-up services” every week.

Mr. Cuffe: He is looking well on it.

Mr. Durkan: It is disgraceful.

Mr. Gormley: How does the Taoiseach expect taxpayers, many of whom are lying on trolleys, to pay such an exorbitant sum to meet the cost of his vanity, essentially? Is it not extraordinary that it seems, from the figures I have seen, that the Taoiseach spends more money on make-up than

many of the ladies in the Cabinet? What sort of priorities does the Taoiseach have when he is heading around like the queen of Drumcondra?

Mr. Durkan: In Fagan's.

Mr. Gormley: Given that this year is the 80th anniversary of the founding of Fianna Fáil, what does the Taoiseach think the founder of that party, Éamon de Valera—

Mr. Gogarty: He used mascara.

Mr. Gormley: —would say about a Taoiseach who spends hundreds of euro on make-up every week?

An Ceann Comhairle: That question does not arise from Question No. 11.

Mr. Kehoe: He would tell him to use Vichy.

Mr. Gormley: Does the Taoiseach agree that we could now call him the L'Oréal Taoiseach, as he spends this money because he is worth it?

Ms Hanafin: He is worth it.

Mr. Kitt: Deputy Gormley could do with some make-up.

The Taoiseach: When Deputy Gormley is Taoiseach some day——

Mr. Gormley: I thank the Taoiseach for his confidence.

The Taoiseach: ——he will find that the services of two people who are paid on a *per diem* basis are made available in the Department of the Taoiseach. Their services are usually made available two days a week — they are usually the Dáil days. One of the staff in question has been there since the start.

Mr. Stagg: Is that why the Taoiseach will not come in on Thursdays?

The Taoiseach: If I came in on Thursdays, we would have to pay for three days.

Mr. Durkan: He cannot come into the House unless he is wearing make-up.

The Taoiseach: It would be even more expensive then.

Mr. Stagg: We will pay for it if the Taoiseach agrees to come in.

The Taoiseach: They are paid the SIPTU rate for the job they do.

Mr. Rabbitte: We will pass around a hat if the Taoiseach comes in.

The Taoiseach: I do not think these people should be fired to satisfy Deputy Gormley.

Mr. Gogarty: They could work in the health service.

The Taoiseach: They provide a service and they do their job.

Mr. Stagg: We could decentralise them.

The Taoiseach: They are paid the SIPTU rate. I avail of the same services as everyone else who appears on television. I understand that Deputy Gormley always very carefully goes to the make-up room when he is in RTE.

Mr. Gogarty: One has to go there whether one likes it or not.

The Taoiseach: It is not a question of “whether one likes it or not”. Deputy Gormley always goes to the RTE room and uses make-up.

Mr. Carty: It does not make a difference.

The Taoiseach: He has never been known not to do so in advance of any of his many television appearances.

Mr. Gormley: How does the Taoiseach know all this?

The Taoiseach: I know because I checked.

Mr. Durkan: He must be the fly on the wall in RTE.

Mr. Gormley: I must say the Taoiseach has done some extraordinary research on my habits.

Mr. Cuffe: He is engaging in a security offensive.

Mr. Gormley: Would it be too much trouble for the Taoiseach to apply his make-up himself?

Mr. Durkan: We could not have that.

Mr. Gormley: Does he need all of these people?

An Ceann Comhairle: That does not arise.

Mr. Durkan: We could not expect him to do that.

Mr. Gormley: What is the story here?

An Ceann Comhairle: That is a frivolous question.

Mr. Gormley: Can the Taoiseach give us a breakdown of how much it costs per week? I have seen a figure of €480.

An Ceann Comhairle: It is a long-standing rule that a supplementary question is not in order if the answer to it has already been circulated in response to the original question.

Mr. Durkan: Can we have an estimate of the price per gallon?

Mr. Gormley: I know this is embarrassing for the Taoiseach.

The Taoiseach: Not one bit.

An Ceann Comhairle: I have allowed Deputy Gormley a fair amount of latitude.

Mr. Gormley: To spend €480 a week on make-up is extraordinary at a time when there are people lying on trolleys, when we do not have proper schools and when we have extraordinary deficits in our services.

An Ceann Comhairle: You have made your point.

Mr. Gormley: It amounts to nothing more than decadence.

Mr. Durkan: The Romans were like that too.

Requests to move Adjournment of Dáil under Standing Order 31.

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

Mr. Healy-Rae: I wish to seek the adjournment of the Dáil under Standing Order 31 to debate an urgent matter, namely, the fact that the planning process in County Kerry is being interfered with and hampered by a small number of serial objectors who use the appeals system to hurt people against whom they have a personal vendetta; the need for anyone objecting or appealing a planning decision to prove that the proposed development would have a detrimental affect on themselves or property they own; the need to balance the rights of everybody as part of the debate on this very complicated matter; the fact that objectors often live 70 or 80 miles from the location in respect of which the planning permission has been applied for — in some instances, objections have been made by people living as far away as the United States of America; and the need for the Minister for the Environment, Heritage and Local Government to take some action to put a stop to this practice, for example by increasing the fee for making appeals to at least €1,000 to bring an end to this unwanted blackguarding.

Mr. Durkan: Hear, hear.

Mr. Gogarty: That request has to be granted.

Ms B. Moynihan-Cronin: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a specific and important matter of public interest that requires urgent attention, namely, the need for the Taoiseach and the Minister for Arts, Sport and Tourism to explain why fixtures and fittings have been removed from the Great Southern Hotels, to state who authorised their removal and to outline what will happen to them subsequently; and the need for the Taoiseach to intervene to ensure that all fixtures and fittings remain in place while the hotels operate as Great Southern Hotels in the name of this State and that no further asset stripping takes place to

maintain the current appearance and continued operation of these prestige hotels.

Mr. Rabbitte: If the Taoiseach is consistent he should deal with that matter vigorously.

Mr. Healy: I wish to seek the adjournment of the Dáil under Standing Order 31 to discuss a specific matter that requires urgent consideration, namely, the need for the location of an emergency ambulance station at St. Bridget's Hospital in Carrick-on-Suir, County Tipperary, to ensure realistic and lifesaving response times, particularly for heart patients and road traffic accident patients, as the existing emergency ambulance services operating from Clonmel and Waterford cannot meet acceptable response times; and the need for the Tánaiste and Minister for Health and Children to make a statement on the matter.

Mr. Ferris: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the failure of the ambulance services to respond to the request of a terminally ill woman, a mother of eight young children aged between seven and 18, who was being treated for cancer. The woman in question took ill 11 days after the sudden death of her husband and urgently needed to be taken from her home in Cahirciveen, County Kerry, to Cork University Hospital. As a result of the urgency of the situation and the unavailability of an ambulance to take the woman from Tralee to Cork, her family were left with no option but to transfer her in the back of a van for approximately 55 miles over substandard roads until an ambulance travelling from Macroom eventually took her to Cork. The woman died last week, leaving eight children orphaned. This House needs to discuss the failure of the Tánaiste and Minister for Health and Children to provide medical services for people in need.

Mr. Cuffe: I wish to seek the adjournment of the Dáil under Standing Order 31 to raise a specific and important matter of public interest that requires urgent consideration, namely, the constitutional or legislative changes which are required in the wake of yesterday's Supreme Court judgment to ensure the rights of children receive adequate protection in the State.

Mr. Gogarty: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter, namely, the continued failure of the Government to deal with the issue of alcohol abuse in our society, particularly in respect of young people, whereby children as young as 12 or less now drink themselves into a stupor regularly, with all the personal and social problems thus caused; the lack of a role model among senior Government figures, as shown by the number of off-licences and pubs opened by politicians, not to mention drink driving charges;

[Mr. Gogarty.]

the lack of investment in community facilities, whereby more than one third of the sports budget is spent on the dog and horse racing industries; the need to provide such facilities as well as education and personal development opportunities; and the need to seriously tackle issues such as alcohol availability, ineffective fines and power of advertising for the commercial entities, before the situation becomes worse — the Dáil bar sets a bad example in this regard.

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. 12, motion re 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, back from committee; No. 13, motion re proposed approval by Dáil Éireann of the Freedom of Information Act 1997 (Prescribed Bodies) Regulations 2006, back from committee; No. 13a, motion re membership of committee; No. 20, Energy (Miscellaneous Provisions) Bill 2006 — Second Stage, resumed; and No. 3, Planning and Development (Strategic Infrastructure) Bill 2006 [*Seanad*] — Second Stage. It is proposed, notwithstanding anything in Standing Orders, that Nos. 12, 13 and 13a should be decided without debate. Private Members' business shall be No. 54, motion re drug abuse, resumed, to conclude at 8.30 p.m.

An Ceann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with Nos. 12, 13 and 13a without debate agreed?

Mr. Boyle: I refer to No. 13. When will the House have an opportunity to have a more wide-ranging debate on freedom of information and the comments made by the Freedom of Information Commissioner regarding those bodies which have yet to be placed on the list of bodies which are open to the Freedom of Information Act?

The Taoiseach: This matter may be discussed at a Whips' meeting this evening.

An Ceann Comhairle: Is the proposal agreed? Agreed.

Mr. Kenny: I wish to ask the Taoiseach two questions. First, last week I referred to the demise of the National Rehabilitation Board and noted the organisation had 184 members of staff in 2000. I quoted to the Taoiseach the relevant two statutory instruments. One of the employees has contested the case through the courts for six years and that case has been vindicated. Under the

statutory instruments, the same statutory rights apply to the other employees who were employed by the board at that time. Will the Taoiseach indicate, whenever he receives the information, what will be the response in dealing with those outstanding claims which deal with abolition of office, pension rights and so on?

An Ceann Comhairle: Is legislation promised?

Mr. Kenny: This matter falls under the legislation of the statutory instruments which were introduced.

Second, I note that according to the legislative programme, it is expected that a Bill will be published some time this year for the development of an inland waterways authority. It will deal with the existing fisheries boards and a reduction in the numbers thereof. However, the Farrell Grant Sparks report has never been debated in the House. From my dealing with the personnel involved, it is clear that much work must be done in terms of sustaining the value and potential of the industry locally and from the perspectives of tourism and fishing.

An Ceann Comhairle: On legislation.

Mr. Kenny: Realistically, does the Taoiseach expect that the Bill will be produced and published this year? Will it happen in this session or the next?

The Taoiseach: On the first question regarding statutory instruments, I understand that someone is working on the matter. However, I will try to establish the issues and will let the Deputy know.

Work continues on the national inland fisheries authority Bill to establish the national inland fisheries authority, which will subsume the executive functions of the existing central and regional fisheries boards. It is hoped to have the Bill later in 2006.

Mr. Rabbitte: Everyone except Members of this House appears to possess a copy of the Dalton report on Bord na gCon, or appears to have a partial, leaked version of it. One suspects the motives behind such partial leaking.

An Ceann Comhairle: We cannot discuss the report. What is the question?

Mr. Rabbitte: I note the Minister made two new appointments to Bord na gCon yesterday. When will Members receive the full, unexpurgated version of the Dalton report in order that they can assess what is happening and who is spinning against whom?

The Taoiseach: As I stated, we are bound by the agreement and by natural justice to provide a period and I understand that will expire next week, after which we must return to this issue. As

the relevant sections of the report have been given to the relevant individuals, people did not receive the full report. Obviously, there is a battle going on for comments on this, which is unhelpful. The Minister has asked people a number of times to stop, but he has been ignored. We have been advised, given our system of natural justice, that we must allow a certain period to elapse. While we considered publication of the full report, given what was happening, we were advised not to do so. Hence, we will see the period through and will deal with the issue thereafter.

Mr. Gormley: Last week I raised on the Adjournment the proposed housing miscellaneous provisions Bill and the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Noel Ahern, said that it is important legislation concerning tenant purchase and anti-social behaviour in local authority housing developments. This is important legislation for many people—

An Ceann Comhairle: Deputy, we cannot discuss the contents of legislation but the Deputy may put a question on the legislation?

Mr. Gormley: Does the Taoiseach envisage the Bill will be published and passed before the election?

The Taoiseach: There are two Bills. The housing miscellaneous provisions Bill will provide for a rental accommodation scheme and a revised tenant purchase scheme allowing for the sale of flats, as well as strengthening local authority powers to deal with anti-social behaviour. The heads of that Bill are expected shortly. Depending on when it is ready, the Bill will then be sent for drafting. It is important legislation and the heads of the Bill will be available before the summer. Thereafter it will be sent for drafting as soon as possible.

Mr. Gormley: Will it be before the election?

The Taoiseach: Hopefully.

Mr. Allen: Last week, I asked the Tánaiste whether it was Government policy for health service executives to bill patients for overnight—

An Ceann Comhairle: Deputy, this does not arise on the Order of Business.

Mr. Allen: It is under the Health (Hospitals Inspectorate) Bill.

An Ceann Comhairle: If the Deputy has a question on the Bill he should raise it with the line Minister.

Mr. Allen: At the time, the Tánaiste assured the House that she would take steps to terminate the practice.

An Ceann Comhairle: Deputy, it does not arise on the Order of Business.

Mr. Allen: It is still going on.

An Ceann Comhairle: I call Deputy Durkan.

Mr. Allen: It is unacceptable that people on trolleys are being charged for the privilege.

An Ceann Comhairle: Deputy Allen is abusing Standing Orders. I call Deputy Durkan.

Mr. Durkan: In the context of promised legislation, will the Taoiseach instruct the Minister for Communications, Marine and Natural Resources to make use of the interregnum between now and the hand-over of Eircom to new management to redefine and redevelop the programme for the delivery of broadband and associated telecommunications services?

An Ceann Comhairle: Deputy, that does not arise on the Order of Business. I call Deputy Ó Caoláin.

Mr. Durkan: It does arise, under the electronic—

Mr. Broughan: On the same subject, I support Deputy Durkan.

An Ceann Comhairle: On legislation.

Mr. Broughan: Yes. I refer to the electronic communications miscellaneous provisions Bill. Will it be passed before the summer break?

The Taoiseach: Yes.

An Ceann Comhairle: This session.

The Taoiseach: If everyone co-operates.

Mr. Durkan: Will the Minister use the time for the purposes suggested by Members?

The Taoiseach: It will be passed this session.

Mr. Durkan: Yes, but will the Taoiseach use it for the purpose which Members feel should be dealt with now?

An Ceann Comhairle: We cannot have a debate on what might be in the Bill or what the outcome might be.

Mr. Durkan: We are trying to encourage the Taoiseach.

Mr. Broughan: We are on a merry-go-round.

An Ceann Comhairle: Deputy, the correct way to do that is to submit a question to the line Minister.

Mr. Durkan: I will.

Caoimhghín Ó Caoláin: On Monday, the Government signed an agreement between the European Union and Morocco to rob the fishing rights of the people of Western Sahara, a nation illegally occupied by Morocco.

An Ceann Comhairle: It does not arise on the Order of Business. I call Deputy Gay Mitchell.

Caoimhghín Ó Caoláin: It does, if you allow me to finish the question. That decision, and indeed the hypocritical representation subsequently—

An Ceann Comhairle: Sorry, Deputy, it does not arise. I call Deputy Gay Mitchell.

Caoimhghín Ó Caoláin: —whereby the Government affirmed our continuing recognition of the rights of the people of Western Sahara—

An Ceann Comhairle: Sorry, Deputy, you cannot abuse the Order of Business in that fashion. I call Deputy Gay Mitchell.

Caoimhghín Ó Caoláin: Will that agreement come before this House for ratification?

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

Caoimhghín Ó Caoláin: If so when will a debate take place?

An Ceann Comhairle: Is legislation promised?

The Taoiseach: There is no legislation.

Caoimhghín Ó Caoláin: Will the agreement come before the House?

An Ceann Comhairle: Is a debate promised?

The Taoiseach: No.

An Ceann Comhairle: It will be a matter for the Whips.

Mr. G. Mitchell: Following a private Members' Bill that I published, the Tánaiste told the House that the Government would introduce legislation on votes for prisoners. Last week
12 o'clock when I asked the Minister for Justice, Equality and Law Reform, he said that he was not aware of any such proposal. Can the Taoiseach confirm that legislation will be introduced to give votes to prisoners as was promised in the House?

The Taoiseach: The heads of the Electoral (Amendment) Bill were approved at Christmas time and the Bill is due before the House this session.

Mr. Stagg: A few weeks ago I asked the Taoiseach about the broadcasting Bill and a very nice man from either his Department or the Department of Communications, Marine and Natural Resources rang and updated me immediately afterwards. Is there any more news as it is getting later?

Mr. Durkan: It is time to produce the evidence.

The Taoiseach: It is the e-government Bill and I understand the Bill will be brought to a committee. Work is progressing on the Bill.

Mr. Rabbitte: A government emeritus.

Mr. Crawford: Some 18 years ago a constituent of mine bought land from the Land Commission, but the records cannot be found anywhere now. When will the land conveyancing Bill be brought before the House so that we can at least discuss it and discover where it has gone?

The Taoiseach: The land conveyancing Bill is due later this year. It will give effect to the Law Reform Commission's report on modernisation of the land laws and conveyancing law.

Mr. Deenihan: Further to what Deputy Rabbitte said about the Dalton report, will the Taoiseach give an assurance that the report will be discussed in the House as soon as possible? I ask the Taoiseach to carry out an investigation into the leaks that the media stated came from Government sources.

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

Mr. Deenihan: It is very important.

An Ceann Comhairle: I suggest that the Deputy submit a question and deal with it in the appropriate way.

Mr. Deenihan: It is obvious that the person being targeted is the chairman of Bord na gCon.

An Ceann Comhairle: I ask the Deputy to desist.

Mr. Deenihan: What is happening in the media regarding Bord na gCon is very unfair.

An Ceann Comhairle: We cannot have a debate on the matter. I will allow the Deputy's first question, which is really a repeat of Deputy Rabbitte's question.

Mr. Deenihan: The Taoiseach should intervene in this whole debacle. It is selective leaking to a number of papers and it is very unfair.

EU Accession Treaties: Motion.

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

That Dáil Éireann approves 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.

Question put and agreed to.

Freedom of Information Act 1997 (Prescribed Bodies) Regulations 2006: Motion.

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

That Dáil Éireann approves the following Regulations in draft:

Freedom of Information Act 1997
(Prescribed Bodies) Regulations 2006,

copies of which were laid in draft form before Dáil Éireann on 28th April, 2006.

Question put and agreed to.

Membership of Committee: Motion.

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

That Deputy Michael Ring be discharged from the Committee on Procedure and Privileges sub-Committee on Members' Services and that Deputy Shane McEntee be appointed in substitution for him.

Question put and agreed to.

**Energy (Miscellaneous Provisions) Bill 2006:
Second Stage (Resumed).**

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

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I reiterate that this is one of a suite of measures that will allow the Government to continue to drive forward a very progressive energy agenda. As I have already mentioned we are already providing strong leadership in the areas of wind power and other renewable energy sources and we intend to continue to do so. Future measures include the upcoming NORA Bill and the single electricity market Bill as well as the Department's Green Paper on energy policy. As many of the issues raised in the Deputies' contributions on this Stage of the Bill will be addressed in that policy paper, I do not intend to go through them in any more detail at this stage.

I welcome the support of Members for the provisions of the Bill. I look forward to its early Committee Stage consideration with the objective of progressing it to the Statute Book as quickly as possible. In this regard, I ask members of the select committee to table their proposed amendments as quickly as possible to allow them to be given full and fair consideration. I will consider all amendments with an open mind to see if we can improve the Bill.

I believe the House is also aware that I propose to extend the Bill and I will table the appropriate amendments as soon as they are ready to allow full discussion on those provisions. To that end proposals were brought to Government yesterday to allow for the addition within the text of the Bill of measures currently outside its scope, notably to provide for the conferring on Bord Gáis Éireann of the power to create a capital stock. We will table the necessary motion to allow Deputies to discuss those proposed amendments prior to Committee Stage.

I again thank the Members from all sides of the House for their very constructive approach to the Second Stage and I look forward to the Committee Stage.

Question put.

The Dáil divided: Tá, 76; Níl, 62.

Tá

Ahern, Noel.
Andrews, Barry.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Callanan, Joe.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cooper-Flynn, Beverley.

Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dempsey, Noel.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Finneran, Michael.
Fitzpatrick, Dermot.

Tá—continued

Fleming, Seán.
 Fox, Mildred.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Jacob, Joe.
 Keaveney, Cecilia.
 Kelleher, Billy.
 Kelly, Peter.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 McDaid, James.
 McDowell, Michael.
 McEllistram, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.

Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keefe, Batt.
 O'Keefe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Brendan.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Dan.
 Wallace, Mary.
 Walsh, Joe.
 Wilkinson, Ollie.
 Wright, G.V.

Níl

Allen, Bernard.
 Boyle, Dan.
 Breen, James.
 Broughan, Thomas P.
 Burton, Joan.
 Connaughton, Paul.
 Connolly, Paudge.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Crowe, Seán.
 Cuffe, Ciarán.
 Deasy, John.
 Deenihan, Jimmy.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Ferris, Martin.
 Gilmore, Eamon.
 Gogarty, Paul.
 Gormley, John.
 Gregory, Tony.
 Harkin, Marian.
 Healy, Seamus.
 Higgins, Joe.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Kathleen.
 McCormack, Pádraic.

McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McGrath, Paul.
 McHugh, Paddy.
 McManus, Liz.
 Mitchell, Gay.
 Morgan, Arthur.
 Moynihan-Cronin, Breeda.
 Murphy, Catherine.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Pattison, Seamus.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Eamon.
 Ryan, Seán.
 Sherlock, Joe.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Twomey, Liam.
 Upton, Mary.

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

Question declared carried.

**Energy (Miscellaneous Provisions) Bill 2006:
 Referral to Select Committee.**

**Minister for Communications, Marine and
 Natural Resources (Mr. N. Dempsey):** I move:

That the Bill be referred to the Select Committee on Communications, Marine and Natural Resources, in accordance with Standing Order 120(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Planning and Development (Strategic Infrastructure) Bill 2006 [Seanad]: Second Stage.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I move: "That the Bill be now read a Second Time."

I am pleased to have the opportunity to present this crucially important Bill to the House. When I presented the Bill to the Seanad, I declared it to be among the most important legislation to be introduced during this term. That is a point I want to emphasise again and with good reason. Simply put, this Bill is the key to delivering the infrastructure we will need to sustain and improve our quality of life.

Mrs. Thatcher, not my favourite politician, once said: "While you and I might travel by road, rail or even by air, only economists travel by infrastructure". During periods of under-investment in the past, one could have been excused for thinking that modern, high quality infrastructure existed only in the discourse of economists or as a remote aspiration somewhere at the end of a winding, pot-holed yellow-brick road. However, a healthy economy and sound management of the public finances have enabled the Government to set about delivering the quality and volume of infrastructural services our people deserve and which for a long time we have not been able to afford.

Our country has changed beyond recognition over recent decades. Seismic cultural, demographic and economic changes have brought us enormous benefits. Since the late 1980s but especially in the last decade, we have seen phenomenal growth in population, employment, disposable income and in the demands placed on our infrastructure. These changes deliver obvious benefits and bring about challenges too for the way in which we deliver services, especially key infrastructural services and projects, to accommodate a population of around 5 million by 2020. Our economic success is founded upon the hard work of citizens and successful policies we have put in place. We deserve to reap the benefits of our combined efforts through first class services and modern, well functioning infrastructure.

A dynamic economy of itself will not power homes and businesses, deliver people to their places of work or study or goods to markets, or provide clean water or solutions to our waste problems. For all these we require major investment in quality infrastructure to compliment our rude economic health. For this reason the Government is investing 5% of our gross national product in public infrastructure. Internationally this is a remarkable level of Government investment. We have already invested €24 billion under the national development plan since 2000 to enhance our economic and social infrastructure. The Government has recently announced investments in public transport under Transport 21 worth €34 billion. We are drawing up the next

national development plan to direct our future investment programmes.

The national spatial strategy will be a crucial influence on infrastructural investment over the period of the plan and beyond. Our decision last year to broadly base the regional dimension of the next national development plan on the national spatial strategy underscores the importance the Government attaches to the alignment of our economic, social and environmental priorities. The strategy emphasises balanced regional development and the important role that good transport, communications, energy and other types of infrastructure play in enabling every part of the country to meet its potential. The delivery of the objectives of the strategy, in consultation with regional interests, will therefore be a key horizontal objective in the next national development programme.

Regional planning guidelines spell out how the national spatial strategy agenda flows into regional development, setting out how the objectives of the national and regional planning frameworks are to be delivered. Development plans then set the overall policy and planning framework within which development will take place locally. At national, regional and local level the importance of putting strategic infrastructure at the centre of all plans and programmes is vital to ensure the sustainable development of all areas.

However, we need to update our current planning processes to enable us to deliver on these ambitious plans. Our systems of infrastructure delivery have traditionally served us well in the past, but the level of ambition contained in the national development plan and in Transport 21 presents us with unprecedented challenges. If we do not take steps to tackle blockages, our planning system could potentially act as a barrier to the infrastructure we need for our dynamic economy and growing population.

Delays in the delivery of any key infrastructure projects have financial, temporal and environmental costs. We require a dynamic means of meeting our infrastructure deficit which safeguards the traditional central principles of our planning system, and which ultimately delivers investment ahead of demand. This Bill allows for a major streamlining of the existing planning consent process.

There is a substantial duplication of functions in the planning process for major infrastructure development between the relevant planning authority and An Bord Pleanála. That agency, with acknowledged expertise in this area, is involved only at the last stage and is constrained in the way it can handle these projects.

This process is bad for infrastructure providers. They must deal with multiple layers of regulators and they cannot have a face-to-face discussion with the final decision makers under the present system. They are denied access to the decision makers at an early stage when discussions might

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make a difference. It is bad for planning authorities which must invest massive resources into deciding these projects only to see them appealed. It is also bad for ordinary people who see poorly prepared planning applications submitted to local authorities and rightly feel duty-bound to object. It is also a sub-optimal use of An Bord Pleanála's expertise. It needs to be involved from the beginning, helping to ensure that the projects it receives are properly thought through.

Our existing system is an inclusive one which provides for extensive public participation at various stages and ensures all concerns can be fully taken into account when crucial decisions are being made. A streamlined system is required which will allow full democratic participation and ensure transparency and accountability, while striking the correct balance between the national interest and the views and concerns of local groups and individuals. The Bill protects the right of everyone to participate in the process and affords opportunities for members of the public, residents and environmental groups to express their views on proposed infrastructure projects. Under the strategic consent process, the board will be required to consult with and have due regard for the comments of relevant local authorities and, for the first time, elected local authority members. This is a novel provision because previous planning legislation excluded councillors from the executive planning decision process.

I acknowledge this is complex legislation and that the proposed measures will have significant impacts on our system. I want, therefore, to set out the objectives of the Bill in broad terms. There are currently three broad categories of planning consents for large infrastructure projects. Projects promoted by local authorities within their areas go straight to An Bord Pleanála on the basis that a local authority, as planning authority, cannot be a judge in its own case. Large infrastructure projects, such as motorways and major building programmes, will require formal environmental impact assessment.

Certain development projects are not covered by the normal planning system but by a separate consent system, often under the responsibility of the relevant Minister. Such projects include railway lines and metro, for which the Minister of Transport has responsibility, and gas pipelines, which fall under the remit of the Minister for Communications, Marine and Natural Resources.

Major infrastructure projects proposed by the private sector and State sponsored bodies or by local authorities outside their areas must go to the normal two-step planning process, involving permission from the local planning authority and, almost always, an appeal to An Bord Pleanála.

To help streamline the process, this Bill will extend the board's existing role in two ways. The board will now take on the consent role of the Minister for Transport as the consent authority

for railway orders and the Commission for Energy Regulation and the Minister for Communications, Marine and Natural Resources in respect of strategic gas pipelines. In addition, major transport, environmental and energy projects of the type referred to in the new Seventh Schedule, which is to be added to the 2000 Act, will now be submitted directly to the board rather than face successive hurdles.

To enable the board to meet the demands of this expanded brief, the Bill also allows for a restructuring of the board through the creation of a strategic infrastructure division to deal exclusively with national infrastructure projects. The new structures will provide an enhanced service for stakeholders, infrastructure providers, State bodies and the general public alike.

I will refer to some of the specific provisions contained in the Bill. Section 3 amends the Planning and Development Act 2000 by inserting new sections 37A to 37J. These will set out the detailed procedures for the new consent process for the types of strategic infrastructure contained in the new Seventh Schedule to the 2000 Act, inserted under section 5 of the Bill. In effect, this new consent process means that any infrastructure provider seeking permission to deliver infrastructure projects of the type listed in the Seventh Schedule will now apply directly to the new strategic infrastructure division of An Bord Pleanála. Section 19 of the Bill allows for the establishment of this new division.

The board will decide whether proposed projects constitute infrastructure of strategic importance according to the criteria contained in the new section 37A of the 2000 Act. Such projects must either be of strategic economic or social importance to the State or the region in which it would be located, contribute in a significant manner to the objectives of the national spatial strategy or regional planning guidelines of the region in which they are to be located or have a significant effect on the area of more than one planning authority.

Under section 37B, where a proposed development does not fall within one of these categories, the board must notify the developer in writing of this fact and direct him or her to apply for consent through the normal process to the relevant planning authority or authorities. The board will also notify the relevant planning authorities of its decision at this point. Where proposed developments fall within one or more of these categories, the strategic infrastructure division must then enter into a consultation process with the applicant. This consultation is intended to ensure applications and environmental impact statements are better prepared and have full regard to the requisite planning and procedural guidelines. I seldom give my unqualified agreement to comments made by Members of the Green Party but I think they are correct in this regard. Poorly prepared planning applications clog the system, add

to frustration and help to bring the planning process into disrepute. This section will mean undue delay can be avoided and, crucially, any significant environmental ramifications of a project will be highlighted as early as possible in the process. I concur with Deputy Cuffe that environmental impact statements sometimes seem to have been written on the back of cigarette boxes. This matter must be dealt with seriously to avoid clogging the system or putting local communities through unnecessary frustrations, expenses and concerns. This is a progressive measure which is specifically intended to make the planning process work and, in particular, to make people compose planning applications in a thoughtful, comprehensive and accurate manner.

Section 37C sets out the key transparency provisions in respect of this consultation process. Our system is founded on the principles of transparency and accountability and these considerations are paramount throughout the Bill. This section makes a clear distinction between the consultation process and the further functions of the board in the consent procedure, which shall in no way be prejudiced by the consultations. This section will give the board the opportunity to advise at an early stage that an application does not make sense. The board must keep written records of the consultations and make these records available with other documents pertaining to the planning application, such as the environmental impact statement. That should address some of the concerns expressed by Members when I first introduced the Bill.

Section 37D is a standard scoping provision required under the EIA directive. It allows a prospective applicant to seek advice from the strategic infrastructure division on the information to be included in an environmental impact statement. This is a commonsense provision because, if a person genuinely wants to put forward a complete environmental impact statement, he or she should be able to ask An Bord Pleanála whether sufficient information has been supplied. This aspect of the consultation process shall not prejudice the functions of the board in any way.

Section 37E outlines the applications procedure with regard to transparency and democratic involvement. It requires, *inter alia*, that all applications to the board must be accompanied by an environmental impact statement and that applicants must publish notices of the proposed development, make the application and environmental impact statement publicly available and invite submissions and observations to the board. In turn, the relevant planning authority must prepare and submit a report setting out its views on the effects of the proposed development.

I am concerned that councillors, as the elected representatives of the people, have felt themselves excluded from the planning process. They do not want to be included in a negative way, to interfere or use undue influence, but to have the

views they express on behalf of the communities that elect them heard. Too often councillors tell me they feel excluded from the system and are not listened to.

I want to reiterate in a practical way the importance I have attached to democratic participation in the planning process. While local authorities have a major role in setting overall planning policy in their area's development plans, they normally have no direct role in executive decisions on planning applications. It is important that their views be taken into account in the consent process for major projects. Consequently sections 37E(4) to 37E(7) give a new specific role to councillors whereby managers will be legally required to convey the views of elected members of councils to the board. This deals with a lacuna. We have all had experience of talking to councillors who feel they are excluded from the process. This gives councillors a statutory right and managers a statutory responsibility to ensure that right is exercised. It means the views not just of the council executive and planning staff go to the board but also those expressed by the elected representatives who democratically speak on behalf of the public in the council.

I want to highlight a key quality control measure. Some commentators have suggested that delays in the delivery of infrastructure are caused more often by poorly prepared applications than by any flaws in the planning process. I have already mentioned Deputy Cuffe's comments on this, which are not far from my views. If that is the case, the board will have the important power to throw out an application that is badly prepared or where an infrastructure provider has ignored its advice on the project or the environmental impact statement. Section 37F affords a wide discretion to the board in the procedures it adopts in deciding these applications.

The section also allows for a shift from the traditionally adversarial nature of the handling of disputes towards a more flexible conciliatory process whereby the board can hold meetings with relevant stakeholders as it deems necessary. As we know, the adversarial approach can be resource intensive and time consuming, and I am confident the House will support me in my efforts to encourage mediation as a more desirable approach. I have had the experience as a councillor when mediation was wanted but there was no procedure to encourage people to use common sense and listen to the views and concerns of each side.

The Board's powers to grant or refuse permissions for strategic infrastructure projects are set down in section 37G. The early consultation process between the board and prospective applicants is intended to ensure that problems, for instance relating to a project's environmental impact, can be identified at an early stage in the overall consent process. This is especially important. As a result, I anticipate that relatively

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few applications will be formally rejected on such grounds at a late stage. If errors are dealt with early, it will lift a burden from the shoulders of local communities and will mean a planning process can go through without becoming sidelined into unnecessary areas. Where an applicant still wishes to pursue such a case to decision stage and where the board has already highlighted issues that are potentially problematic, the board must deal with the project. It will be up to the applicants to take that risk.

As Ireland is growing so rapidly, we should have a process in all planning consent procedures whereby communities that are hosts to development receive a community gain. This view is shared by Members across the House. I am pleased that the community gain concept has been bedded down as a practical way to mitigate some of the effects of permissions for major pieces of waste infrastructure. However, I have decided to take this a step further and avail of the opportunity to formalise the process, which has been happening on an informal basis in a number of councils. Under the new consent procedures the board will be given the power to attach conditions to permissions requiring that developers provide a facility or service which the board considers a gain to the community being affected by the infrastructure project. If a community hosts a major piece of infrastructure, it should receive some additional community benefit. This underlines our view of the necessity to balance national or regional interests with local concerns.

However balance is a watchword. While we must ensure that communities are not unduly affected by such development, applicants must not be unfairly penalised when seeking to provide key infrastructural projects. The Bill therefore also provides that the financial burden of such a condition cannot be disproportionate to the benefits likely to accrue to the developer as a result of the permission being granted. Nobody would argue the case for a disproportionate imposition.

Once a decision has been taken by the board under section 37G, it must send copies of its decision to the applicant, any relevant planning authority and any other persons who made submissions or observations on the application. This notification must give reasons for the decision. The costs incurred by the board in the decision-making process can be burdensome and run at an average of approximately €15,000 per case. Section 37H enables the board to recover its costs and those of relevant planning authorities incurred in the decision-making process from the applicant. This is just and fair. The taxpayers should not carry all the burden. The proposer of the infrastructure should share the cost.

Timing is always of the essence and is key in matching our infrastructural needs with delivery. It is an overall objective of this Bill that the

period between application and final decision will be reduced. I intend to do this by reducing two stages in the planning process to a single stage and by ensuring that the quality of applications and environmental impact statements submitted is enhanced. I do not intend to abbreviate or compromise the deliberative processes gone through by the board in reaching its decision. Therefore, in line with the standard period that applies to all board decisions, section 37J sets out a statutory objective of 18 weeks in which a decision is to be made. Fine Gael moved a good motion in the Seanad and made a good argument for bringing this down from 18 weeks to 12. Although 12 weeks would not be practical to include all the other processes, I appreciated that debate.

Section 4 amends the Planning and Development Act 2000 by inserting new sections 182A to 182E. As I mentioned, these sections provide new streamlined consent procedures for major electricity transmission lines and strategic gas infrastructure development. Development applications for electricity transmission that either require completion of an EIS or will be situated in the operational area of more than one planning authority require consent from the board. That clears up an area of confusion that has existed for years. Similarly, applications for the development of strategic gas infrastructure for both upstream and downstream pipelines are now to be made to the board directly. Notification procedures and the decision-making roles of the board are similar to those provided for under the new strategic consent process under section 37E.

A new seventh Schedule to the Planning and Development Act 2000 is being inserted under section 5 of the Bill. This Schedule lists the classes of infrastructure project to which the new consent process shall apply and which up to now would have had to go through the two-stage planning process. Such projects fall under the three main headings of energy infrastructure, such as gas, oil and electricity installations, transport infrastructure, including airports, rail lines and motorways, and environmental infrastructure, such as waste or water treatment facilities. The Bill is upfront about what is included in the streamlined process. Nuclear energy installations are not included. I mention this for the benefit of Deputy Morgan who has been confused on this point.

My remarks so far have served as a broad outline of the new consent procedure to be executed by the board. The criteria by which projects are so defined are clearly set out. The Bill makes clear that the means by which such projects are funded neither contributes to nor detracts from the strategic importance of a major and needed project. If the board decides that a proposed development would be in the national interest, then the means by which such projects are funded, whether public, private or a combination of both, is of secondary importance.

If the House will give me a little indulgence, I will make a few last important points. In section 9 I make changes to the system to deal with rogue developers. Deputy Gilmore has mentioned this on more than one occasion. The amendment to section 35 of the Planning and Development Act 2000 shifts the burden of proof to the applicant and means the applicant will be required to apply to the High Court to have a decision to refuse permission overturned.

Section 12 replaces section 50 of the Planning and Development Act 2000 with new sections 50 and 50A. These relate to judicial review procedures and make certain procedural changes to applications for judicial review of decisions made by planning authorities to the board. I take our obligations under the Aarhus Convention on access to information, public participation, decision making and access to justice in environmental matters very seriously.

Currently, decisions by the board are subject to judicial review by the courts. Environmental non-governmental organisations applying for judicial review must prove that theirs is a substantial interest in the matter concerned. The proposed change will mean that NGOs that fulfil certain conditions need not prove substantial interest although they must still establish substantial grounds for any challenge. By allowing such concerned groups access to the courts in appropriate cases we are again reinforcing the democratic process as well as ensuring that our Aarhus obligations continue to be fulfilled.

Mr. O'Dowd: Partly.

Mr. Roche: I am acutely aware of the impact of delays in the judicial process on the delivery of infrastructure. I welcome the initiative being introduced in the High Court to improve the management and prioritisation of these cases and the designation of specific judges to manage the process. This initiative will achieve a similarly positive effect to that of the new commercial division of the High Court.

The proposed new structure and functions of the board are provided for in sections 14 to 19, inclusive. These changes will include the establishment of a dedicated strategic infrastructure division that will deal with applications under the new strategic consent process. The chairperson and deputy chairperson will be given new duties to ensure that the work of the new division is carried out expeditiously.

Section 20 ensures that applications made directly to the board under the strategic consent process are brought within the provisions of section 125 of the Planning and Development Act 2000. Sections 134 and 135 of the Planning and Development Act 2000, which deal with procedural matters relating to oral hearings, are being amended under sections 21 and 22 of the Bill. Section 21 allows for the expansion of the

provisions relating to oral hearings so that the board may hold oral hearings under the new strategic consent procedure in addition to appeals and referrals as is currently the case. The Bill also provides that the board is no longer bound by a requirement to hold a public inquiry but has absolute discretion on whether to hold an inquiry.

To highlight the importance of coherent national and local development, the policies and objectives to which the board must have regard in making decisions are being extended. At present the board must consider the policies and objectives of the Government, the Minister for the Environment, Heritage and Local Government, planning authorities and any relevant public authority. Under this Bill the board must have regard to the national interest, the national spatial strategy and any regional planning guidelines in force.

Under section 25, three new sections are inserted into the Planning and Development Act 2000. These provisions will permit the board to amend a previously granted decision, similar to the power previously afforded to the Environmental Protection Agency for licences. Errors have occurred in planning decisions, sometimes typing errors, and there is no process to correct them.

The need to submit an environmental impact statement for environmentally significant changes and issue public notices for consultation will remain. The objective is not to bypass the consultation stage but rather to streamline the process.

I referred to the importance of Transport 21 and its potential impact on national competitiveness. The transport network in the greater Dublin area will be transformed in the coming decade and the two proposed metro lines represent a major element in that transformation. In section 37 I have taken the opportunity to act on the recommendation of the Oireachtas all-party committee report on private property concerning the acquisition of substrata lands. The Acquisition of Land (Assessment of Compensation) Act 1919 is therefore being amended by the insertion of an additional compensation rule.

As well as streamlining the strategic consent process the Bill will also make the process more coherent across different classes of infrastructure by enabling the board to serve as a one-stop-shop for applications for developments that require compulsory purchases of land. The decision-making process for railway lines and metros was, under the Transport (Railway Infrastructure) Act 2001, the responsibility of the Minister for Transport. In section 38 I am bringing this process within the new strategic consent remit of the board, including the Minister's compulsory purchase order powers.

Our national, regional and local infrastructure forms the matrix through which we live our lives. The way we earn a living, the way we travel, the energy sources we use and the means by which

[Mr. Roche.]

we dispose of our waste are all defined by the quality of the services available to us. There are major challenges ahead but the range of measures in place at national, regional and local level will enable us to meet these challenges. This Bill is designed to sustain the concerted efforts of the Government to address gaps that exist in our strategic infrastructure. These ambitions are shared by Members across the political spectrum. I look forward to a positive and constructive debate on the Bill and I commend it to the House.

Mr. O'Dowd: This Bill has been produced after the proposals were before the Cabinet for three or four years. We heard that the Bill was imminent and that the new strategic infrastructure board was about to be announced in 2003, but both disappeared. There are internal divisions within the Cabinet and, while the members consulted and fought among themselves, they did not put the heads of the Bill out to public consultation. Unlike the Planning and Development Act 2000, a more effective Act, no consultation or review took place. We were aware of the date for Committee Stage before the date for Second Stage had been set, and I am concerned that this debate may be truncated tomorrow in favour of some other Bill. I will oppose a proposal to the effect that this debate on Second Stage will not continue after 1.30 p.m. tomorrow.

Mr. Roche: Deputy O'Dowd need not worry.

Mr. O'Dowd: The Minister had extra time; now it is my time. This is one of the most important Bills to be debated in this House. It will have serious, far-reaching effects and we should give it proper consideration. My colleagues on this side of the House, representing the relevant portfolios, will respond in this debate. It is something of an exaggeration to state that Ireland is a First World economy with Third World infrastructure. Our buses are overcrowded, our roads are clogged and our trains are non-existent. There is a sense that nothing works and that this Government is not working for the citizens.

The ordinary commuter often has 12-hour days. Many children never see parents during the week, except for fleeting moments early in the morning or late at night. Our road network is not progressing quickly enough. We have appalling broadband penetration in many areas of the country, hampering businesses and inconveniencing householders. Fine Gael believes in real quality of life gains. It wants a metro in Dublin, a rail link to the airport, an end to hospital waiting lists, an end to social housing waiting lists, a motorway network that works and a public transport network that leads to fewer journeys by car.

Fine Gael welcomes this Bill in principle but is concerned by some proposed changes, especially new powers the Minister is granting to An Bord Pleanála which are counter-productive and will

lead to litigation and a loss of public confidence in the planning process. In preparing my contribution I have consulted what has been published in the media, pages from *www.google.ie* and papers from a seminar in University College Cork concerning this Bill. The papers are most worthwhile and many points raised are incorporated into my contribution.

I do not object to the extra time the Minister was granted. A Bill like this needs real input across the board and from the entire community.

There is a lack of resources in Leinster House. While the Minister has his Department to inform him, we are dependent on the Internet. We need better input into legislation such as this, particularly from the universities and the Law Society of Ireland. I challenge the Government to address such issues. Lawyers in particular will benefit greatly from what we pass, but we need a direct information line from the legal profession and right across the board into Dáil Éireann. They must submit recommendations on Bills in a non-political process. That would inform debate since neither the Minister nor I has the collective wisdom of the country, lawyers or planners, particularly regarding the legal process. We need that and I have incorporated it as best I can.

At the core of the debate are the competing perspectives of local versus national and individual versus collective, and of economic growth versus environmental protection. We must get the balance right this time and in Fine Gael's view each application for such development must be accompanied not only by an environmental impact statement but by detailed economic and social analysis outlining the clear need for the proposals. We will table amendments to that effect.

The new legislation in particular must not be used by private developers to fast-track controversial, profit-driven projects. No one will argue with such projects as the Dublin metro and the western rail corridor using the new process, but we are very concerned that controversial projects such as shopping centres and office blocks that are profit-driven as opposed to being for the public good might use this legislation. One issue in this regard is that the Bill proposes that a regional, almost local, issue may go before An Bord Pleanála, even if it affects only two adjoining local authorities.

I have no problem with the major projects, and I will not be misunderstood on that, but I will not support the fast-tracking of profit-oriented projects against the public interest. That is the core of the Bill and the debate that we must have. Fine Gael said in its policy formulated last November that we want the Government to take a leaf from its Dutch counterpart, deciding at national level in strategic planning those regions in which large infrastructure projects must be situated and inviting public expressions of opinion before instigat-

ing a swift and effective planning process. That way, the process would be characterised by transparency regarding the Government's intentions, fairness concerning the perspectives that the regions and communities express and effectiveness in deciding where projects go.

We do not want a continuation of the current process. On waste management, communities which never listed for such projects in the regional plans must suddenly fight and target the issues. The Minister for Justice, Equality and Law Reform, Deputy McDowell, and the Minister for Enterprise, Trade and Employment, Deputy Martin, have had that problem regarding incinerators, as have I. Prison sites, motorways and power stations are also controversial at local level. We must have total clarity and honesty since we will bring greater integrity to the process by planning from the top down.

Strategic infrastructure projects merit a fast-track planning process, but only where the broad location and principle of the infrastructure in question have been considered and included in the national spatial strategy, which we must rewrite, as many significant players in the planning process, including, I believe, the head of the Irish Planning Institute, have said. The country has changed since the plan was adopted and the Government has totally messed things up regarding decentralisation, which is a mockery. We must revisit and rewrite the strategy, inserting critical infrastructure projects and identifying where in the regions they will be to allow proper and effective planning.

Fine Gael will also include the fast-tracking of urgent care medical centres in this Bill. It allows for social infrastructure to be covered. We believe that medical social infrastructure is urgently needed and absolutely essential, something that our health spokesperson will address. The Bill introduces fundamental changes to the Irish planning system that will have a profound impact on everyone, including local authorities, developers and, not least, the public. It will radically alter the nature, functions and composition of An Bord Pleanála. As I said, I support the principle, provided that it does not have an adverse impact on the quality of assessment of such developments or the degree of public participation in the development consent process.

People say that the Bill is necessary for planning, but that process works very effectively, despite delays at local authority stage. The reality is, as An Bord Pleanála shows in its reports, that it has been very effective and efficient in dealing with the planning process. The weakness in the Minister's Bill is that he deals only with the land strategy rather than with those issues causing the real delay. I accept and appreciate what he has said regarding what the High Court will do. I am a member of the Opposition rather than a Minister, and I see no Bill before me from the Minister for Justice, Equality and Law Reform to

introduce a new division to the High Court. Does it require new legislation?

Mr. Roche: No.

Mr. O'Dowd: Very well. Perhaps the Minister has seen the statement from the president of the High Court describing exactly what he will do, although I have not. It is very important, and I accept that it will be addressed.

A review of the board's decisions on applications has shown that it does a damn good job. Current delays stem from poor project design and management and other technical difficulties, the Dublin Port tunnel and the Luas being examples. Delays in such projects as the Corrib gas field and the completion of the final stage of the M50 related to the National Monuments Act 1930.

Other aspects of delay are not connected with this issue but with the fragmented nature of the planning process, the role of the courts and wider questions. For instance, I might apply for my project's designation as critical infrastructure but then have to go through other, separate procedures. I would have to secure a waste management licence under the Waste Management Act 1996, an integrated pollution prevention and control licence, a compulsory purchase order, a licence under the National Monuments Act 1930 and so on.

The Minister has missed the opportunity to put the ideas in this Bill out to public consultation and discussion, which would have allowed him to benefit from those views. In the Bill, he has no other way of dealing with the other significant delays caused in the planning process. When this Bill has been passed, they will still be there. His response is therefore one-dimensional and inadequate. It is not comprehensive and does not consider the entire system.

One of the key criticisms of the Bill relate to discussions between An Bord Pleanála and applicants. An Bord Pleanála is being fundamentally and radically changed regarding how it considers such issues. I support the Minister's view that local democracy and the opinions of local authority members are not being compromised in this Bill; I agree that they are being enhanced. For the first time, the manager is required to send a report to An Bord Pleanála in which he must mention elected members' decisions by resolution. I am a little concerned at the phrase "by resolution", since if 51% of councillors are in favour and 49% against, they may resolve that they are in favour. We can discuss on Committee Stage whether, if people are opposed to a project, they should be able to have their reasons recorded in the minutes of the council as at present.

Different views will be represented on local authorities and it is important that all of them, disparate, distinct and contradictory, go to An Bord Pleanála. I accept the principle that there

[Mr. O'Dowd.]

has been no diminution and all major infrastructure projects ultimately go to An Bord Pleanála in any case. Having a one-stop shop is a good idea in principle, provided that we examine the problems that I envisage. The pre-planning discussions are fine since they happen already and are recorded in writing so that anyone can find out who was present, what happened, what was said, and our current position. Those discussions are mandatory rather than optional as in the 2000 Bill.

The board is being accorded wide latitude regarding whether the development, if carried out, would fall within the scope of the Act, the procedures involved in making and considering a planning application and considerations relating to proper planning and sustainable development which might have a bearing on its decision on the application. It is clear the wording gives the board very broad latitude in terms of the nature of the advice it may furnish to prospective applicants. The manner in which the board will exercise its options in giving this advice remains to be seen. It is evident developers will welcome the introduction of this provision. However, others will see it as ingraining inherent pro-development bias into the planning application and further undermining the credibility of the board as a neutral and independent body. The board is required to keep a record. The kernel of the issue is how the board will be viewed by members of the public who might be opposed to this.

It appears the board, more or less, has an executive authority or power to intervene in this whole process. Let us say the Minister is for the incinerator in Wicklow and the Green Party and Deputy Timmins are against it. The danger in that process is that while the board has the option to meet the developer and the objector and must record what is said, there is no obligation on it to meet the developer if it meets the objector or *vice versa*. For transparency and openness in the process, there must be equality of treatment before the board. If the board decides to meet the supporter of a plan, it must meet the objector. Traditionally, that happened through the oral hearing. However, this provision goes beyond the oral hearing and gives new authority to the board which it should not welcome and should not have.

When an issue goes to the board there should be transparency and openness in respect of all its meetings. I have no problem with the pre-planning process and I see the advantages of meeting the developer, submitting the plans properly and ensuring the project is not delayed. However, objectors and applicants should be treated equally and the oral hearing has ensured that up to now. It would bring the board into disrepute if it had private meetings with developers, which may be minuted, but not with objectors. There will be many objectors to this provision. That is the core of the criticism.

It appears there is no specific right for an applicant or an objector to request a meeting with the board but there is nothing in the Bill to prevent that from happening nor, as I pointed out, does it appear the board must hold a meeting with objectors even if it has one with the applicant. That is the key issue. With all its faults, the current process is transparent, open and consistent. One makes one's case at the oral hearing, as does the other side, and the inspector and board make decisions. That is a better system. We propose to table amendments to remove those extra powers to An Bord Pleanála.

As it stands, the system operates to maintain professional distance between the applicant and the decision-maker. However, the decision-maker will be compromised by becoming too closely engaged with the applicant during the course of what the Minister proposes. The provision seems to envisage a degree of negotiation between the applicant and the board to be conducted at such meetings. This process will occur in private and it appears in the absence of objectors and third parties. If the board, on a routine basis, exercises its power to hold meetings with developers during the course of applications, this will lead to it being identified too closely with developers and will operate to undermine its independence.

The provision also operates to emasculate the public oral hearing process which permits the board, through its inspector, to engage proactively with the developer and all interested parties in regard to all aspects of the development. The provision is unnecessary in the light of the express powers to seek further information during the course of the application procedure and the extensive powers of the inspector conducting any subsequent oral hearing.

Further, one would have to question the wisdom of empowering the board to intervene in disputes between an applicant for planning permission and third party objectors. This aspect of the Bill appears to involve the board engaging in a quasi-mediation role. Development consent not dispute resolution is the proper function of the board. That bears much thought and it is what the board has been doing up to now and which it should continue to do. By empowering the board with this function, one is inviting it and placing pressure on it to become involved in conflicts between developers, objectors and local communities.

At present the board is under a general obligation to have regard to the policy and objectives of Government, a State authority and other public authorities and cannot ignore them. This provision has proved significant in appeal outcomes in waste management, in particular. Now the board must have regard to them in making its decision and also to national interest and any effect its decision may have on issues of strategic, economic or social importance to the State. However, by requiring the board to have regard

to such broad and general policy objectives as the “national interest”, the Bill will provide further ammunition for those who argue that it lacks independence and is merely a tool of Government and developers, a point of view expressed strongly.

The Minister addressed the question of a judicial review. In one way, he is making it easier to apply for a judicial review and the application can be *ex parte* — in other words, one can seek an injunction straight away. At present it is on notice only. That is constructive. One of the key battles is to balance the need of a modern economy to develop and infrastructure with the need to give greater rights to the public, NGOs and to properly constituted environmental groups. Making it easier to apply for a judicial review is one way to do that. However, the Bill precludes the right, which currently exists, for any person involved in the planning process to go to the High Court on a point of law. An individual can only go to court under a judicial review. That narrows the options.

I also take exception to the following issue at which I ask the Minister to look again. The Bill makes it a statutory requirement for the courts to ask for a damages undertaking from applicants. In 1987 I, along with other people, went to court under the planning legislation when the local authority refused to act following the illegal demolition of Drogheda Grammar School in the middle of the night. If we had been asked to give undertakings as to damages, we could never have gone to court and the developer who knocked down one of the most historic buildings in the country would have got away with it. As a result of our High Court action, we were successful in getting the building rebuilt. When the Minister visits Drogheda shortly, he should go to see the building. The only reason the building is there is because of our High Court action. The only reason we took that action was because we believed in the justice, honesty and integrity of our case. Currently the courts have the right to ask the objector to give an undertaking as to damages if he or she loses the case. The Minister is now making it mandatory for a court to ask for an undertaking as to damages. That will have a very negative impact on communities with genuine convictions about their issues which are based on broad support and real arguments. The Bill will negate that.

On the one hand, one can take a judicial review but on the other, one will need millions of euro to be able to give an undertaking as to damages. I have no problem hammering those people who want to re-route roads and initiate legal cases and have no problem asking them to cough up money. I know I am being subjective but I do not believe they have a sustainable argument. The way it must go now will mean environmental NGOs will take these actions. In light of this Bill, it is incumbent on the Minister to better fund NGOs in

terms of education, awareness of the law etc. There is certainly an argument for that.

In balancing the competing rights in the Bill, the Minister is wrong to insist that courts order one to give an undertaking as to damages. If one takes an action in the public good and does not have to give that undertaking, or is not asked to do so in certain circumstances, the judge can request one to do that, but the Minister is making it mandatory which is bad.

An bhfuil mórán ama fágtha agam?

Acting Chairman (Mr. Glennon): Sé nóiméad.

Mr. Roche: I am quite prepared to allow some latitude because the Deputy was helpful to me.

Mr. O'Dowd: This is the most important Bill to come before the Dáil this year, particularly in terms of planning development. What will happen in the communities in north County Dublin, where there is a serious problem, and in Wicklow, Drogheda and all around the country which must face these issues? The only way to face them is by putting the argument here and on Committee Stage to make the Bill fair and equitable. While we allow and accept the principle of the Bill, it is not balanced.

In his speech to the Seanad the Minister spoke of giving a scholarship, or something of that kind, as a form of community gain. Community gain is part of Fine Gael policy and I am delighted that the Minister read our policy document and included that idea in the Bill. He obviously did so because we published our document long before the Minister published this Bill. He has not mentioned this in his speech to this House. A scholarship is far too little. On the one hand, the Minister says there will be community gain but, on the other hand, he says it cannot be much. The Minister does not set out what the community gain will be from this multi-million euro expenditure, and I am not saying he should, but there should be some weighting. While the principle as stated in the Bill is good, it does not go far enough. We ought to work together, on all sides of the House, to ensure substantial but not prohibitive community gain.

The Bill endows An Bord Pleanála with that power as part of the conditions of planning. The board ought to be required to consult the local authority which, in turn, should consult the people in the area. This will not be as easy as one might like it to be but the views of the community on what form the community gain ought to take, as expressed to the local authority, should be expressed in some form to An Bord Pleanála, which will decide on it. While the Minister presents this idea in the Bill there is no clarity on its extent. If I was in An Bord Pleanála I would say a scholarship is nothing compared to community gain.

Community gain should include recreational amenities and An Bord Pleanála should be

[Mr. O'Dowd.]

required to consult county councils on those needs in their areas. I would not leave it only to the county councils, however, because that might be the manager's or chairman's pet project. Proper and real exchange of need and views across the board would make a significant difference.

The Bill covers to some extent how the Minister will define NGOs by regulation but he has the power to add to that definition. They must exist for 12 months, have a wide membership and be genuine. This will eventually include organisations such as An Taisce, not that I have a problem with that. If something new is proposed and a group is formed it cannot be recognised as an NGO because it has not existed for 12 months. In other words, I would like further reflection on this on Committee Stage when the Minister might itemise what additions or qualifications he intends to add to the definition of NGOs which would gain this recognition under the terms of the Aarhus Convention. This would be useful and informative.

As a modern society and economy we need real change and we need to balance it. While I am convinced of the principle the substance is not right. I am not happy with the new role for An Bord Pleanála, or that there is sufficient equality before the board between the applicant and the objector, who are entitled to equal treatment, or the restrictions on the judicial review process in respect of who can apply for it and when an NGO may or may not do so. I look forward to the Committee Stage debate on this.

I am concerned that the Minister may rush this Bill through. Committee Stage is scheduled for 13 June and while that is not too soon, I wish to ensure that the Minister does not guillotine our amendments. Constructive and productive work will depend on full and adequate debate on these issues. Other Ministers have guillotined pages of amendments which have never been discussed. We will kick up one hell of a row if we do not have proper discussion on Committee Stage of all our amendments because that will be critical to the future of this Bill. We approach it in a spirit of agreement but with a desire to get it right. We are prepared to put in the time that is required on Committee Stage and I ask that the Minister leave that Stage completely open. We will work on it. We are not here to delay the Bill but to ensure it is right.

Mr. Gilmore: This Bill will fundamentally change our country's planning laws, not necessarily for the better. Under section 3 of the Bill, if passed, major construction projects, including private ones, can be built without having to go through the normal planning process as we know it. These projects include waste incinerators, chemical treatment plants, major landfills, oil refineries, large oil and gas storage tanks, oil and

gas pipelines, wind farms, electricity pylons, airports, sea ports, railway stations and many similar projects. All are contained in the new Schedule 7 to the Planning Act. There will be no right of appeal on these projects because they will go to An Bord Pleanála in the first place.

The right to appeal to the board, as we have traditionally known it, for these projects is being abolished. The right of the public to object is being diminished and the local authority is effectively being carved out of the process. The Minister spoke about the involvement of elected councillors. This is a sham. Their involvement, as proposed by the Minister, is nothing more than allowing them to make a recommendation. It is no more than they can do at planning meetings of their local authorities where they can express an opinion on a planning application but have no real say in the executive decision on whether permission is to be granted.

The right to go to the courts is being limited. An Bord Pleanála will be able retrospectively to rewrite a planning permission after the permission has been granted under section 25. On page 18 the Bill states that the Minister can tell An Bord Pleanála which planning applications should receive priority. The role of An Bord Pleanála is being fundamentally changed from its original and essential role as a planning appeals board to a planning authority of first instance. There will be no planning appeals system for major projects covered by the Bill.

Debate adjourned.

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

Ceisteanna — Questions (Resumed).

Priority Questions.

Middle East Peace Process.

55. **Mr. Allen** asked the Minister for Foreign Affairs the level of funding now being allocated to the Palestinian Authority from the European Union and by Ireland; the level of funding which was in place at the start of 2006; and if he will make a statement on the matter. [19807/06]

59. **Mr. F. McGrath** asked the Minister for Foreign Affairs when he will raise the plight of the Palestinian people within the European Union and United Nations; and if he will act as a peace broker in the current difficult climate. [19806/06]

Minister of State at the Department of Foreign Affairs (Mr. Treacy): I propose to take Questions Nos. 55 and 59 together.

The Government shares the concerns expressed about the increasingly difficult circumstances facing the Palestinian people. We have been consistently active within the European Union and United Nations in promoting a lasting, peaceful and just settlement of the Israeli-Palestinian conflict. This must be based on negotiations between the parties leading to a viable two-State solution. Within the Union, we advocate a policy approach aimed at ensuring that the Union remains fully engaged in the process, with a clear and balanced message for the parties.

We believe the Israeli Government and Palestinian Authority must face up to their obligations under the roadmap, and under international law. The Irish Government has continued to raise directly with the Israeli authorities its concerns over the humanitarian and economic impact of policies and activities in the occupied territories. The European Union has consistently urged the Israeli Government to end all activities in the occupied territories that are contrary to international law and that threaten the viability of a solution based on the coexistence of two States.

Following the democratic Palestinian elections in January, the European Union and the Quartet have also made it clear that the new Hamas Government of the Palestinian Authority must commit to the peace process. It must renounce violence, recognise Israel's right to exist and adhere to agreements already negotiated by the authority and the PLO. Since April, the European Union has been reviewing its assistance against the Palestinian Government's commitment to these principles.

The European Union has been the strongest supporter of the Palestinian people internationally and it is also the largest donor. For the past five years, overall assistance, including bilateral assistance from member states, has averaged some €500 million annually. This has covered humanitarian assistance and support for Palestinian institutions, NGOs and civil society, as well as contributions to the UN and other international organisations. Funding from this overall sum, which is administered by the European Commission, has amounted to an average of €250 million annually. In February, the Council approved the urgent release by the Commission of €121 million in humanitarian assistance to the Palestinians. In early April, the Commission temporarily suspended direct assistance to the Palestinian Authority and it estimates that this could affect up to €126 million of projected expenditure for 2006.

The Irish Government regrets that Hamas has not yet demonstrated any significant movement towards acceptance of the peace process. While we understand the difficulty of the transition it must now make, it would be unreasonable to expect the European Union to continue its capacity-building support for the Palestinian Government irrespective of its willingness to respect the

basic rules of the peace process. However, the Palestinian people should not have to face a humanitarian crisis because of the reluctance of Hamas to meet its new responsibilities. The European Union is committed to continuing necessary assistance to meet the basic needs of the Palestinian population, and Ireland has argued strongly for the widest possible definition of those needs.

The EU has now undertaken the urgent task of developing a temporary international mechanism to channel assistance directly to the Palestinian people. As a matter of priority, it will aim to provide for basic needs, including health services. It will be essential that all international donors co-operate to ensure the effectiveness of these new structures. The European Union has also called on Israel to take action to resume the transfer of withheld Palestinian tax and customs revenues, which will be essential in averting a crisis in the occupied territories.

The Irish Government is committed to maintaining the level of Ireland's bilateral assistance to the Palestinians, which amounted to more than €4 million in 2005. Already this year, €1.5 million has been allocated for humanitarian assistance through the United Nations Relief and Works Agency for Palestinian Refugees in the Near East and further allocations will be made in the near future.

Mr. Allen: The Minister of State said in his response that he is concerned about the problems in Palestine arising from the cut in aid, yet he stated that €126 million will be taken from the EU aid package in 2006, some of which sum has already been taken. I have tried to establish the facts with the Minister on a few occasions, both in the House on Europe Day and subsequently at a meeting of the Oireachtas Committee on European Affairs. What exactly was Ireland's role in the appalling decision to cut the aid for the Palestinian Authority? This move has strengthened the hands of the extremists in Palestine and has weakened considerably the reasonable voices that were beginning to emerge within the Hamas movement.

Mr. M. Higgins: That is right.

Mr. Allen: In the interest of justice and parliamentary transparency, will the Minister of State tell us Ireland's role in that appalling decision? He should not hide behind the cloak of consensus.

Mr. F. McGrath: Hear, hear.

Mr. Allen: Ireland must have given an opinion at a meeting of the Council of Ministers. What is its position on the short-sighted, cruel, counter-productive decision made by the Council of Ministers? No slick talk or crocodile tears will hide the facts.

[Mr. Allen.]

The Minister of State, Deputy Conor Lenihan, should not laugh when I am talking about a serious issue.

Mr. C. Lenihan: We had three answers on this already.

An Leas-Cheann Comhairle: Order, please.

Mr. Allen: No amount of crocodile tears will hide the fact that the decision damaged the reasonable voices within the Hamas movement and the people of the Palestinian territories and ignored totally the awful acts being perpetrated on them by the Israeli Government.

Mr. Treacy: I do not understand where Deputy Allen is coming from. Ireland's position on this matter has been very even-handed, fair and open at Government level, ministerial level within the Council and official level through our ambassadors and official negotiators. We want to ensure that there is fairness and equity and that both sides recognise and have mutual respect for each other.

Through our work, we want to ensure that human rights, law and order and democracy prevail, that the Hamas Government is recognised and that it in turn commits itself to total peace. On this basis, the European Commission recommended, after the change of Government and Hamas's coming to power, that there be a suspension of funds until such time as Hamas recognises its responsibilities and commits itself to the peace process. This does not mean the funding has been terminated — it has been suspended.

If agreement is not reached, there could be a loss of €126 million this year. However, Ireland has been one of the top two champions of the Palestinian people, the two-State solution and the commitment to bring peace to the region. We have worked and continue to work to ensure the existence of a new international channel to allow the funds to be directed to those who need them, namely, the Palestinian people. We are working on this very hard.

The High Representative for the Common Foreign and Security Policy, Javier Solana, is in negotiations with all the different parties on behalf of the European Union. We fully support him and have made our position quite clear. We will continue to support the Palestinian people and want to ensure that humanitarian aid is delivered to them as rapidly as possible.

Mr. F. McGrath: Following the recent Palestinian elections, which were open and democratic, does the Minister of State agree there appears to be a complete sea-change in the attitude of the European Union?

I ask the Minister of State to ensure the EU continues to supply the necessary assistance to meet the basic needs of the Palestinian people.

We have recently seen the €121 million in aid. Will the Minister of State push this further? Surely the idea of political exclusion, in all conflicts around the world, will not work in this case. While he talks about suspension of funds, he should keep in mind that political exclusion for a people and a nation will not work in any conflict resolution process. Will the Minister of State say how much humanitarian aid Ireland has given in 2006 and update the House on these allocations?

I ask the Minister of State, Deputy Treacy and his colleague, the Minister of State, Deputy Conor Lenihan, to support the rights of the Palestinian people on the international stage, at EU and United Nations levels, and to give them maximum support and assistance, while acting as peacebroker with those states that seem to be hostile to the Palestinian people.

Mr. Treacy: Ireland has acted as an honest broker at all levels, internationally within the UN and with our colleagues in the European Union. Ireland is recognised as one of the champions of this whole situation in trying to bring about fairness, equity and respect for everybody's position to achieve a two-state solution. We have fought trenchantly to ensure, at all levels, that the 1967 territorial position is accepted and recognised and that the Palestinian people are given that option. There is now a change of Government, as has been said, and we recognise that. We accept the wisdom of the international community, including that of the European Union, that it is critically important for the new Government to commit itself to the peace process.

As late as yesterday, the High Representative of the Palestinian people in this country thanked the Government publicly for its contribution. Ireland is one of only two member states in the European Union which commits, domestically, each year to support Palestinian missions here, as does Finland. In addition, we provided €4 million in humanitarian aid last year and there is a similar commitment this year. We are working assiduously to find a funnel, a channel, an opportunity, a vehicle that is very structured and that guarantees the transfer of resources from the Union directly to the Palestinian people. That is not simple, it is complex and it has to be done on a clear, transparent basis, protecting the donor's position, supporting humanitarian requirements and ultimately ensuring that it achieves the political impact that is critical to the future of the entire region.

Nuclear Disarmament Initiative.

56. **Mr. M. Higgins** asked the Minister for Foreign Affairs the position Ireland proposes to take as a member of the nuclear suppliers group in relation to the implementation of the recent proposed US agreement with India on nuclear capacity; and his views on the implications of this proposal for the future of the nuclear non-pro-

liferation treaty and the perceived inconsistency between this proposal and the US and European Union response to recent events in Iran. [19803/06]

Mr. Treacy: The 45 participating countries of the nuclear suppliers group, NSG, including Ireland, have agreed guidelines governing the export of items that are specially designed or prepared for nuclear use and for nuclear related dual-use items and technologies. Under these guidelines the export of such items to India is prohibited. The US-India agreement on civil nuclear co-operation was reached on 2 March 2006 between President Bush and Prime Minister Singh during the former's visit to India. Under the agreement, India has agreed, *inter alia*, to identify and separate civilian and military nuclear facilities and programmes and to file a declaration regarding its civilian facilities with the International Atomic Energy Agency, IAEA. India has agreed to classify 14 of its 22 nuclear power reactors as civilian facilities and voluntarily to place these under IAEA safeguards.

We are currently analysing the details of the agreement both within the European Union and bilaterally with like-minded countries. The agreement is a complex one on which we have yet to reach a final considered judgment. We wish to assess carefully all its elements and all its wider implications. Within the NSG, in particular, it will be important for Ireland to act in concert with like-minded partners.

There have been expressions of support from some countries and the Director General of the IAEA, Dr. El Baradei, has also welcomed the deal.

We have genuine concerns about what is envisaged. For Ireland, the Treaty on the Non-Proliferation of Nuclear Weapons, NPT, remains the cornerstone of the global non-proliferation regime. The treaty is the most universal of all the international instruments in the field of disarmament and non-proliferation and we will continue to press for the universalisation of the NPT and for India's accession to it without conditions. In official level discussion, we have been active in raising many of the difficult questions to which the agreement gives rise.

Before the US-India agreement can be implemented, the US Congress will have to approve an amendment to US law. The Bush Administration has recently submitted such a proposal and hearings in Congress on the matter are under way. The hearings in the House of Representatives and the Senate will provide further opportunity for additional clarification which will assist our analysis. It would be preferable to await the outcome of deliberations in the US Congress before taking a final decision within the NSG. Moreover, the approaches taken by a range of key international partners will also be crucial in determining the NSG's course of action.

The US-India agreement certainly adds a further complication of discussion on the Iranian nuclear programme. At the same time, the two situations are distinct. Iran is a member of the NPT which has repeatedly failed to comply with its safeguards obligations and to take the steps required of it by the IAEA and the UN Security Council.

Mr. M. Higgins: The Minister of State is somebody for whom I have respect so what I have to say is in no sense personal. However, this is an entirely misleading presentation not the situation. On Friday, there will be a meeting in Rio of the nuclear suppliers group, otherwise known since 1977 as the Club of London. Ireland will be called upon to make up its mind. It will have an opportunity at that meeting, because decisions are taken by way of consensus, to block this agreement.

From what the Minister of State has just said, I put it to him that he is proposing to agree to allow India the same regime as the existing five nuclear powers, France, Britain, China, the United States and Russia. These five nuclear powers have a regime which allows them to nominate certain installations for examination. This is precisely what is on offer to India and it is a stab in the back for the NPT, which the Minister of State correctly describes as one of the most important treaties and which should be aimed at universalisation.

I put it to the Minister of State that what is on offer from India is not membership of the NPT. Will the Minister of State not agree that India does not accept the disciplines of the NPT? Ireland, as a member of the Club of London, where decisions are taken by consensus, is required to vote. Where decisions, which Ireland can block, are taken by consensus, the disciplines are called full scope safeguards. I put it to the Minister of State, then, that to allow the agreement to come into being is the greatest destruction of the NPT that could possibly happen. I also put it to him that it is gross hypocrisy to say that Iran has departed from the safeguard disciplines when Ireland is about to allow a country with no membership of the NPT and no requirement of any discipline whatsoever to agree something that is much lesser.

What Dr. El Baradei has agreed to is not the principle of the agreement, but the concession that has been offered to India, which will allow it to join the five nuclear powers with the same loose arrangement, little less than that. It is a scandalous contradiction of the position taken by Ireland in New York at the New Agenda, when it is widely recognised to be one of the author countries of the NPT. To allow a new country to join five others which have not observed the disciplines of Article 6, to become a new threat, next door to Pakistan, will be the single biggest betrayal of the NPT. To suggest that the NPT can

[Mr. M. Higgins.]

survive after this is quite ridiculous and scandalous. I repeat that the meeting is on Friday, 26 May, in two days' time. To suggest that it is under consideration is misleading this House. By now the Minister of State should know what he should do — I know what the Irish people would want him to do.

Mr. Treacy: Alas, I never intended, nor would I ever attempt, to mislead this House. I will give the House the facts as they are. As this matter evolves there is still a long lead-in time before we reach——

Mr. M. Higgins: Two days.

Mr. Treacy: No, that is presumption. There is still a long lead-in time in this situation.

Mr. M. Higgins: How will the Minister of State vote at the meeting? Will he refuse to deliver at the Rio meeting on Friday? That is a straight question.

Mr. Treacy: I did not interrupt the Deputy. As I made clear, this is a complex matter which we are still analysing. Many aspects of it demand serious and rigorous analysis and not all the details of what precisely is involved are clear.

Mr. M. Higgins: That is clear.

Mr. Treacy: This is the case, for example, with regard to the safeguards agreement that India has yet to negotiate with the International Atomic Energy Agency. Our final view will depend——

Mr. M. Higgins: It is outside the treaty; it is joining China.

Mr. Treacy: ——on our assessment of the potential impact of the US-India agreement on the global non-proliferation regime and on the approach taken by like-minded countries.

Deputy Michael D. Higgins is right. We are proud of our contribution to the genesis of the non-proliferation treaty which the late Deputy Frank Aiken, as Minister for Foreign Affairs, championed across the world. It was universally accepted and was a major contribution to global peace and stability at the time. Ireland has great regard for this precious instrument which is critically important to the world.

Mr. M. Higgins: How will the Minister vote? Will he vote in favour of the treaty or of giving India *carte blanche* to join China, Russia, France and Britain?

Mr. Treacy: The Nuclear Suppliers Group, NSG, normally takes decisions at the group's annual plenary meeting, the next of which will take place in Brazil next week.

Mr. M. Higgins: No, in two days' time.

Mr. Treacy: We have been told next week. This matter was discussed twice within the NSG, in October and March — I understand there is an international meeting on the issue in London today — when delegations raised several questions and concerns. It is clear that in Brazil there will be another discussion of the US proposal to exempt India from the NSG guidelines. Our current sense is that delegations are unlikely to be in a position to make a decision. It will not be possible. Some made clear in previous discussions that they wished to await the outcome of the ongoing deliberations in the US Congress before deciding within the NSG. That is also our preference. We await that debate. There is no guarantee that this will get a conclusion——

Mr. M. Higgins: Why must we await the US debate? Can the Minister of State not make up his mind? Is he in favour of the Indian exception?

Mr. Treacy: We are clear on our position. We fully support the non-proliferation treaty and will continue to do so. Our preference is to await the legislative conclusions. If they do not arise, this does not arise. We cannot pre-empt the outcome of the legislative debate.

Mr. M. Higgins: The Minister of State could handle the legislative debate by saying he is not in favour of the exception.

Mr. Treacy: There is also a possibility of seeking an extraordinary plenary meeting in the coming months. The US has indicated that it may wish to do so, but it is too early to speculate on the timing of such a meeting. We are only on a lead-in time. There will be no *de facto* conclusions as we enter debate.

Mr. Allen: Pussycat diplomacy.

Northern Ireland Issues.

57. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the discussions he has had with the British Government on violent sectarian attacks in the Six Counties, including the recent murder of Michael McIlveen; and if he will make a statement on the matter. [19805/06]

Mr. Treacy: The appalling sectarian killing of Michael McIlveen has been condemned wholeheartedly by the Taoiseach and the Minister for Foreign Affairs, as well as by the entire community in Northern Ireland. This incident was a truly shocking demonstration of the evil of sectarianism and a reminder that sectarian hatred and violence still plague communities across Northern Ireland. Our thoughts continue to be with his family and friends who have shown such courage and dignity in the face of this tragedy.

As the Taoiseach said in the immediate aftermath of Michael's death, those responsible for this brutal crime stand condemned in the eyes of all decent people who yearn for a peaceful society in Northern Ireland. They must face the full rigours of the law as quickly as possible.

This horrific incident is the latest in a worrying pattern of sectarian attacks in parts of Northern Ireland in recent years. In the context of ongoing sectarian violence last summer, the Government raised concerns about the situation with the British authorities on a regular basis. Officials from the Department of Foreign Affairs visited the areas most seriously affected throughout the summer months to meet local residents, community and political representatives. The Minister, Deputy Dermot Ahern, travelled to west Belfast and north Antrim to meet residents who had been subjected to intimidation or attacks and to discuss the ongoing situation with them. He also met another group of residents who travelled to Dublin to convey their concerns to him directly. The issue of sectarianism and sectarian violence has been and remains a priority item on the agenda of the British-Irish Intergovernmental Conference.

At their meetings with the Minister, local residents in particular sought assurances that sufficient police resources would be deployed to counter these attacks. We have raised this concern with the British authorities. We continue to monitor police resources in the areas most directly affected.

Following the tragic death of Michael McIlveen, we raised our serious concerns about the security situation in the Ballymena area with the British authorities, especially with regard to the threat of further violence. We also inquired about the measures put in place to prevent a recurrence of the violence and intimidation witnessed last summer. We have been advised that a number of additional officers and patrols are being deployed in Ballymena to combat sectarian violence. In addition, an intelligence-led police operation, initiated in 2005 to tackle sectarian crime, is ongoing. Officials from the Department of Foreign Affairs met local political representatives in Ballymena in the past week to assess the situation at first hand. We will continue to monitor the situation closely as we approach the summer.

However, this is not solely a governmental concern. Clearly, all those in positions of leadership in Northern Ireland have a major role to play in eradicating sectarianism. It is vitally important that all incidents of sectarian violence be condemned consistently, unequivocally and unambiguously by every political party in Northern Ireland. Leaders must condemn sectarian attitudes and actions that can poison minds and create an atmosphere where violence becomes possible. Above all, leaders should work to reduce tensions and promote reconciliation.

Aengus Ó Snodaigh: Will the Minister, the Taoiseach and Government officials remind the DUP in particular of its responsibility to tackle the sectarianism rampant in the communities it represents and within the party? An illustration of that sectarianism is the disgraceful comment by Ballymena Council leader, DUP councillor Roy Gillespie, before Michael McIlveen's funeral. He said:

The Pope is the Antichrist and the head of the Catholic church, which is not a true church or faith. As a Catholic, Michael McIlveen won't get into heaven unless he is saved. Catholics are not acceptable in heaven.

Does the Minister of State agree that the killing of Michael McIlveen in Ballymena did not happen in isolation? Last summer I circulated a dossier to Deputies with facts on more than 100 sectarian attacks by Unionist paramilitaries on Catholic Nationalists during last summer. The Minister of State alluded to the actions taken by the Government in that regard.

In the wake of this killing, will the Government explore with the British Government ways of increasing the resources available for projects which bring young people together in a spirit of anti-sectarianism, such as those who came together at the funeral of Michael McIlveen? Does the Minister of State share the view that this type of killing is at the end of the scale that begins with the refusal of political Unionism to engage with Nationalists and republicans on the basis of respect and equality, as promised under the Good Friday Agreement?

Mr. Treacy: I condemn statements such as that to which the Deputy referred. It is important not to give any credibility or recognition to such outrageous and outlandish statements. It is important not to make provocative statements or organise provocative events or parades that incite tension and lead to violence. On behalf of the people, we constantly appeal to all sides to accept the rights of the other, to have mutual respect for each other, to work to bring peace to their communities, to use the political process within the various fora to which people are elected to give leadership, and to co-operate and collaborate in the best interest of a consensual conclusion that will contribute to positive advantage for each individual and for all of the people in Northern Ireland. That is our consistent position.

We have raised these issues with the Northern Ireland Office and the British Government. We continue to meet the people, represent their views and articulate their problems. We work assiduously at this. We want every political party in Northern Ireland to work with us to ensure we bring an end to the sectarian attitude, tension and violence that must always be condemned by all quarters.

Aengus Ó Snodaigh: Will the Department ask the DUP directly through its officials when negotiations are held to address the sectarianism within the party and the communities it represents?

Mr. Treacy: At every opportunity and at the various levels of the meetings and strands we attend the Taoiseach, the Minister for Foreign Affairs, the Minister for Justice, Equality and Law Reform and I raise these issues. The high levels of criminality and violence on the loyalist side continue to cause genuine concern. In its most recent report, the Independent Monitoring Commission noted that loyalists were responsible for 95% of shootings and 76% of assaults in the period under review, with the remainder being carried out by dissident republicans. Most cases of exiling were also carried out by loyalist paramilitaries. Tackling loyalist violence and criminality are, first and foremost, the responsibility of the criminal justice agencies in Northern Ireland, primarily the PSNI and the Assets Recovery Agency.

The two Governments have been absolutely clear on the need for loyalist paramilitary groups to move away definitely from violence and criminality and to engage with the Independent International Commission on Decommissioning with a view to putting arms beyond use. At the previous meeting of the British-Irish Intergovernmental Conference on 2 May last, the Governments again called on all those with influence in this regard to use it to that end. The Governments will continue their work in this respect.

We all have a serious responsibility in this area. We can conquer this problem together if there is mutual respect, dialogue, communication and collaboration within the structures at local community level or within the political system. We need to work assiduously within the structures which exist to create a permanent structure in Northern Ireland that will allow the affairs of the people who live there to be decided by their own representatives. We must all work to ensure that we meet this serious challenge.

Decentralisation Programme.

58. **Mr. Allen** asked the Minister for Foreign Affairs the number of principal development specialists, senior development specialists and development specialists working with Irish Aid who have volunteered to decentralise; and if he will make a statement on the matter. [19809/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Three categories of specialists — principal development specialists, senior development specialists and development specialists — are employed by Irish Aid. None of the three principal development specialists who serve in Irish Aid's headquarters in Dublin has

applied to decentralise to Limerick. None of the 12 senior development specialists who work in Irish Aid's headquarters has applied to decentralise to Limerick. Two senior development specialists originally applied to decentralise to Limerick, but subsequently withdrew their applications. Five of the nine development specialists who work in Irish Aid's headquarters are scheduled to decentralise to Limerick. Four of the five development specialists in question commenced employment since the announcement of the decentralisation programme in December 2003. One of them applied via the central applications facility. Discussions are ongoing with representatives of the specialists, their union IMPACT and the Department of Finance about the issues involved in decentralisation, which have a wider Civil Service dimension. I hope that a greater number of specialists will, in time, volunteer to decentralise to Limerick.

Mr. Allen: Can the Minister of State tell me how many of the 123 staff of Development Co-operation Ireland have indicated their willingness to decentralise? I ask him to state the number clearly without trying to mask the problems which exist. According to the Minister of State's figures, 28 of the 123 staff had applied to participate in the decentralisation programme by December 2005. That figure had decreased to 24 by January 2006. The Minister of State has now told us that none of the senior development specialists are prepared to go ahead with decentralisation. Some of those who had indicated a willingness to decentralise have now withdrawn their applications.

Does the Minister of State agree that, based on his own figures, he is presiding over a disastrous move for Irish Aid? Does he agree that rather than advancing the process, it is being reversed? It is shambolic and it is putting the effective delivery of the Irish aid programme at grave risk. Will the Minister of State admit that the decision to proceed with decentralisation without consulting staff or taking the intellectual memory of Irish Aid or the implications for the overseas programme into consideration was an appalling one? Will the Minister of State give the House some clearcut figures? How many of the 123 staff of Development Co-operation Ireland, or Irish Aid as it is now known, have indicated their willingness to move?

Mr. C. Lenihan: I do not intend to lose my patience at this point, obviously, as I have to answer the questions I am asked in this House. I have answered the Deputy's question on no less than four occasions, most recently at a Dáil committee when I gave precise figures to him. His repeated questioning belies the attempts which have been made by this House to provide researchers——

Mr. Allen: The Minister of State should not give us that rubbish.

Mr. C. Lenihan: —for Dáil Deputies, including Front Bench spokespersons. It seems Deputy Allen cannot simply collate the figures I gave him last week.

Mr. Allen: The Minister of State should give us the figures.

Mr. C. Lenihan: Perhaps he has some difficulty—

Mr. Allen: He is trying to brazen out this disaster.

Mr. C. Lenihan: —or terrible problem of memory.

Mr. Allen: I have no problem at all.

Mr. C. Lenihan: It is clear that he cannot remember the figures I gave him last week.

Mr. Allen: I want the figures to be put on the record of this House.

Mr. C. Lenihan: The Deputy referred to the protection of corporate memory, but I suggest that he should try to find a way of protecting his own memory. I gave him these figures last week at a committee meeting.

Mr. Allen: Will the Leas-Cheann Comhairle ask the Minister of State not to personalise his response?

Mr. C. Lenihan: It is clear the Deputy does not do his research or take any note of the responses he gets.

Mr. Allen: The Minister of State should give us the figures we are looking for. He should stop blackguarding this House with a load of rubbish.

Mr. C. Lenihan: He has made some totally groundless assertions in this House about the nature of the decentralisation programme.

Mr. Allen: How many of the 123 staff of Irish Aid—

Mr. C. Lenihan: I will give the Deputy the figures yet again, not so much for his benefit—

Mr. Allen: How many?

Mr. C. Lenihan: —as I have already given him this information, but for the benefit of other Deputies who may not have asked the question or been given an answer.

Mr. Allen: How many?

Mr. C. Lenihan: Deputy Allen was given these figures last week.

Mr. Allen: The Minister of State should give us the figures for the record of the House.

Mr. C. Lenihan: It is a most vexatious strategy on the Deputy's part and on the part of Fine Gael. The Deputy was given these figures last week but he has forgotten them again. It does not give me great hope for the kind of Government that Fine Gael is trying to form with the Labour Party that Deputies are forgetting the figures they were given a week ago.

Mr. Allen: The Minister of State should not give us that rubbish.

Mr. C. Lenihan: I will give the figures again. Deputy Allen referred to Development Co-operation Ireland—

Mr. Allen: I referred to Irish Aid.

Mr. C. Lenihan: —but I remind him that it no longer exists. It is called Irish Aid, but the Deputy referred to Development Co-operation Ireland.

Mr. Allen: I referred to Irish Aid.

Mr. C. Lenihan: Perhaps his memory is failing him in that respect as well.

Mr. Allen: The Minister of State should not be acting the—

Mr. C. Lenihan: I have given the figures today and I will give them again now because the Deputy did not hear me last week or on the two previous occasions. Some 35 people within the development co-operation division, or Irish Aid as it is now called, have opted to go to Limerick.

Mr. Allen: That is less than 25%.

Mr. C. Lenihan: Some 35 people are willing to move.

Mr. Allen: That is approximately 25%.

Mr. C. Lenihan: A further 16 people have opted to apply for positions in Limerick.

Mr. Allen: On a point of order, this question was not originally deemed to be a Priority Question.

An Leas-Cheann Comhairle: That is not a point of order.

Mr. Allen: It was deemed to be a Priority Question when the Minister for Foreign Affairs refused to answer a question on human trafficking.

An Leas-Cheann Comhairle: That is not a point of order.

Mr. Allen: That is why this question was substituted at a late moment. The Minister and the Minister of State, Deputy Conor Lenihan, refused to answer questions about human trafficking.

Mr. C. Lenihan: The Deputy is hardly blaming me for Fine Gael's lack of imagination——

Mr. Allen: That is why this question is in there.

Mr. C. Lenihan: ——in coming up with new questions.

Mr. Allen: The Minister of State should not give us that old rubbish.

Mr. C. Lenihan: It is not rubbish.

Mr. Allen: The Minister of State is trying to brazen out——

Mr. C. Lenihan: It is a very truthful assertion.

Mr. Allen: ——a disastrous programme of decentralisation——

Mr. C. Lenihan: The Deputy is so bankrupt as an Opposition spokesman that he cannot come up with a new question.

Mr. Allen: ——involving Development Co-operation Ireland.

Mr. C. Lenihan: He is wasting taxpayers' money.

Mr. Allen: The Minister of State is behaving disgracefully.

Mr. C. Lenihan: These are very expensive questions to put down on the Order Paper.

Mr. Allen: I will put down questions when I want to.

Mr. C. Lenihan: It takes many civil servants to answer them. The Deputy asked the same question last week that he is asking this week.

Mr. Allen: I want to get answers.

Mr. C. Lenihan: He is wasting taxpayers' money, which is something he is always accusing the Government of doing. He is a perfect example of it.

Mr. Allen: The Government is wasting money.

Mr. C. Lenihan: He asked the same questions last week and got the same answers.

Mr. Allen: What about the purchase of a property for decentralisation?

Mr. C. Lenihan: The same answers were honestly offered by me to the Deputy at a meeting of a Dáil committee. He just wants to waste taxpayers' money by repeating the question all the time.

Mr. Allen: Just 35 of the 123 workers want to move.

Mr. C. Lenihan: I will repeat the answer in case the Deputy's memory is deficient.

Mr. Allen: Thirty-five.

Mr. C. Lenihan: Expressions of interest in decentralisation have been submitted by 35 workers in Irish Aid and 16 workers in the wider Department of Foreign Affairs, of which Irish Aid is a fully integrated part.

Mr. Allen: All the senior staff have reversed their decisions.

Mr. C. Lenihan: The performance of Irish Aid in the decentralisation process, far from being a failure, is far better than any other Department of State. We have fulfilled 41%——

Mr. Allen: Can I ask a supplementary question?

Mr. C. Lenihan: I will repeat the figure for the Deputy because he is either hard of hearing or hard of memory. Some 41% of the staff requirement needed in Limerick has now been fulfilled.

Mr. Allen: Just 35 workers want to move.

Mr. C. Lenihan: By any yardstick, Irish Aid is performing far better than other Departments which are choosing to decentralise to other locations. I have given the Deputy an answer. I hope he will not ask the same question again on the next occasion.

Mr. Allen: Can the Minister of State, whose behaviour has been disgraceful, tell the House——

Mr. C. Lenihan: It is Deputy Allen who is wasting taxpayer's money.

Mr. Allen: I would like to be allowed to ask my supplementary question. Is the Minister of State telling me that the programme of decentralisation has been successful in respect of the development co-operation section, given that its three most senior staff members are not moving? None of the 12 senior development specialists is moving to Limerick. I understand from the Minister of State's figures that none of the development specialists is moving. Is that correct?

Mr. M. Higgins: There will be plenty of opportunities for promotion there.

Mr. Allen: How much money has been spent on the decentralisation of the development co-operation unit to date? What property has been purchased or rented? Can the Minister of State provide such details, which he could not offer the last day, because the House deserves to be given them?

Mr. C. Lenihan: The Deputy is speaking with a forked tongue again. I gave him an answer in this regard in the committee last week.

Mr. Allen: The Minister of State gave a very general answer with no detail. Answer the bloody question.

Mr. C. Lenihan: The Deputy is again showing either a deficiency in his own research capabilities or in his memory.

Mr. Allen: I have my own research capabilities.

Mr. C. Lenihan: It is one or the other.

Mr. Allen: The figures are here to demonstrate the abject failure on the Government's part.

Mr. C. Lenihan: The Deputy can tell the House and the taxpayers why——

Mr. Allen: There has been a total failure.

Mr. C. Lenihan: ——he is wasting taxpayers' time, money and effort in this House.

Mr. Allen: I have explained why this question was submitted.

Mr. C. Lenihan: He is asking questions which have already been answered.

Mr. Allen: I make no apologies for it.

Mr. C. Lenihan: The Deputy knows the answer.

Mr. Allen: The Minister refused to answer questions on human trafficking.

Mr. C. Lenihan: The Deputy knows the answer already because he was given it last week. Perhaps he left the committee but to my memory, which is not perfect, the Deputy was present throughout the meeting and heard the answers I gave on this matter. I will say again, for the benefit of the Deputy, who is well aware of the answer I gave to Question No. 11 a minute ago, there are 12 senior development specialists in Irish Aid headquarters. None of them has applied to decentralise to Limerick. There are three principal development specialists who serve in Irish Aid headquarters, none of whom has applied to decentralise to Limerick. In total, there are 44 development specialists within the Department, both at home and abroad——

Mr. Allen: I asked the question in respect of people within the Irish Aid organisation.

Mr. C. Lenihan: A total of 24 were in headquarters. Such people continue to work for Irish Aid when working in Africa.

An Leas-Cheann Comhairle: That concludes Priority Questions. The House will now move onto the other questions.

Mr. C. Lenihan: They do not cease to be members of Irish Aid when they travel to Africa.

Mr. Allen: This constitutes a complete failure. The Minister of State is a complete failure.

Mr. C. Lenihan: That is how the Department delivers aid.

Mr. Allen: The Minister of State is simply trying to waffle.

An Leas-Cheann Comhairle: Priority Questions have concluded.

Mr. C. Lenihan: Perhaps the Deputy will visit them some day.

Mr. Allen: The Minister of State is a disgrace.

An Leas-Cheann Comhairle: Priority Questions have concluded and I am calling for the response to Question No. 60.

Mr. C. Lenihan: The Deputy is a complete waste of money.

Mr. Allen: The Minister of State's programme is a disgrace and a total failure. He is abusing a privilege of this House.

Question No. 59 answered with Question No. 55.

Other Questions.

Northern Ireland Issues.

60. **Ms McManus** asked the Minister for Foreign Affairs if, further to his interview in a newspaper (details supplied) on 9 May 2006, the Government position on Sinn Féin supporting the PSNI and joining the Northern Ireland Policing Board, has changed; and if he will make a statement on the matter. [19721/06]

70. **Mr. Rabbitte** asked the Minister for Foreign Affairs if, further to his interview in a newspaper (details supplied) on 9 May 2006, he will clarify his position on Sinn Féin joining the Northern Ireland Policing Board; if the Government is demanding that Sinn Féin express its support

[Mr. Rabbitte.]

publicly for the PSNI before the Executive is formed; and if he will make a statement on the matter. [19720/06]

147. **Mr. Rabbitte** asked the Minister for Foreign Affairs the position with regard to Sinn Féin joining the Northern Ireland Policing Board; if the formation of a new Executive in Northern Ireland will be accompanied by Sinn Féin signalling support for the PSNI; and if he will make a statement on the matter. [19719/06]

150. **Ms McManus** asked the Minister for Foreign Affairs further to his interview in a newspaper (details supplied) on 9 May 2006, the elements of the Patten report that have to be implemented; and if he will make a statement on the matter. [19722/06]

Mr. Treacy: I propose to take Questions Nos. 60, 70, 147 and 150 together.

The Government has been clear and consistent on the issue of policing in Northern Ireland. Through the progressive implementation of the Patten report, the PSNI has undergone a wide-ranging transformation in recent years, and is now one of the most accountable policing services worldwide. It merits the active support of all sections of the community in Northern Ireland.

Therefore, we have called on all political parties to support these new policing arrangements. As the Minister for Foreign Affairs stated in the Dáil on 4 April last, there are no substantive reasons in terms of policing reform for any further delay by Sinn Féin in endorsing the new policing arrangements. Such endorsement should include participation in the policing board and district policing partnerships. Sinn Féin should also encourage Nationalist communities to cooperate with the police in the prevention and detection of crime, thereby helping to implement the core Patten recommendations on policing within the community.

Regarding the degree of implementation of the Patten report, we fully agree with the assessment of the independent policing Oversight Commissioner that the policing reform process in Northern Ireland has been remarkable and unprecedented. I also acknowledge the unstinting efforts of the SDLP on the policing board on which, working together with such committed independent members as Denis Bradley and others, it has been instrumental in driving the Patten project forward over the past five years.

Given the complexity and ambition of the project, a number of outstanding issues remain which require attention and about which both Nationalist parties in Northern Ireland are concerned. For example, these include the low level of Nationalist representation among the civilian staff in the PSNI and the recent decision to give primacy to MI5 for intelligence matters. Both the SDLP and

Sinn Féin seek reassurances that their concerns regarding these issues will be addressed. The Oversight Commissioner will report on the outstanding recommendations in his forthcoming report which is due out in the coming weeks.

However, I emphasise that these few outstanding issues should not preclude Sinn Féin from endorsing policing. The absence of that party from the policing board and district policing partnerships is now the most significant omission in terms of implementing the Patten recommendations. In the context of the ongoing political process, support for policing remains a critical element in implementing a new political dispensation for Northern Ireland.

In the joint statement made in Armagh on 6 April last, both Governments recognised the importance of policing and the need for progress on that front. Clearly, the more progress made on policing the better the climate of trust and confidence that will be engendered. Both Governments want to see such progress and the Government wants Sinn Féin to take the necessary steps without delay. Equally, however, both Governments are clear that it is not helpful at this stage to set preconditions or to erect new barriers to political progress.

The Government wants the policing issue to be resolved in the context of a restored Executive later in the year and will continue to work to resolve this and other outstanding issues in the period ahead.

Mr. M. Higgins: While I am grateful to the Minister of State, perhaps the clarification in the long reply was insufficient. After the meeting at Farmleigh, the joint statement issued by the two Governments suggested that Sinn Féin needed to confront the issue of policing once and for all. It noted that by the summer, the Governments wanted Sinn Féin to give full recognition to the PSNI for the first time and to join the policing boards. This would clear the way for the devolution of policing powers to a restored Northern Executive.

However, in an interview conducted by the Minister for Foreign Affairs, Deputy Dermot Ahern, with *The Irish Times* — this is a separate issue on which I have my own view — he suggested that Sinn Féin's participation in the policing board was not a precondition for the devolved functions and powers which will be assessed in November. Which is it? That is a straightforward question.

Is the Minister of State aware that he has described a kind of conundrum which cannot be resolved? Is the Government in favour of Sinn Féin joining the policing board so that afterwards powers would be devolved in respect of policing, its control and whatever would be satisfactory? Or can one have the institutions working first, with Sinn Féin's relationship with the policing board to follow, even though the Minister of

State has paid tribute to the decision of the SDLP to participate? The Minister of State cannot have it both ways.

Does the Minister of State agree that the Minister for Foreign Affairs has handed an instrument to the DUP? That is to say, the Patten reforms have not been completely implemented and the Minister of State has clarified that point to an extent. However, one can hardly state that non-completion of the Patten reforms through the non-participation of Sinn Féin is a valid reason if one has resiled from the commitment of both Governments after the Farmleigh meeting to suggest that Sinn Féin should participate as quickly as possible.

Mr. Treacy: The position is clear. The Government has been absolutely even-handed in its dealings in this regard and in all activities in Northern Ireland. It wants inclusiveness, engagement and participation. It wants all those with political mandates to discharge them and to fulfil their obligations to those who elected them by participating in the various structures at every level, including the policing board. This is extremely important.

Mr. M. Higgins: Does the Minister of State wish to see much of this take place before November?

Mr. Treacy: The Government fully agrees with the assessment of the policing Oversight Commissioner that the policing reform in Northern Ireland has been remarkable. One would be hard pressed to find an equivalent process of root and branch reform of policing in any other democratic country in the world. In such a major undertaking, it is not surprising that a number of recommendations have yet to be fully implemented. In his last major report, the Oversight Commissioner indicated that 114 out of the 175 recommendations have been fully implemented.

Mr. M. Higgins: Yes.

Mr. Treacy: The remaining 61 recommendations are in varying degrees of implementation. As I noted earlier, the Oversight Commissioner will report on the outstanding issues in his next report, which is due shortly.

The outstanding issues include representativeness, including the PSNI civilian support staff, training and policing college, community policing, the question of the primacy of national security and the police reserve. It will be important to bring this process to fruition.

On behalf of the Government and this House, I again emphasise that the few outstanding issues should not preclude Sinn Féin from endorsing policing, nor should it prevent any part of the community from co-operating with the police. It is critically important that leadership is given and

every opportunity is taken, including Sinn Féin's involvement with policing, to make the necessary progress and for the Executive to make its deadline by November. It is critically important and vital for the wellbeing of the people of Northern Ireland, for the representation of the nationalist community, for balance within the policing operation and for absolute totality of operation and representativeness for all, that Sinn Féin become involved. The Government wants this to take place as soon as possible.

Mr. M. Higgins: On the 61 outstanding items on the Patten list, is it the Government's position that it asks Sinn Féin to make a gesture of trust and to become involved before the 61 items are completely resolved? Paradoxically, one of the items is the participation of Sinn Féin itself. Is that the position?

Second, does the Minister of State view such an act of trust as being essential before November? Does he accept there is a great danger that if such an action has not taken place, it would be used by those on the other side who may not be in any way committed to sufficient reforms? I refer to reforms, such as those outlined in the Patten report, that would provide the kind of police force that would enjoy the universal respect of people in Northern Ireland.

Mr. Treacy: The Taoiseach, the Minister for Foreign Affairs and my other colleagues have made it clear, on behalf of the Government, that it wants the policing issue to be resolved in the context of a restored Executive later in the year. The Government will do everything in its power to advance this issue to the greatest possible extent, bearing in mind the complexities and sensitivities surrounding the policing issue. While there can be no guarantees on the outcome, the Government will continue to press for a resolution of this extremely important issue. Trust is critical and respect is vital. Participation in and engagement with the policing authority would build trust and would help achieve an active, representative and engaged Executive that would fulfil the political mandate from the people. This would be a major boost for Northern Ireland. There is a great challenge here. There is a huge responsibility. However, this is a moment where people must take the steps that are critical and we want everybody to move together in all aspects, including Sinn Féin.

Mr. M. Higgins: How did it help matters for the Minister for Foreign Affairs to suggest that none of this was really that important before November?

Mr. Treacy: I believe the Minister for Foreign Affairs has been taken out of context in this matter. He has been very consistent on behalf of the Government. He has been critically involved in the mainstream negotiations at the highest

[Mr. Treacy.]

level of detail with all the different actors, personalities, parties and groups. At all times the Minister for Foreign Affairs on behalf of the Government wants to ensure that everybody works together, which is critical for Northern Ireland. As individuals, political parties, governments and community leaders both in Northern Ireland and here in the South it is vital that we all recognise this. We again make a special appeal to all those who have this in their hands, who have leadership responsibility and a political mandate to ensure they discharge that mandate, fulfil their obligation and participate so that we can achieve the progress that is critical to all the people in Northern Ireland and vital for the future of the island.

Mr. M. Higgins: That is a most worthy sentiment. The Minister for Foreign Affairs also made some other comments to the effect that the Minister for Justice, Equality and Law Reform, Deputy McDowell, was on a kind of electoral stunt regarding the anti-criminality campaign. I believe the phrase used was “electoralism”. He more or less said that certain things get said in the run-in to an election, which was how the Minister for Foreign Affairs, Deputy Dermot Ahern, referred to the much publicised campaign of the Minister for Justice, Equality and Law Reform, Deputy McDowell, against Sinn Féin criminality, in his interview with Frank Millar. Is the Minister for Defence, Deputy O’Dea, also involved in electoralism when he speaks?

Perhaps the Minister for Foreign Affairs has a more informed view as well as being committed to the high principles the Minister of State has just outlined. The Minister of State spoke about unity and everybody working together. Is the division between the Minister for Foreign Affairs and the Ministers for Justice, Equality and Law Reform, and Defence just one of those trivial differences that might be expected in the Cabinet or is it more substantive? Which of the Ministers are we to believe? Is the criticism of references to Sinn Féin criminality electoralism or is it the view of Government?

Mr. Treacy: There is no division within Government. There is a commonality of commitment in ensuring that all the Ministers discharge their obligations taking into account the different portfolios they have, the serious responsibilities they must discharge and the different responsibilities that are peculiar to those Ministries. Ultimately, there is a unity of purpose to ensure that not alone do we discharge our obligations here in the Republic, but that we also support on a North-South and east-west basis, the people of Northern Ireland to make progress and work together to get the structures to which they are democratically entitled so that we can have an

executive in Northern Ireland delivering to the people of Northern Ireland.

Caoimhghín Ó Caoláin: Thankfully it will be the membership of Sinn Féin that will determine our response to policing as it presents at any given time in the North of Ireland and any plans and proposals regarding same.

Does the Minister of State agree that the most pressing issue at this time is to get the political institutions operating and that setting arbitrary preconditions is totally unhelpful? The Minister of State will be aware that during this week, the Sinn Féin president, Mr. Gerry Adams, proposed Mr. Ian Paisley for the position of First Minister and Mr. Martin McGuinness as Deputy First Minister. He set out our party’s absolute intention to get the political institutions operating again as soon as possible. Would the Minister of State agree that the best way for that to work is for all parties, including those in this House, to play a constructive role? Can the Minister of State outline to the Dáil the steps the Government proposes to take to make progress towards the re-establishment of the Executive in the immediate period ahead? Is it a case — I hope not — of watching matters as they unfold? What steps, if any, are being considered or pursued by Government to achieve that end?

It is not only the 61-odd matters that have yet to be addressed within the Patten proposals. We have yet to see sight of the facilitation legislation from the British Government, which will be critical in informing Sinn Féin’s response. The issue of policing has a personal resonance in my case. Allegations were made last night on a BBC television programme by a retired RUC CID member Trevor McIlwrath concerning the involvement of at least two British agents in an attempted bomb attack on the Sinn Féin office in Monaghan town, which happens to be my constituency office, in March 1997, shortly before my election to this House. There was advance knowledge on the part of both the RUC special branch and CID about that operation.

As a Member of this House, whose life and the lives of whose colleagues in his constituency office were clearly at risk by that operation with the full knowledge of the RUC and the CID in the North and was carried out by agents of same, I ask what steps have been taken by the Minister for Foreign Affairs to raise this matter with his counterpart in the North of Ireland? I take no pleasure in asking this question, but I must do so. With such certainty of foreknowledge now established on the part of the RUC and CID, is there any question that there was foreknowledge in the Garda of the intended attack on the Sinn Féin office in Dublin Street in Monaghan town? Has that been inquired into? Has it been established? Can we have an assurance, if not before the House this afternoon, at the earliest opportunity that there was no such knowledge?

Mr. Treacy: I totally condemn the attack on that office, as any right-minded person or any leader of any type be it at community level or political level would. It is disastrous that these things happen. I am not aware of the programme and did not see it. I have no knowledge of that to which the Deputy has referred. I will now do some research as a result of what he has said. I fully respect his point and in all my answers on this issue I have not said otherwise. The right of the membership of Sinn Féin to take its decision on this issue is a matter for that political party.

The Government has pressed and will continue to press for clear tangible progress in this area in Northern Ireland in the period ahead. For its part, Sinn Féin recognises that the issue of policing must be resolved. It realises that it must take the necessary steps and face up to the policing issue, which we respect. There have been positive developments on that score, for example the recent remarks on the need to resolve this issue by Mr. Gerry Adams, to which the Deputy has already alluded, as well as unprecedented comments by the Sinn Féin leadership on criminality. There are also reports of some thawing of attitudes towards the PSNI in strong Nationalist areas of Northern Ireland. While these are helpful developments they represent only a start and there are many more steps to take.

The Deputy asked what we will do. We will continue to press for greater movement in the coming months at every level — at prime minister level between the Taoiseach and the British Prime Minister; at foreign affairs level between the Minister for Foreign Affairs and the Secretary of State for Northern Ireland and his colleagues in the UK, at justice minister level and at strand one level, in which I have been involved. We will use every possible opportunity to ensure progress is made. It is critically important that the political parties, including Sinn Féin, move forward, have confidence, respect their mandate, deliver on their obligations and participate to sustain the structures that will create the Executive, which will operate with a democratic mandate and deliver services to the people of Northern Ireland who deserve it. That can be achieved between now and November if we all move forward together.

Mr. M. Higgins: Does the Minister of State agree it would be entirely helpful for him to ask his colleague, the Minister for Justice, Equality and Law Reform, to clarify the issues raised by Deputy Ó Caoláin rather than leave them out there? If they are not clarified, they will become another obstacle to the decision that will be taken by the members of Sinn Féin, which should be avoided.

Overseas Development Aid.

61. **Mr. P. McGrath** asked the Minister for Foreign Affairs the situation in Zimbabwe; the

number of Irish nationals resident in that country; and if he will make a statement on the matter.
[19556/06]

Mr. C. Lenihan: The political, economic and humanitarian situation in Zimbabwe continues to deteriorate and remains an issue of great concern for Ireland and its EU partners. Inflation in Zimbabwe has exceeded 1,000%, while unemployment is estimated to be 80%. Serious food shortages continue in the country, with the World Food Programme estimating that 4.4 million Zimbabweans, representing one third of the population, will require emergency food assistance this year. The dire political and economic conditions have led to large-scale emigration, with at least 2 million Zimbabweans living illegally in South Africa.

There is no indication that the Zimbabwean Government is willing to alter the policies which have brought about this situation or introduce those democratic and economic reforms long called for by the international community. On the contrary, we have seen increased repression, with large-scale arrests of peaceful demonstrators. In light of the current circumstances, the EU had no option but to renew its restrictive measures against Zimbabwe for a further 12 months last February. These are very much targeted at the Mugabe regime and not the people of Zimbabwe. It is clear that international pressure needs to be maintained on the Mugabe Government to alter its current policies. Ireland and its EU partners are determined to continue working with others in the international community, including our partners in Africa who can exert particular influence, to help promote democratic change in Zimbabwe. I particularly welcome the increased engagement by the UN Security Council and the efforts of Secretary General Annan and his humanitarian co-ordinator, Jan Egeland, to highlight the serious humanitarian situation in Zimbabwe.

The position of the approximately 3,000 Irish citizens resident in Zimbabwe is an issue of particular concern for the Government. The Irish Ambassador to South Africa, who is accredited to Zimbabwe, and the staff of the embassy in Pretoria pay regular visits to Zimbabwe to liaise with members of the Irish community and report on the situation in the country. My colleague, the Minister for Foreign Affairs, has also approved the appointment of an honorary consul in an effort to improve the provision of consular services to Irish citizens in Zimbabwe. The agreement of the Zimbabwean authorities to this appointment is still awaited.

The Government continues to make available humanitarian assistance to the people of Zimbabwe. Since 2004 Ireland has committed more than €12 million in aid to Zimbabwe, including €2.7 million this year to address emergency needs. The largest proportion of this fund-

[Mr. C. Lenihan.]

ing is for immediate humanitarian needs, particularly the provision of food assistance.

Mr. Allen: I welcome the continuation of the EU sanctions against Zimbabwe, particularly the travel ban, the arms embargo and the seizure of assets. How much success has the EU had in seizing the assets of Mugabe and his cohorts? Despite the embargo, the situation is worsening in the country with repeated human rights abuses and a continuing food crisis. The Minister of State is known to fall asleep on the job but will he wake up to the fact that the sanctions are not effective? What steps do he and the EU propose to take to ensure Mugabe and his Government comply with normal standards of human behaviour and renew their citizens' rights? How sure is the Minister of State that the humanitarian aid provided to NGOs in Zimbabwe is reaching its intended target?

Mr. C. Lenihan: The Deputy has asked a number of difficult questions and I cannot answer the question about the effectiveness of the EU sanctions. However, they were reviewed last February and they are continually reviewed. The sanctions involve a travel ban and the seizure of assets of key figures associated with the Mugabe regime but I will forward the Deputy a detailed note about the monitoring and evaluation undertaken by the EU regarding the sanctions.

He raised the larger issue of how effective sanctions are generally. If sanctions regimes are properly operated, they can be successful, depending on the circumstances. The humanitarian aid provided by Ireland and the EU is effective but the situation in Zimbabwe is difficult. Millions of people are facing hunger because of this disastrous and badly led regime and the solution is to maintain pressure. The greatest disappointment among European donor governments is the tardiness of African leaders to condemn Mr. Mugabe. However, the *Financial Times* reports today that President Mbeki of South Africa has thrown his weight behind the UN Secretary General's proposal to visit Harare to meet Mr. Mugabe and his cohorts. I hope this initiative will succeed because Zimbabweans are facing the appalling vista of further misery, poverty and hunger, which will not let up. There is nothing to be up-beat about and the only scrap of hope is that President Mbeki and other African leaders will bring pressure to bear on the Mugabe regime and that Kofi Annan will prove effective in persuading Mr. Mugabe to alter his course.

There has been speculation, according to the *Financial Times* report, that a putative deal may be arranged as part of Kofi Annan's visit whereby Mr. Mugabe will give a clear timetable for his own retirement and, in exchange, he may not be the subject of a prosecution for the various misdeeds he has perpetrated in the recent past.

Hopefully, that will succeed. I share the Deputy's concern and I will get back to him regarding a detailed evaluation of the sanctions by the EU, if it exists. It is timely to discuss the evaluation of humanitarian assistance because the EU is evaluating its emergency intervention in the Asian tsunami. Each crisis is different and it is difficult to evaluate how effective is humanitarian aid, but we reckon it is fairly effective.

Ireland has provided €12 million in aid to Zimbabwe since 2004 and we have not done so blindly or blithely. The money has been donated to NGOs on the ground, which have formed strong local partnerships. Generally, the money is disbursed through the UN family of aid agencies, including the World Food Programme and UNICEF. The remaining money is expended by Irish NGOs in Zimbabwe. The International Red Cross is always reliable when emergencies and disasters occur and we support that organisation because it has a strong track record.

Human Rights Issues.

62. **Mr. O'Shea** asked the Minister for Foreign Affairs the contributions Ireland has made at United Nations level to progress the cause of democracy in Nepal; and the position in that country. [19734/06]

78. **Mr. Timmins** asked the Minister for Foreign Affairs about the situation in Nepal; if Ireland gives grant aid to organisations or groups there; and if he will make a statement on the matter. [19448/06]

165. **Ms O. Mitchell** asked the Minister for Foreign Affairs the ongoing diplomatic contacts he or his Department have had with Nepal; the security situation in that country; and if he will make a statement on the matter. [19539/06]

Mr. Treacy: I propose to take Questions Nos. 62, 78 and 165 together.

The Government is pleased at the recent positive turn of events in Nepal, with the restoration of parliament and of an accountable government, as well as a truce. The restored parliament has voted for Nepal to become a secular, as opposed to Hindu, state and it has also voted to curtail the powers of the king, including control over the army and the hereditary principle. While we have not had any recent direct bilateral contacts with Nepal, Ireland has been active within the EU framework and has contributed to discussions in relevant working groups. On 16 February, the Minister of State, Deputy Conor Lenihan, met in Dublin with Dr. Arjun Karki, president of the NGO Federation of Nepal and co-ordinator of the South Asian Alliance for Poverty Eradication, who provided a first-hand account of the situation on the ground in Nepal. Dr. Karki was assured that Ireland was closely following developments in Nepal.

The situation in Nepal was also discussed by Ministers at the EU General Affairs and External Relations Council meetings on 30-31 January and on 15-16 May. Following the discussion by Ministers on 15-16 May, officials have been asked to examine and make recommendations to the GAERC on possible EU action. The EU has already decided to lift with immediate effect the freeze on ministerial visits which had been in place since March 2005.

On 3 May, the EU issued a statement welcoming the first meeting in four years of the House of Representatives in Nepal and the decisions taken at that meeting. It added that this was an important step towards full democracy and sustainable peace in the interest of the people of Nepal. The EU congratulated Girija Prasad Koirala on his appointment as Prime Minister. The statement welcomed steps taken towards the rapid formation of an effective government. The EU encouraged members of the seven-party alliance to continue to work together in implementing its roadmap as it has done to date. It stressed the importance that any processes leading to constituent assembly elections and subsequent reforms are inclusive and participatory and respect the sovereignty vested in the Nepalese people. The EU also welcomed the decision of the Maoist Communist Party of Nepal to call a unilateral ceasefire for three months with immediate effect. It called on it to renounce violence completely and to commit to decommissioning its weapons. Without such a commitment, free and fair elections to a constituent assembly would be impossible. The statement encouraged the new government to take reciprocal measures in response to the ceasefire. It stated that the EU continued to believe that a ceasefire would benefit from international facilitation and monitoring and that the EU was willing to assist any process leading to a durable negotiated solution.

While the situation in Nepal has not been discussed recently at the United Nations Security Council, the UN has been playing an important role on the ground in Kathmandu, including through the field office of the High Commissioner for Human Rights. Ireland contributed €200,000 towards the establishment of the office in 2005. Ireland has proposed that the EU look at providing further support for the valuable work of this office.

Ireland assists a small number of non-governmental organisations and missionary groups which carry out important development and relief work in Nepal. These organisations include Action Aid, the Church Mission Society Ireland, Interserve Ireland, the Leprosy Mission and Plan Ireland. In 2004, approximately €450,000 was provided to these organisations while €400,000 was delivered in 2005. The latest information from these organisations indicates that they are currently able to conduct their operations normally.

As the situation in Nepal remains fluid and uncertain, the Department will continue to monitor closely developments in the country. Ireland will continue actively to participate in relevant discussions within the EU and UN frameworks and will urge all sides to pursue a peaceful, political solution and to respect human rights and fundamental freedoms.

Mr. M. Higgins: Will the Minister of State consider increasing significantly the aid to Nepal that provides institutional assistance that is needed in the short term, such as personnel and technical assistance?

Mr. Timmins: I received an email today from Nepal which states, "What an afternoon, but in the end we got 22 children with a promise of 15 more tomorrow". The email describes the children, some of whom have awful skin infections, some of whom are very hungry, scared kids. There are organisations from Ireland working out there and I am involved with one of them, the Umbrella Foundation, which has four orphanages in Nepal. The Minister of State said the Government donated €200,000 towards setting up an office in Nepal, but will he look into the idea of liaising with these groups? Things have improved in Nepal in the last couple of weeks, but there are many difficulties with children in poor circumstances. I would like the Minister of State to appoint someone from the Department to liaise with some of these groups.

Mr. Treacy: We gave €200,000 for the establishment of the UNCHR office and over €400,000 each year to the different Irish aid agencies in Nepal. The Minister of State, Deputy Conor Lenihan, is constantly looking at the situation and we will review it with regard to communicating with these bodies. They have some good people doing a good job under difficult circumstances.

In the intervening period, the focus has been on humanitarian aid. The European Commission Directorate for Development and Humanitarian Aid increased its financial support for Nepal from €1.675 million in 2002 to €4 million in 2005. Around €2 million has been provided by ECHO in support of Bhutanese refugees since 2001 through the distribution of food aid. An ECHO office was opened in Nepal in 2005 to ensure much closer monitoring and co-ordination with donors. Up to €5 million will be spent in the next 12 to 18 months in support of these objectives. Ireland will not be found wanting in making the case at EU level and doing what we can to give extra resources where feasible.

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

[An Leas-Cheann Comhairle.]

which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Costello — that the Minister review the case of a person (details supplied) in light of new evidence; (2) Deputy Ferris — the lack of ambulance provision in south Kerry; (3) Deputy Walsh — to discuss a timetable for the commencement of work on the affordable housing scheme in Clonakilty, County Cork; (4) Deputy Ó Caoláin — the need for the Minister to make herself fully accountable to the Dáil for the crisis in our health services; (5) Deputy Connolly — to discuss the temporary use of available bed space at St. Davnet's Hospital, Monaghan to free up bed space in Cavan and Monaghan general hospitals; (6) Deputy Crawford — that the Minister change the rules being applied to those in need of a primary certificate; (7) Deputy Perry — that the Minister address the concerns of the Sligo County Enterprise Board regarding constraints in its operation; and (8) Deputy Ring — that the Minister indicate when the home care package was first announced and then introduced.

The matters raised by Deputies Connolly, Perry, Costello and Walsh have been selected for discussion.

Planning and Development (Strategic Infrastructure) Bill 2006 [Seanad]: Second Stage (Resumed).

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

Mr. Gilmore: Before the adjournment, I was dealing with the significant changes to our planning system proposed under this Bill. One of those changes, under section 15, allows the Minister greater discretion in appointing the members of An Bord Pleanála. We are being told that all of these changes are being made in order to speed up the planning of major infrastructure projects. The irony is that the Bill does not reduce the time projects will spend in the formal planning process. The Bill simply changes the process to cut out local involvement. More crucially, the Bill does not address the real reasons infrastructure projects are being delayed and it will not speed up the delivery of a road, a railway or an airport.

This country has a serious infrastructure deficit. In its document on the national development plan last year, the Institute of Engineers of Ireland stated Ireland has a premier division economy with a third division infrastructure. The World Competitiveness Yearbook 2003 rated Ireland 28th out of 29 countries for infrastructure. Infrastructure deficit is a polite term, but hardly the term most often used to express the frustration of the commuter stuck in Dublin traffic, of the business person who tries to get a train from any of our major cities at 8 p.m., of the Internet user without broadband waiting for a file to download,

or of the hassled passenger in the overcrowded Dublin Airport.

The IEI, the professional body for engineers at the front line of infrastructure development, drew some very interesting conclusions in its document for January 2005. In essence, the document tells us that the national development plan is not being delivered on time. The targets set for 2006 in the national development plan will not be reached until 2010 at the earliest and, unless funding levels are significantly increased, the NDP programme will not be completed until approximately 2013.

With regard to specific sectors, the IEI stated:

At current spending levels the network envisaged under NDP will not be completed until 2013. The roads requirements to support the NSS have yet to be planned and scheduled for construction.

With regard to public transport, the IEI complained that key decisions on rail connectors to Dublin Airport and the new Dublin metro have yet to be made, although that complaint was made prior to the announce of Transport 21. The IEI also complained that many water services projects were delayed by an average of two years and predicted that the 2006 investment targets would not be met until the end of 2010. The IEI was particularly critical of the delays in delivering waste infrastructure, stating:

Progress in delivering the NDP waste strategy has been very disappointing...The expectation that the private sector would deliver a significant percentage of the required infrastructure has not materialised, the cost of landfill is nearly three times the UK and EU average.

What has gone wrong? The Minister, Deputy Roche, and his nine year old Government would have us believe it is all the fault of objectors and that we only need to change our planning laws to speed up the building of roads, railways, metros and airports. In his introduction to the Bill, the Minister said: "Simply put, this Bill is the key to delivering the infrastructure we will need to sustain and improve our quality of life." If this Bill is the key to delivering our infrastructure, why did it take the Government ten years to discover that fact and why have three years passed since the Bill was originally announced by the Taoiseach in autumn 2003?

The IEI appears to have identified a different cause for the delays in infrastructure. Professional bodies like the IEI sometimes use wonderfully understated language to make the most devastating political points. Its 2005 NDP submission states "The Institution is concerned that the vision and enthusiasm that gave rise to the NDP, the NSS and the National Development Finance Agency has waned". In translation, that means the Government has taken its foot off the pedal

and is not driving the national development plan. Ministers are not doing their jobs in terms of pushing forward the projects for which their Departments have responsibility.

Let us look more closely at the delays in delivering and upgrading the country's infrastructure. Why, for example, is Ireland so far behind with regard to broadband? That has nothing to do with planning or protestors climbing up trees in the Glen of the Downs but has a great deal to do with the way in which this Government privatised Eircom while failing to establish an effective alternative for the provision of broadband. The delay on the second terminal at Dublin Airport and the ensuing overcrowding came about because the Government delayed too long in making a decision on who should develop the project. The delay at Dublin Airport has nothing to do with the planning process. The Dublin metro and the rail link to the airport have not been delayed on planning stage because the projects have not yet reached that stage. Much of the delay in terms of progressing road projects occurs during the design and land acquisition stages. Most road projects spend more time with design consultants than with planners. With regard to waste infrastructure, the differences that have emerged within the Cabinet over incineration probably caused longer delays than any number of objections on the formal planning stage.

The biggest problem this country faces with accelerating infrastructure provision does not arise from delays in the planning process but from the lethargy and incompetence of this Government. It did not produce the national spatial strategy until three years after the publication of the national development plan, whereas the reverse should have been the case. The national spatial strategy was then abandoned for the politically motivated decentralisation plan announced by the former Minister for Finance, Mr. McCreevy, in December 2003. Now, the Government is about to announce a new national development plan in chunks that are tailor made to be released as the Fianna Fáil general election manifesto before the national spatial strategy has been reviewed or renewed. After nine years in Government during the best of economic times, Fianna Fáil and the Progressive Democrats now tell us that the delays in providing essential infrastructure are not their fault but are due to objections and delays in the planning process. There is nothing as pathetic as a Government in power for too long that looks for scapegoats for its own failures.

To be fair to the Government, it did not take a full nine years before the penny dropped with regard to infrastructure. It came to that conclusion after only six years. In October 2003, the Taoiseach told a Fianna Fáil Ard-Fheis that legislation would be urgently prepared to speed up the planning process for critical infrastructure projects. Speed must be a relative concept for this

Government because this legislation required nearly three years to be produced.

Fianna Fáil was founded by a mathematician, so I have a mathematical conundrum for the Minister. If the Victorians could build a railway line from Dublin to Cork and from concept to completion in only four years, why in the 21st century did it take Fianna Fáil and the Progressive Democrats nearly three years to write a Bill about speeding up the construction of railways and roads?

This Government needs to catch up on infrastructure. The IEI stated: "the country's infrastructure deficit is contributing to the decline in Ireland's international competitiveness, quality of life and regional balance". However, if Ireland is to speed up the provision of infrastructure, it needs to change the Government instead of the planning laws. A club which finds itself in the relegation zone does not seek to rewrite the rules of the game but changes the management. I do not deny that delays arise in bringing infrastructure projects to construction or that changes in the process are necessary. However, the Bill before us does not address the real sources of these delays nor does it propose effective remedies.

Some projects are held up because of court challenges and delays in the courts. That can and should be resolved through the establishment of a dedicated division of the High Court that could deal with planning cases. The Labour Party has been recommending this solution for several years and I am pleased the Minister stated that arrangements are now being made to facilitate it. Such a move would not require the amendment of planning legislation because we can reduce delays in court challenges to the planning process by speeding up the process in which the courts deal with those challenges.

This Bill, we are told, is intended to reduce the time spent by major projects in the formal planning process but I fail to see how that will be achieved. According to the procedure for planning applications under the current Planning and Development Acts, an application is first made to the local authority, which is required to come to a decision within eight weeks. A period of four weeks is allowed for an appeal to be lodged to An Bord Pleanála, which in turn is required to make its decision within 18 weeks. The total is approximately seven and a half months.

Under the new procedure proposed in this Bill the following will be the position. The proposer of the project will be required to consult An Bord

Pleanála on the project and there is
4 o'clock an unspecified period of time for that. After that consultation period the proposer will be required to apply to the board to be considered to be in one of the three categories that would qualify to be processed under this legislation. Again, the period of time for that application is unspecified in the Bill. An Bord Pleanála then gives notice to the proposer

[Mr. Gilmore.]

of the project as to whether he or she qualifies under the so-called fast-tracking procedure under this legislation. The applicant then makes an application for planning permission to the board and there are six weeks for the environmental impact study to be examined and ten weeks for the application to be referred to the local authority for consultation, including the consultation of elected members of the council. It is not clear from the Bill whether these two periods are additive, but I will assume they are not. There are 18 weeks for the board to make its decision.

No matter how one totts that up, and allowing for the most minimal amount of time for the earlier consultation process with the board and the application under section 3 to see whether one qualifies for the provisions of this Act, it amounts to seven months. In both cases there is provision for the submission of additional information and for time extensions. I have been trying to do this tot to find out whether this Bill, which is supposed to fast-track the planning process, does so. I find there is no time gain in the formal planning process under the new mechanism proposed by the Minister. The system is being changed. The application to the local authority is being cut out and it is only consulted. The involvement of the public is cut out at local level and, critically, the right to appeal is abolished so a member of the public will have only one opportunity to express an opinion on a project under this system. There will be no right of appeal once a decision is made. One would have to go to court after that.

The Bill contains a number of provisions to which we will have to give detailed consideration on Committee Stage. The first issue is the type of development that will qualify for this so-called fast-tracking. It is not fast-tracking but short-cutting to planning permission by direct application to the board.

The Minister said this is about projects of strategic importance. Three categories of project will qualify for this Bill. Projects of strategic importance will qualify. According to section 3(2)(b) development would qualify if it “would contribute significantly to the fulfilment of any of the objectives in the national spatial strategy or in any regional planning guidelines”. That could be anything. The third category is a development that would have a significant effect on the area of more than one planning authority. That could be any kind of development, not necessarily infrastructure but any kind of private development that straddles the boundaries of two local authorities. The definition of what constitutes strategic infrastructure is wide. Any development relating to roads and railways, or gas, oil and electricity distribution is covered.

The provision on environmental impact studies, which appears in section 37D, is interesting. Under this section an applicant can request the board to give a written opinion on what infor-

mation will be required to be contained in the environmental impact statement. With this idea of consulting the board in advance to tell developers what to put in the planning application they might as well have hired the board to prepare the planning application. The board would be steering the applicant and prejudging the process. Section 37G lists the questions An Bord Pleanála will have to consider when making a decision, one of which is the national interest. I searched the Bill for a definition of the national interest. The national interest is a wide and disputed term. We spend most of our time in this House deciding what it should be and we have many different opinions on it. The board will have to take the national interest into account, whatever it is supposed to be, and I would be interested to see the definition of the national interest the Minister intends to come up with on Committee Stage.

A number of changes are being made to the role of An Bord Pleanála. It was established in the 1970s by a Labour Minister as a planning appeals board. There was controversy and a need for an independent appeals board to hear appeals on planning issues. Applicants for planning permission and third parties who have a difficulty with a planning decision can go to an independent body to appeal it. This Bill changes the function of the board. We have seen many changes in the role of the board in recent years, for example, the new functions it has been given on the approval of road schemes. However, this legislation changes the essential role of the board from a planning appeals board to a planning authority of first instance. It is a dramatic change in the architecture of our planning process and requires more debate.

In addition to changing the role of An Bord Pleanála, the Minister wants the right to tell the board what to do. According to section 37J(6) the Minister will be able to contact the board to deal with a particular planning application immediately. It states: “Where the Minister considers it to be necessary or expedient that a certain class or classes of application ... are of special strategic, economic or social importance to the State be determined as expeditiously as is consistent with proper planning and sustainable development, he or she may give a direction to the Board that priority be given to the determination of applications of the class or classes concerned, and the Board shall comply with such a direction”. The Bill provides that the board is to decide the planning application on these strategic projects and, in case it does not, it is required to have regard to the policy of the Government or individual Ministers and to the national interest. Lest the board fail to get the message in that subtle way, the Minister retains the right to send a message telling it to bring a particular application to the front of the queue. Given that the Minister would have such hands-on involvement in the functioning of An Bord Pleanála, it would be better

to be up-front about it and say that Ministers will decide on strategic projects. This would dispel the idea that an independent body is making these decisions when that may not be the case.

The Bill provides for An Bord Pleanála to amend planning permission after it has been issued. If a problem arises with planning permission, An Bord Pleanála can retrieve and rewrite the planning permission. This measure, which is contained in chapter 4 of section 25, must be addressed on Committee Stage.

In section 15 the Minister proposes to change the composition of An Bord Pleanála. At present various categories nominate one candidate each for membership of An Bord Pleanála. The Minister will group these categories and will nominate two members from the group. This retains the nomination system but widens the Minister's discretion on membership of An Bord Pleanála. This marks a step towards membership being decided on a political basis.

I am interested in hearing the Minister's views on Committee Stage on the manner in which he will proscribe organisations for the purposes of making appeals to the court. The Minister will check its membership, how long it has been in existence and compliance with rules and objectives. Is that provision constitutional, given the constitutional right to freedom of organisation?

I welcome section 9 of the Bill, which the Minister introduced in response to the Labour Party Private Members' Bill that passed Second Stage in the Dáil. Its aim was to require rogue developers to complete housing estates, allowing local authorities to refuse them future planning permission if they did not do so. The onus of going to the court, currently on the local authority, will be reversed.

I am disappointed the Minister has not taken the opportunity to address the problem associated with management companies. I intend to return to this on Committee Stage. I will table amendments on the need to abolish the planning fee. In any event, we will be forced to do so when the European Court of Justice decides on the case before it. I will also table amendments to address noise pollution and the need to amend legislation to require developers of telecommunications masts to apply for planning permission. The development, extension or replacement of telecommunications masts causes many problems, including one such case in my constituency. I intend to table an amendment so that such masts are subject to the full planning control system.

Mr. Morgan: I wish to share time with Deputies McHugh and Cuffe.

My party is opposed to this legislation, the brainchild of those irked by delays resulting from what they regard as annoying democratic input to the planning process. It is designed to facilitate ramming through unwanted infrastructure, such as incinerators, against the democratic wishes of

communities and regardless of genuine concerns of those likely to be affected by such developments. One wonders whether the Government came under pressure from vested interests, such as Indaver Ireland, to publish this legislation. This is the Government that changed the retail planning guidelines to facilitate Ikea. The Planning and Development (Strategic Infrastructure) Bill is the practical expression of the Government's opposition to democracy.

A vast range of issues are covered by the Bill, including incinerators, landfill, thermal power stations, installations for the onshore extraction of oil and gas, oil and gas pipelines and associated terminals. Provisions within this legislation can establish a strategic infrastructure division within An Bord Pleanála. This is proof of a response to the overwhelming opposition of communities to the string of incinerators the Government is trying to build across this State. It is also a response to the opposition by archaeological experts and others to the vandalism of an area surrounding the Hill of Tara to ram through a motorway to maximise profits for private companies. It is a reaction to the people of Rosspoint, who have stood up to the might of Shell, which seeks to run a gas pipeline through their lands beside their homes, regardless of the dangers to health and safety. The intention is not to ensure "the right infrastructure in the right place with the minimum of impact on the community and the environment". It is exactly the opposite, designed to quash opposition to such projects where opposition is based on health and environmental concerns or concerns about the destruction of sites of historical and archaeological importance.

We must reform the planning process to allow health and environmental considerations to be taken into account and examined. These include the concerns of local communities about infrastructural developments. The legal challenges cited by the Minister as the reason he brought forward this legislation could be avoided if health and environmental concerns were examined and considered as part of the planning process.

In the case of the proposed incinerator in Ringaskiddy, County Cork, An Bord Pleanála decided to overturn the local council's decision to refuse permission to construct the incinerator. The decision of An Bord Pleanála was taken against the advice and recommendations of the board's senior planning adviser, Mr. Philip Jones. The decision was at odds with the Cork development plan and the Cork area strategic plan. One reason the board gave for its decision was that it was precluded from considering matters relating to risk of environmental pollution. The appeal board was restricted to dealing with matters solely related to planning concerns despite the legitimate health fears of Cork people about the incinerator project.

Another example is the Carrickmines debacle, which could have been avoided. The report of the

[Mr. Morgan.]

inquiry by the European Commission into the south-eastern motorway found a number of shortcomings in the environmental impact study, including a defective non-technical summary, underestimation or omissions regarding the impact of the development, an insufficient historical study and a lack of thematic maps.

It is easy to blame protestors and objectors but many problems arise from failure of the planning process. This legislation attempts to remove democratic input, compounding the situation where local authority representatives were stripped of powers with regard to waste management plans to advance the incineration and waste charge agenda. Under the Waste Management Act 1996 and the Protection of the Environment Act 2003 the making, review, variation and replacement of waste management plans has become an executive power of unelected and unaccountable city and county managers. These powers should be reinstated as a reserve function of democratically elected local representatives. The Planning and Development (Strategic Infrastructure) Bill 2006 cannot be used to override wholesale opposition to incineration across the State. It will not make people drop their vehement opposition to incinerators, which produce toxins detrimental to the health of those communities in which they are sited. Incineration flies in the face of any real environmental waste management strategy and locks us into disposal as the primary approach to waste management. It creates a major disincentive for the reduction and recycling of waste, as incinerators must be fed large volumes of waste to remain viable. We need proper commitment and investment from the Department of the Environment, Heritage and Local Government and a waste management policy based on reduction, reuse and recycling, guided by the ultimate goal of zero waste.

One issue of concern on which I would like to touch before concluding relates to the types of projects that this legislation is designed to fast-track. Included among the infrastructure developments to be expedited is an industrial installation for the production of electricity, steam or hot water with a heat output of 300 MW or more, allowing almost endless potential. One might reasonably ask if that means that the new division could be used to override public opposition to nuclear power if the Government desired to pursue such an agenda. Might a nuclear power station be fast-tracked under this provision? I look forward to the Minister's reply.

Had this legislation been in place in the 1970s, would we now have a deadly nuclear power station at Carnsore Point? I do not doubt that former Deputy Des O'Malley would have used it when Minister for Industry and Commerce. The public must be warned of the dangerous implications of this anti-democratic legislation, which will serve only to erode public confidence further

in the planning process. There are deficiencies in that process, but this does not address them.

While genuine health and safety concerns continue not to be considered, concerned individuals and communities will continue to use every available avenue to challenge questionable developments. When official avenues of input and appeal are closed to them, they will take to the streets and engage in protest activity. The only way in which the difficulties encountered to date can be resolved is by ensuring that communities have their concerns listened to and considered so that there is full public confidence in the planning process.

I hope the Minister has deduced my opposition to the legislation.

Mr. McHugh: I welcome the opportunity to speak on this Bill, which has been a long time in gestation. A very macho assessment of it would probably suggest the response that we have suffered long enough at the hands of cranks, dogooders and other idealists, that we should adopt the legislation and go full steam ahead, riding roughshod over all and sundry. However, we must pause and give full consideration to the Bill's implications.

There is no doubt that it would restrict democratic rights that we have enjoyed in the planning process since the first Local Government (Planning and Development) Act 1963 was passed. If enacted, it would not only restrict democratic rights but remove decision-making from the locality to the centre, away from the citizen and to a faceless body in Dublin, an official of which will breeze in and out of areas without reference to or engagement with locals.

The Bill changes the long-established procedures and planning law whereby one had local assessment and adjudication of all projects followed by the second layer of an appeal process to a national body. At a single stroke, the Bill removes the local tier of the planning process where citizens had the freedom to visit planning offices, inspect documents and discuss projects with local officials. It turns the principle of subsidiarity on its head.

I have focused on it restricting democratic rights pertaining to planning that we have enjoyed for decades, a fact beyond dispute. The question arises of whether such a restriction is required in the national interest. Consideration suggests two answers, "yes" and "no". The two contradictory answers arise because of the two categories of persons who feel that their rights are being curtailed.

One category, for want of a better description, is that of the professional objectors, who transport themselves from one proposed development site to another and raise what appear to the average person to be flippant, somewhat irrelevant issues. Some of those people pose and like to be seen as the defenders of our country in all things.

It is also a fact that some have no connection with this country, and certainly not with the localities in which developments are proposed. The restriction that the Bill will impose on those people's democratic rights is required in the national interest, and it is a step in the right direction in that regard.

The other category of person to be affected by the Bill is that of local people resident in an area for their entire lives, who have enjoyed certain residential amenities, improved their properties, contributed through voluntary effort to the creation of a better community environment, and who feel all they have worked for during their lifetimes will be at best seriously damaged and at worst destroyed. I believe unequivocally that the restriction that the Bill imposes on those people's democratic rights is not required in the national interest. Their rights should not be compromised when it is considered.

The Bill's import is required in certain circumstances, but we must be careful of dismantling all planning procedures, which brings with it the prospect of extinguishing the rights of native citizens, whose lives will be affected and who will have to cope with the stresses that a major infrastructural development will impose on them for the remainder of their lives. Those people are entitled to every opportunity to have all a project's full details presented in a manner allowing them full opportunity to make an informed assessment, contribute views, engage in discussion, seek clarification, and make appeals.

My contribution thus far has related to the very delicate balancing act between the rights of the individual and the national interest. One could be forgiven for assuming I do not want vital infrastructural projects to proceed as quickly as possible. That is not true, since I want progress, but I also want the rights of indigenous people to be protected. Both aspirations can be accommodated and progress made.

Dealing with certain specific elements, I refer first to section 6, which amends section 2 of the principal Act by inserting several new definitions, including a definition of the national spatial strategy. The strategy was unveiled in a blaze of glory by the former Minister for the Environment, Heritage and Local Government, Deputy Cullen. It was to be the cure for all our ills, delivering balanced regional development. In summary, we would never see a poor day again. Irrespective of where we lived, all would be treated equally, reaping the benefits that the ambitious, futuristic strategy would bring to our country.

Imagine the disappointment of a nation subject to such hype when the national spatial strategy became an orphan, having been abandoned by the Government. I will give the House two very relevant examples of the Government's desertion of the plan. After the national spatial strategy had been published, a decision was made to reinstate

the western rail corridor. One would have expected the Government to be keen to show that the new strategy was serious, delivering balanced regional development. Its decision to reinstate the western rail corridor should, therefore, have been accompanied by a decision to commence work immediately on the entire project, with a commitment to complete it within a realistic timescale of perhaps two years.

Imagine my disappointment to discover the western rail corridor would not be complete in two years, and would be finished only as far as Claremorris by 2014. That is ten years after the decision to allow it to proceed, which is nonsense. If any illustration is needed, that clearly shows the Government is not serious about development of the west. There is no reason for this procrastination. This western rail corridor project does not even need planning permission to proceed. There are no blockages, objections or appeals but simply Government disinterest.

I will give another example to illustrate the uselessness of the national spatial strategy. Tuam is the only town in County Galway to be included in the spatial strategy as a hub town. Therefore, one expects that the Government in its decisions would take this into account and would endeavour to ensure basic infrastructure would be provided to ensure this town develops as envisaged in the national spatial strategy. Imagine my astonishment when the Government was approving five towns in Galway to be provided with a metropolitan area network broadband infrastructure, which was very welcome, that the only town included in the national spatial strategy was the one main town not to receive a MAN. That clearly illustrates the Government disconnection from the objectives of the national spatial strategy.

Section 8 proposes to bestow a power on the deciding authority to impose a condition on the granting of permission regulating the development or use of land next to land proposed to be developed and in the same ownership. I disagree with this provision. The deciding authority's decision should only relate to land the subject matter of the application.

Section 9, which amends section 35 of the principal Act, is very welcome. This section will enable the planning authority to refuse permission to a developer on the grounds of his or her past history of non-compliance with planning. This, if implemented by the planning authority, will have a major impact on ensuring that the blight of unfinished housing estates will be considerably diminished. However, there is no point including a provision such as this if, when it comes to the practicalities of implementing it, we are told by the authorities that they do not have the personnel to carry out inspections so that it can be implemented.

There is certain merit in this Bill where there is unnecessary delay in some vital projects.

[Mr. McHugh.]

However, I put it to the Minister that there are many projects in his Department which are not being held up by protestors or subject to opposition and which are vital for the prosperity of this country but which are being held up by him because he will not approve them. In my constituency we have the ridiculous situation where the Minister has, for example, in relation to vital sewerage schemes such as Dunmore and Kilkerrin, approved the civil works which are under way on site but he is still pondering on the decision to approve the treatment plant element of those schemes. Again, this is an example of cock and bull planning.

Kinvara is another case in point. The Minister is deliberating on this vital sewerage scheme while the waters around Kinvara are being destroyed by pollution from untreated sewage being discharged into the bay. We will have further debate on this Bill in future but, in the meantime, I would appreciate it if the Minister of State, Deputy Noel Ahern, would talk to the Minister, Deputy Roche, so that he would approve the Dunmore and Kilkerrin treatment works and the entire Kinvara sewerage scheme.

Mr. Cuffe: When the Minister praises the Green Party, as he did earlier, one knows he is up to something.

Mr. Gilmore: He is keeping the options open.

Mr. Cuffe: I was flattered by his conciliatory remarks about our sensible concerns regarding the Bill. However, let me reiterate, this Bill is an attack on democracy, it emasculates local authorities, sidelines little people and turns the Fianna Fáil tent at the Galway Races into a permanent pavilion and institutionalise it. The Minister may well argue there is nothing wrong with the tent. He will argue that the big boys and girls need access to power and privilege, but so do the little people. This Bill will look after the big guys but will sideline the communities and the people who need support from the planning process.

Perhaps we need to speed up some of the major infrastructural projects. I agree with the Minister that things should move more quickly in certain circumstances but, curiously, even he tiptoed very carefully around the suggestion that planning is the problem. He merely stated that planning could potentially act as a barrier. What is the problem? Is it that the planning process is not moving quickly enough or is it that the Minister and his pet projects are not moving quickly enough?

The problem is ministerial incompetence, poor management and legal challenges to projects. The Luas lines in Dublin do not join up. That was not about bad planning but about ministerial incompetence and Senator O'Rourke and the Tánaiste doing this sweetheart deal because they felt it would be a bridge too far to join the Luas lines

in central Dublin as it would upset the motorists. That is the fault of Fianna Fáil and the Progressive Democrats. That is why one gets off the Luas in St. Stephen's Green and must walk the best part of a kilometre to get to the red line in the middle of city. That is a lack of *coglioni*, as the Italians would say. It is a lack of ministerial competence. That is not an issue of planning but is an inability to tackle the difficult issues at the outset.

There is a problem with poor management, the Dublin Port tunnel and the electronic voting project. These projects are not the result of poor planning or a slow planning process. It is a political problem which needs strong management and strong political resolve to address it.

The legal challenges are well known. We know a petrol station and a few other objectors held up the M50. The Minister's answer was that it was all down to a few tree huggers, but it was not. It was down to High Court challenges from landowners. The Minister thus far has done little or nothing to address that. He has made all kinds of grandiose statements about how he will give more powers to the courts. He does not have the competence to address that issue and he has not provided for it in the Bill. Three of the main issues have not been addressed in the legislation.

I wish to be a slight contrarian for one moment. Should all the major projects be flicked through at the stroke of a pen? Perhaps we should take a bit of time to decide on some of these larger projects which will be in place for 100 or 200 years. If these types of projects will be in place for our children and our children's children, let us slow them down a little and make the right decision, not just a quick one. I am not convinced this Bill will do that.

This Bill will take away one level of decision making. It is a bit like removing the Circuit Court or the High Court from the courts structure so that everything must go straight to the Supreme Court. That is not right. The big projects need to be carefully considered. If they were, the M50 would have gone around Carrickmines and the N3 would avoid the royal demesne at Tara. This archaeology has been here for hundreds and, in some cases, thousands of years. It does not make sense to plough projects through without adequate consideration or assessment. Rome was not built in a day, and rightfully so. The good things perhaps need to be thought about carefully.

By all means, let us speed up the right projects. I am glad the Minister of State, Deputy Noel Ahern, is in the House because he would do well to speed up the type of housing projects which have never seen the light of day and the grandiose aspirations of the national development plan which are not met in reality. How about speeding up the Navan rail link, new schools and health facilities? Those are the types of projects we need to speed up.

There is also a more sinister aspect to this Bill. It takes power away from local authorities. We should forget about the Minister's broad assurances that there will be consultation. It will not take place and if it does, it will simply be a token gesture. The Minister said An Bord Pleanála will have to have regard to the views of local authorities. That exact phrase was used in earlier legislation and when a court case was brought in respect of the regional planning guidelines for the greater Dublin area, the courts had to have regard to the regional planning guidelines but could then set them aside — in other words, completely sideline them. This Bill completely sidelines local authorities. It takes power from local government and centralises it with An Bord Pleanála. That has happened time and again under this Government which is centralising power because it is afraid of local democracy. That is a dangerous thing to do.

The legal challenges could be dealt with by establishing a separate division of the High Court but that is not coming through. Communities need to be fully involved in the planning process. The Minister knows from his own backyard in Bray how difficult it is for people to access the planning process. Bray Golf Club sold its lands to a developer who wants to build a shopping centre. This might be a great development but it is in the wrong place because it is located on the flood plain in the middle of Bray. To object to that, Joe Public must pay €20 each for three or four separate applications which amounts to €80. That may be small change for the Minister and me but it is a lot of money for the ordinary objector. The objector must then make three full appeals to An Bord Pleanála, which brings the total to €1,000. That takes planning out of the hands of ordinary people.

The amount of time and money needed for the planning process are making it inaccessible. This Government introduced the fee of €20. I hope the European Commission insists on its removal. The Government should set up community technical aid such as exists in the United Kingdom and on a limited basis in inner city Dublin. Communities need to be given the resources to assess adequately the planning issues coming before them, but the Bill does not provide for that.

Certain issues should be included in, and others removed from, the provisions for exempted development. Deputy Gilmore referred to mobile phone antennae. It is crazy that a dozen antennae can be added to a mobile phone mast without planning permission. Mobile masts such as that outside the Garda station in Shankill make the British Army watchtowers look like rabbit's ears. That should require planning permission and exemptions are unacceptable.

Electricity pylons should go through the planning process. Hundreds if not thousands of trees were felled at Carrickgollogan Woods to facilitate a golf course. On Coillte lands trees are knocked

down to make space for re-routed electricity pylons. This went through a planning process but there was no site notice which made it difficult for people to comment.

Every planning authority in the country gives a different answer to the question of whether one needs planning permission to put solar panels on one's house. Let us exempt solar panels on ordinary buildings. The Minister might take that on board.

We need more, good planning. The decentralisation programme filleted the national spatial strategy. There is no meaningful planning at national level and future generations will pay the price for that. We need to make the right decisions in a timely way, but this Bill will consolidate power at the centre and reduce the ability of ordinary individuals to have a say in the planning process.

Mr. Dennehy: I welcome the opportunity to speak on this Bill. I agree with the Minister's opening comment that this is one of the more important Bills to be introduced during this term. Several speakers have been selective in attempting to prove to us that there is no need for change while simultaneously ridiculing the existing system. That two-faced approach to so many issues is a problem with which we must deal.

The primary purpose of the Bill is to provide for the introduction of a streamlined planning consent for strategic infrastructural development which will be achieved through a new strategic infrastructure division within An Bord Pleanála. The Bill allows for changes needed to the 2000 Act. It also provides for a specialised planning consent procedure for major electricity transmission lines. It amends the Transport (Railway Infrastructure) Act 2001 to provide that An Bord Pleanála will approve railway orders. It amends the Acquisition of Land (Assessment of Compensation) Act 1919 to provide for the compensation that will be assessed for the substratum of land. This issue has arisen only in recent years since the question of the metros and so on arose. It should probably have been dealt with then.

We can have a good discussion on this Bill and on many related matters, some of which have already been raised. It is good to engage in such a timely and important debate. The people who whinge about bringing in legislation will complain if we lose industry or if tourists cannot come here because the roads are clogged up and so on. Those are further examples of wanting to have it both ways.

This Bill is essential and is approximately ten years too late. Much of the action outlined here should have been taken a long time ago which might have prevented the waste of billions of euro in time lost through objections, missed opportunities and traffic being clogged up. In the 1990s we could not carry out energy-related infra-

[Mr. Dennehy.]

structure projects which crossed the Border because of the probability of their being blown up if they went ahead. That included the infrastructure for natural gas and electricity and would probably have affected other joint proposals too, such as water schemes.

There were many other impediments to the provision of infrastructure, particularly in respect of transport and energy. People have had to take sides, in which they might not always believe, on some of the issues. We need a forum, such as this Bill provides, for a full discussion, and hopefully, eventual agreement on what we want by way of the provision of such facilities for the public.

Someone referred to the rights of the individual over those of the public, which we need to discuss, but there must be a balance. We cannot say every time somebody objects to an issue that we will go along with that because the person has a God-given right to object. Deputy McHugh said there are positive and negative responses to questions on this Bill. Many individuals express a wish to have things both ways. For instance, we need to highlight the conflict between people expressing concern about the number of fatalities and serious car crashes on some second class roads and the objectors who delay work to provide superior and safer roads.

The Green Party in particular says there is no need to waste billions of euro on the roads but I often drive from Cork to Dublin and I am entitled to have the best possible standard of road, namely, a good dual carriageway. That has been proved to be the safest road to travel. I am entitled to one, as are drivers in all other parts of the country, be it County Meath or elsewhere. People are entitled to public safety provisions and this must be taken into consideration. I argued this point regarding the delays in Kildare. I felt the slugs or worms that were found during the construction of the bypass were being put ahead of the safety of the public. I took the opportunity to sit in the middle of Kildare town a few times while on my way to Dublin just to observe elderly people trying to cross the main street. The way the public, especially the elderly, were treated in trying to strike a balance between environmental concerns and safety concerns was scandalous.

There are many other points of conflict we could examine, including those that arise in areas with a ban on mobile phone masts, as referred to by Deputy Cuffe. It is perfectly legal to have such a ban but it can be seen in a different light on foot of complaints about the lack of a phone reception in the same area. The same people complain about both mobile phone masts and the lack of a reception. Complaints may arise because of the lack of employment in an area. Potential employers will be reluctant to locate in an area without essential and basic facilities.

If I want an area sterilised of all contaminants, such as phones, phone masts, roadways and oil

pollution from cars, I must then accept that I will live in a wilderness without a job. If this is what somebody wants, so be it. Let him argue the point. It is not a logical argument and one cannot have it both ways. It is hard to accept it when the same individuals are found on both sides of a given conflict. They support the objectors but at the same time want to be seen to be to the fore in requesting the proposed facilities. One or two Members have tried to do this in their contributions. Why should facilities exist in one county and not in another?

Being on both sides of an argument can often result in short-term political gains but, as seen many times, it does not always lead to a lengthy career in politics. There are times when positive political leadership is needed and it may not always involve a populist approach. Some have learned this and others have not. We need to get on with the work but it will not always be popular to do what is correct.

There are many reasons this Bill is necessary, one of which is that it will eliminate the circumstances under which a planning application can be delayed for years through the pursuance of many avenues of objection. I am not exaggerating in saying this. One only has to bear in mind those who resorted to the European Court of Justice, for example. Delays should be eliminated in all cases, irrespective of whether planning permission is granted or refused. I am not saying every application, be it on the part of the State or anybody else, should automatically be granted. There will be cases in which projects should not go ahead. Regardless of the decision on an application, it should not be possible to drag out the planning process for a number of years. Doing so is illogical. Irrespective of whether individuals or groups are involved in making an application, the process should be subject to a reasonable time limit so a final decision can be made one way or the other.

It is wrong that the planning process can be dragged out to the extent that a project can become non-viable or be affected so adversely as to be not worth pursuing. We are well aware that this can happen. Instigating delays seems to have been a particular strategy in one or two cases such that the applicants were simply forced to abandon their projects. In the longer term, we will suffer for having adopted such approaches.

Deputy Ned O'Keeffe is well aware of the fate of the beet-growing industry, as is Deputy Connaughton. We saw what happened to it in two months or less and, therefore, those who believe we will never again see a poor day will get a surprise at some point in their lives. We must maximise our potential but we have not been doing so by allowing some of the carry-on that has occurred.

Individuals have said to me at times that delays in State-sponsored projects are all right because the State is paying for them, but they should

realise it is the taxpayer who is paying. In some instances, the taxpayer has had to pay too much because of a system that allows for tactics that were never intended when the original legislation was passed. We know of challenges to applications that were based on very technical matters. Some believe that once such a case goes to court, the toss of a coin decides whether one's application will be favoured.

This Bill requires much discussion and it should result in a fairer method of dealing with specific types of planning applications. It is a question of specific types of planning applications and not of putting a reception mast on one's roof, as referred to. It is matter of major planning applications for projects of strategic national importance. The majority of Members want to see changes to curb the existing potential for dragging out the process for what most would deem to be an unacceptable period. The length of the timeframe can be discussed and, I hope, agreed to. I appreciate that the Minister is designating 16 weeks as the period in which the process should be completed. There may be occasions when this will not be suitable but party spokespersons can make a case in this regard on Committee Stage.

I welcome the fact that Fine Gael has generally welcomed the Bill but I am concerned that its spokesperson went off on a tangent about shopping centres and related matters. These are clearly not covered by the Bill. The spokesperson said Fine Gael wants a metro, a major road network, hospitals, etc. and, as the song goes, so do all of us. This Bill is an attempt to ensure that we get these facilities when we need them and not after many years of delay, which has happened with too many projects.

Deputy Cuffe suggested there were no delays in the process pertaining to the port tunnel and that it was a question of bad management. There were delays and major arguments about compensation and the ownership of the ground under the affected houses. This Bill, if it had been enacted, would have put in place a process to deal with many of these arguments and, therefore, the Deputy is incorrect to suggest there were no delays. There were also delays in the planning process pertaining to many other facilities needed by the public. We must deal with the issues that arise, regardless of whether they arise in my constituency or anybody else's.

There are very welcome changes in the Bill and I am surprised more Members did not refer to them. Deputy Gilmore welcomed section 9 which deals with rogue developers. We have argued that those who half build an estate or fail to complete one should not get planning permission for a development next door or anywhere else. When we raised this point over the past 20 years, we were invariably told it could not be taken into consideration and I am therefore glad the position has changed.

I am glad the Bill allows for greater input from local councillors. It is very important that they have an input. Their input in the past may have been tarnished by the activity of a small number of councillors in one or two authorities. The input of councillors was also damaged by the overuse, in one or two councils, of what were known as section 4 motions. In discussions on such issues, one seldom refers to material contraventions to the local plans, which almost invariably emanate from city and county managers. They propose material contraventions that are usually much more significant and likely to change the development plan than any proposed by a councillor. This has given rise to concern. The city and county managers' material contraventions can have a great effect on the areas they cover but never draw the unfavourable comment other planning activities seem to draw. On many occasions I have questioned An Bord Pleanála and the rest on the Committee of Public Accounts about the use by management of these section 4s. It is time the public got a better balance in the planning process. I particularly welcome the inclusion of that section.

People may say they have had an impact on the formation of five-year plans, but for many reasons that is only part of the process. They need to have specific input into large projects as they crop up. The five-year development plan is usually a type of wish list. The term "may" is used as often as planners can include it because it gives them the opportunity to decide "yes" or "no" on particular issues rather than the elected members. It is time we re-introduced this for the elected members to let them have a say. It is they who must face the public. Members of other parties referred to the local community not having a voice or representation, as if the public representatives were elected by people from Mars or somewhere, and were not part of the process at all. I am glad we are changing that.

We heard this morning about one of the down sides of the present situation. Deputy Healy-Rae referred to a situation with which we all disagree, but concerning which we are helpless. Somebody living in Donegal or someplace can object to a person's application in Kerry, and has the same degree of input on the planning application as someone living next door to the applicant. That is crazy, and it has been abused. We must examine issues such as that and see if we can put them right, as they crop up. We should be somewhat more flexible in our approach and review the planning legislation on a five-year rolling basis, or something like that. Compensation for land issues, for example, were dealt with as long ago as 1919 and we are only now catching up with that, in planning for the metro. We should update and review some aspects of the legislation much more frequently.

5 o'clock

[Mr. Dennehy.]

There are very positive issues within this Bill. The primary one, however, is that it will put the country in a position to compete. I have mentioned the loss of the beet industry. We could lose much more. We will lose tourists because we cannot facilitate them or transport them around and we will lose industry because nobody is willing to become bogged down in planning. On one trip abroad representing our committee, I asked about the development and building programme for a project and how long the process would take if one came up with a prototype. The answer was nine days, for everything — planning, supplies, electricity, anything one wanted would be up and running within that time and dealt with. Here it would take three months to make the application alone. If we cannot compete, we will not get the jobs or the industry. If we cannot supply power or have stoppages on the railways, as we did last Monday and Tuesday, we will not get the tourists. If we have a breakdown in power supply, for whatever reason, we will lose industry. We saw Fruit of the Loom finally closing the other day. Everybody knew it was coming, for different reasons. However, that is what will happen. We will have the same people who want to give the objectors somewhat more powers whingeing and whining. That is the other side of the coin.

Deputy Cuffe referred to the young people and future generations. We want them to have a prosperous future, as we have had for the past ten years, so they do not face the type of future I faced when I had to emigrate, along with others, many of whom did not come back. I do not want future generations to face that future because I failed in this House to make provision for power, the gas lines and the road network to transport goods, along with the facilities for carrying tourists and the rest. I have a role to play, namely, to support the implementation of this Bill, which I hope will be enacted shortly.

There will be long discussions on it and concerns will be expressed. The Minister for the Environment, Heritage and Local Government, Deputy Roche, who is doing an excellent job, will be quite willing to take on board any logical and reasonable amendments. Apart from a small group that, perhaps, makes a career out of supporting objections, 95% of elected Members of the Houses of the Oireachtas totally support the concept of being able to provide the necessary strategic infrastructure this country needs although there may be arguments about amendments, small issues or topical matters Members many want included.

As I pointed out to the Minister my big concern is about staffing. I am glad he has made a start in this regard by increasing the membership of An Bord Pleanála from seven to nine. We need to do much more, however. We had 78 planners from the UK commissioned to work on projects for An Bord Pleanála, because we did not have

the personnel. We have the talent in specific areas, engineering, transport or whatever. It is vital that we have the talent available within the special unit and that we are able to employ the people we need. When we checked with the National Roads Authority, for example, we found it had plenty of engineers but not the people with the cost accountancy expertise needed for the level of expenditure in terms of the enormous increase in funding over the past six or seven years. When up to €24 billion is being spent on major infrastructural projects, the very best is needed, and we must ensure that the people employed in the special unit to deal with the strategic issues being put forward, are of the highest calibre. We cannot allow any backlog to develop at any point in dealing with this. In the past if somebody wanted to build a kitchen, say, a modest enough development, an objection might be raised and it would end up in the Bord Pleanála pile, just the same as objections to the metro, if there is an objection to that, as was mentioned by the Fine Gael spokesman earlier. Those two cases will take their place, equally, in the Bord Pleanála pile and that is a crazy situation we should not tolerate. This Bill will change that, and I welcome it.

Speaking of ability, expertise, and so on, a different type of process is needed for back kitchens or minor developments — or even housing developments, regardless of their size — to deal with pylons, gas lines and so on, just as happened with the courts. A commercial division was introduced in the courts to get consistency and to apply the expertise that would enable case-related profiles to be built up. We need the same with planning. We had enormous claims because An Bord Pleanála overturned some inspector's report. This happens with large and small issues. The board will overturn reports in many instances. Otherwise, one could argue that the single inspector should have the final say, rather than An Bord Pleanála. Logically, when a person reports back, the board can decide to change the ruling and in a large percentage of cases it has done this. We have evidence for that and it will continue.

I wish the Minister well with this and An Bord Pleanála well with its future. I hope we will saturate the board with projects. I hope it will be up to its tonsils with work because we will spend that €24 billion. Everybody in these Houses must be supportive to ensure that facilities are in place to analyse and assess each project and give a speedy decision on it. Otherwise, we will find ourselves disadvantaged when the likes of China and rest start to take off. As an island, Ireland is handicapped in having to ship everything in and out. Up to now we have been able to compete by using the education, ability and natural talents of our people. However, if we do not speed up and drive on projects and continue to allow individuals to delay us, we will be in big trouble.

I welcome the Bill and look forward to the debate on Committee Stage.

Mr. Connaughton: This legislation may be beneficial as some aspects of the Bill could be useful to our future economy. I have, however, some deep-seated doubts about it, on which I will elaborate.

Everybody is aware of the remarkable changes that have taken place in the country in the past ten to 15 years, especially in the past five or six years. We must understand that whatever infrastructure worked for us when we had a population under 4 million is now creaking and will not work when we have 5 million. Census figures show that by 2020 — a short time in terms of planning — the population will have risen to just over 5 million. We need to relate this growth to towns and villages and be aware of the planning required for this number of people. We must realise that most major projects being thought of now will not be delivered for approximately 15 years. Against this background I understand from where the Minister is coming with this Bill.

The strength of an economy is based principally on the ability of industry to grow and prosper and on the ability of the education system to train workers for this industry. If we are to have balanced regional development, every area of the country must be made as accessible as possible.

The people have been sickened by some of the highly visible confrontation that has taken place in planning matters. Let us take the example of Carrickmines. I do not know all the details but I know of other developments that were even slower. While there were some justifiable reasons for objections to the development, the greater good of the community was stymied. The objectors went too far.

I remember using the road from Bray through the Glen of the Downs to Wicklow town. One certainly needed to have a loose time schedule when travelling that road, but its development was delayed for years by the so-called eco-warriors. Every aspect of the planning procedure was exhausted repeatedly before the development could proceed. At the conclusion, it was clear the development was for the greater good and that any damage caused was minimal compared with what the protesters said it would cause. It would be a different matter if the area had been destroyed because a road was built through it, but that did not happen.

There are two main types of objectors. It was said previously that there is a type of professional objector who, if he or she cannot find something to object about in one part of the country, will turn up in another. Objecting seems to be these people's full-time occupation. I am not sure it is a pensionable job, but they are fond of it. These objectors have no interest in the local community and follow their own agenda. I agree with my col-

league that we need a provision in legislation to overcome this group of objectors.

Many aspects of the Bill will need close scrutiny on Committee Stage. The Minister seems to give the impression that the only problem with delivering the infrastructure we need so badly has to do with planning. This is one of the problems, but not the only one. Several speakers have outlined graphically the other difficulties that delay developments. It seems no Minister is in charge. One would wonder how it takes so much time to deliver even small projects.

Let me give an example of a small-scale project that illustrates this. Five or six years ago somebody at the Department of the Environment, Heritage and Local Government came up with the good idea of design, build and operate schemes. This was tried by Galway County Council in the case of a combined project for three villages: Kilkerrin, Dunmore and Leenane. These villages had no sewerage schemes or development for years. It was decided the three villages would get new facilities and the Minister of the day announced the money was available. After several false starts the development was divided into two separate contracts, one for the civil contractors to lay the pipes and the other to a different contractor for the sewerage facility. It may be difficult to believe, but the three villages will soon have the pipes laid and that contract completed, but there is no sign of approval for the contract to deal with the sewerage facility. Talk about half a job done. It has taken five years to get this far and I am told it could take another year before the project is completed. How can we expect the public to have confidence in any Minister or Government that would allow this happen?

Imagine the situation when we transfer this experience to the national scene. I remember being at a press conference in 2000 where it was declared that the national development plan would deliver the N6, from Dublin to Galway city, by the year 2006. What have we got? We have a small part of it, but the major part will not be completed until 2010 or 2011. Why do we have traffic jams in all our towns and cities every morning and evening? We can rest assured that what has been happening will not change overnight, even if this Bill is passed.

I am not sure what has gripped the Government. There must be some strange reason for its inaction. Its failure to deliver the projects needed cannot be blamed on a lack of money because we have never had as much money. We are able to throw money at everything we can think of. The people will give their verdict on the Government's handling of this matter in the next 12 months. They will say they were led to believe during the years that it knew what it was doing with the projects, knew what had to be done and had the money to do it, but it was unable to deliver them. It is clear it does not have the will

[Mr. Connaughton.]

and the ability to deliver what is needed. The debate on this Bill, parts of which anybody could subscribe to, needs to be viewed in that light. If the Bill is passed, I sincerely hope the Government will take note of the factors we have discussed — Deputy O'Dowd mentioned some of them this morning — and do its job in a business-like and efficient manner. It is obvious that is not happening.

This Bill will increase the powers of An Bord Pleanála, in effect, in the same way as increased responsibilities were given to the National Roads Authority. The concept is the exact same. Legislation of this nature sidelines the local authorities — they are relegated to a lower division than they are in. There was a huge debate in this House in 2003 when the waste management legislation was being considered. It was decided at that time that executive power would be given to the county managers. That meant the thoughts of local authorities were taken out of the equation when decisions were being made on landfill sites, etc. What is happening in this legislation is even more insidious in so far as the local authorities are concerned.

We should call a spade a spade — there is no point in saying that the local authorities will be fully informed of what An Bord Pleanála will do, that they will have an important role in the board's work or that their concerns will be taken into account. If one removes statutory powers from any organisation — the local authorities in this case — the body to whom such powers are given will be able to do whatever it decides to do thereafter. Regardless of the conduit that is used to get the views of local authorities across — An Bord Pleanála in Dublin in this case — one can rest assured that their representations will not have the same impact as they would have had if they had been the subject of a statutory decision. That is the way life is. Local authorities will be given an opportunity to say what they think, but their views will have no bearing on the planning decisions taken.

I highlight an issue that will arise on Committee Stage. I have no particular axe to grind with An Bord Pleanála. I am aware of good decisions and powerfully bad decisions. What part of the legislation outlines the extent to which the board will be responsible to this House? Where is the link made between the Oireachtas and An Bord Pleanála? Is it like the link between the Health Service Executive and this House? One cannot telephone or write to anybody to make representations about aspects of the health service. If one does, one cannot be sure that one will get an answer. The removal of this House and the Seanad from the process of decision-making on significant infrastructural projects is not a good thing at all. I can appreciate that the Minister will say that certain powers have been vested in An Bord Pleanála and that the Oireachtas has no say

in such matters. I do not think that is good, however. There is a need for a consultative approach in cases of projects of dramatic significance. If such a case arose in County Galway, for example, there should be some sort of conduit to allow all the national representatives of that county, from all parties, to make some sort of input into An Bord Pleanála's decision on the matter. I do not think there would be anything wrong with this.

Another important aspect of this matter to which many speakers have referred relates to what has not been done and what could be done. When something is being proposed for an area, it is important to take account of the manner in which the case is presented. There can be outright opposition to proposals in local communities. Such cases are often difficult because there can be huge conflict between local interests and the national interest. I am not silly enough to believe agreement can always be reached if enough discussions, deliberations and consultations take place. We know it is sometimes difficult to reach agreement. I give the Minister of State a word of warning. If local communities feel the general idea of a project is to shaft them, to use a vulgar expression, there will always be local agitation against it thereafter regardless of what is done to resolve the problems.

We are familiar with such difficulties in cases of roads projects, for example. We all know we have to agree to the upgrading of existing roads and the construction of new roads in the national interest. It is no harm for those who support such projects, including the civil servants who may be involved, to bear in mind that if one proposes to drive a new road like the N6 beside towns and villages and through farms, one will be the cause of huge human hardship. It is all very well for people who are removed from local areas to say such projects are necessary in the national interest. We all know about that aspect of it. There is no doubt, however, that significant attention will have to be paid to the connection between the terrible and genuine trauma suffered by such communities and the significance of such projects in the national interest. I know it is hard to balance those two considerations, but I am afraid the day will come when people will think a beefed-up An Bord Pleanála can do what it likes. That is the problem we will face.

As someone who has been in this business for almost 30 years, I have seen every possible row that God could think of in various communities. I have seen disputes about masts, roads and dumps. If local people are given opportunities to make their feelings known at certain times, they eventually come around, by and large, although it is not an easy process. They have taken new approaches in recent times. They do not agree with the view expressed in this House earlier today that they enjoy local representation as long as their local councillors and Deputies are work-

ing for them. I assure the House that local groups do not agree with that notion at all. They genuinely believe they are in the eye of the storm. Just over a week ago, every man, woman and child in the small parish of Menlough, which is near Ballinasloe in County Galway, went on a walk in opposition to a proposed O₂ mast. As they have heard all about co-location in the context of some other masts which are in place in the locality, they want to know why co-location was not used in this instance. Nobody can answer that question. The planning section of the local authority has not said why O₂ should not be asked to co-locate on a nearby site. Local communities are concerned about such matters. Unless some sort of safety valve is provided for such communities to believe that someone, somewhere will listen to them when they have a sensible point, the Minister of State may rest assured there will be widespread civil unrest.

When this legislation inevitably passes, I hope An Bord Pleanála will have sufficient expertise available to it to be able to perform this task. I refer to the prior consultation aspect, which is positive and which will be liked by the infrastructure providers. One will bring one's project before the ruling body and will acquire its evaluation before spending a great deal of money on going through the planning process. I assume this will be an extremely costly exercise for providers and I imagine that serious money will be involved. An Bord Pleanála will be obliged to acquire an army of people for this purpose. I hope it will include people who have the requisite know-how, knowledge and expertise for such vital projects, which is missing at present. The Minister could validly state that many local authorities do not have such expertise. Moreover, I do not believe that An Bord Pleanála is in possession of such expertise to the degree it is likely to require, given the quantity of work that will pass through the system.

I hope this matter has been thought through. I hope there will be a clear line of distinction between those projects which must go through An Bord Pleanála and those which do not. There should be no necessity for the development of a dual application system, whereby one is obliged to go to both An Bord Pleanála and the local authority, thus incurring double costs. There should be a clear definition as to what should go to An Bord Pleanála.

This Bill will not solve all our problems and many systemic problems will remain after it becomes law. However, some of its aspects should be good for the future.

Mr. Haughey: In the future, the Bill before the House today could stand out as having been of ground-breaking importance. It will have a profound impact on all significant players involved in the planning system and could mark a water-

shed in every aspect of our future development as a nation. The Government's attempt to tackle the future of Ireland's strategic infrastructure head on is commendable. This country's critical infrastructure clearly lags behind that enjoyed by our European and global competitors. Recently, A & L Goodbody recommended a mammoth €140 billion public sector investment in the next 15 years in order that the economy will remain competitive and efficient.

Clearly, one must address the situation at hand and this revised planning Bill, which is aimed at fast-tracking strategic infrastructure projects, has been mooted for the past three years. One must start to take action before the problem begins to spiral. However, care must also be taken to ensure this is done without expending other factors which play an equally valuable part in Ireland's future. While the demands of the economy are crucial, a balance must be struck between such demands, the operation of local democracy and the protection of our environmental heritage.

It is easy to see why this Bill has been greeted with a mixed reaction. Planning in respect of both small and large-scale developments has become a major issue. Throughout the debate this afternoon Deputies have cited a number of local examples. It consumes column inches in national and local newspapers and provokes hardened opinions from the vast majority of those potentially affected.

The key element of this Bill is the introduction of a strategic consent process which will consist of a one-stop procedure for decisions on certain types of major infrastructure. A new department, namely, the strategic infrastructure division, will be created within An Bord Pleanála. It will bear responsibility for those decisions involving major environmental, transport and energy-related projects deemed to fall under the following criteria: the development should be of strategic economic or social importance to the State or the region in which it would be situated; the development should contribute significantly to the fulfilment of any of the objectives of the national spatial strategy, or of any regional planning guidelines in force in respect of the area in which it would be situated; and if the development would have a significant effect on the area of more than one planning authority.

It is hoped the new division will be the central cog in the machinery designed to achieve the objective of speeding up the delivery of major infrastructure projects. This is in keeping with the current wider international trend towards a deregulatory approach, which aims to streamline the consent process for such projects and must be welcomed.

I do not envy the job of the new strategic infrastructure division. It will have a difficult task. A number of competing interests lie at the core of

[Mr. Haughey.]

this Bill, such as national versus local, the individual versus the collective and economic growth versus environmental protection. The new division will have the task of untangling such competing interests and its members are likely to come under attack and criticism, regardless of the decisions to which they commit themselves. They will certainly be obliged to be brave in their verdicts.

The Bill bestows considerable responsibility on An Bord Pleanála. It will be under immense pressure and scrutiny in judging what, in its view, comes under the wide-ranging classification of strategic, economic or social importance referred to in the text of the Bill, or what entails a significant effect on an area. These definitions are extremely loose and may warrant re-examination for the sake of clarification and to prevent serious wrangling in future.

Applicants to the strategic division will also have the opportunity to consult the section before putting forward their submissions for consideration. This is a sensible and pragmatic provision, which aims to save time by preventing developers from being obliged to go back to the drawing board. The Bill offers a broad scope, in terms of the nature of the advice that can be put forward under this new provision. Again however, there is potential for outside criticism in this regard. In a critical analysis of the Bill which was delivered in a lecture at UCC in April 2006, the barrister, Mr. Tom Flynn, pointed out:

[O]thers will see [this clause] . . . ingraining an inherent ‘pro-development’ bias into the planning application process and further undermining the credibility of the Board as a neutral and independent body.

A fine line is being drawn in this regard and I am pleased the Bill specifically provides that any consultations held between the board and the applicant will not be allowed to prejudice the performance by the board of any of its other functions and cannot be relied upon in any formal proceedings, legal or otherwise.

I know from experience that An Bord Pleanála works to extremely high standards. It is a highly regarded body and I am confident it will retain every ounce of its impartiality and will continue to work as a first class organisation if these proposed changes are put into effect. I cannot stress that enough. It is a board of the utmost integrity.

Deputy Dennehy said earlier in the debate that he hopes the board is inundated with applications arising from the provisions outlined in the Bill. It will also need the resources to fulfil its obligations. I am Chairman of the Oireachtas Joint Committee on Environment and Local Government which regularly monitors the activities of An Bord Pleanála. It is important that we listen to the board when it claims it needs more

resources or has difficulty doing its work within the timeframe provided for, which the committee will monitor carefully.

One of the main points of attack to which the Bill has been subjected involves the effect it might have in eroding local democracy. It is thought by some that the provisions set out herewith will have a detrimental effect on the public's right to participate in the planning process. The creation of the strategic infrastructure division of An Bord Pleanála means a transfer of power from local authorities to the board in respect of strategic infrastructure development. Understandably concerns have been expressed that this will have implications for local communities and their inputs towards changes that might impinge on their areas. Deputy Connaughton outlined a number of examples in his constituency where such problems have arisen.

Frank McDonald, the environment editor of *The Irish Times*, wrote an article on 17 February attacking the consequences of the Bill for democratic participation in vital decisions. He argued that the public will be cut out of the planning process for major infrastructure projects and stated: “Local authorities, including councillors, would have a right to be consulted and have their views ‘taken into account’ — but that’s all.” This belittles a significant part of the Bill, contained in the amendments to sections 37E and 37F of the 2000 Act. Under the 2000 Act, local councillors currently have no direct role in taking decisions on planning applications, other than in setting the general planning policies in their own areas under land-use development plans. The amendments to the 2000 Act before us now give councillors a new, specific and statutorily enshrined role. If this Bill is passed, managers of planning authorities will be required to obtain and forward the views of the elected members. It would be naïve to think or suggest that councillors will not seize upon this and exercise their new power to its fullest. Are they not the first tier of local democracy and are they not elected to represent and defend the interests of their constituents?

Without such adequate provision for these matters at community level, a great deal of friction would be created between local government and central Government, and we would risk a build-up of resentment towards central Government. To expose these Houses to this possibility would clearly be foolhardy and unhelpful to all involved. As I said previously, no decision made within the remit of this Bill will satisfy everyone, but serious action needs to be taken with regard to the critical infrastructure of this country and of course some sacrifices will need to be made if our quality of life is to match expectation.

The Bill gives more than adequate opportunity for all to comment on applications, including local communities, residents’ associations, environmental groups and individual citizens.

There will be no erosion of local input into the planning process and this should be emphasised. Environmental impact statements will continue to be a core part of the application process and the Department of the Environment, Heritage and Local Government will need to be notified in respect of heritage issues. I expect every heritage and environmental concern that arises to continue to undergo rigorous assessment.

Members of the public will certainly be pleased with amendments to be introduced to section 35 of the Planning Act, which are intended to deal with rogue builders. The amendments will make it easier for authorities to reach a decision to refuse to consent without recourse to the High Court. Instead, it will be a matter for the applicant who is refused permission to seek confirmation from the High Court that the planning authority must reconsider its initial decision. This has the effect of reversing the burden of proof. The developer will instead need to show that his or her past performance does not warrant a refusal of permission. It should, therefore, make it easier for local authorities to tackle bad performance by rogue developers. This is a serious issue that has been repeatedly highlighted by Members of these Houses and by local authority members throughout the country. I welcome the provisions in the Bill to address the problems of rogue builders who represent a serious problem given the massive developments taking place here.

The overriding fact is that we need to take decisive steps to pull our critical infrastructure into line with the EU norm, now that we finally have the means to do so. For example, on waste management, we are reaching crisis point in terms of our waste disposal options. Figures released this week show that we are now recycling more than two thirds of our used packaging, thereby surpassing EU targets for 2005. This is excellent news and I very much hope that we will outdo ourselves again next year. Kerbside dry recycling rose by a massive 140%, following the introduction of pay-by-weight charges and collections at bring banks are up 31%. However, by comparison with other OECD countries, Ireland produces a disproportionately high level of waste *per capita*. According to OECD statistics, Ireland, which produces 700 kg *per capita*, is second only to the United States, which produces 730 kg *per capita*. This is an astounding statistic.

As the problem of waste management will never go away we simply must address it in the best way possible. Local authority landfills are rapidly running out of capacity and we have a major problem of illegal dumping. According to the Environmental Protection Agency, 287,000 tonnes of household rubbish was unaccounted for in 2003. In addition backyard burning is the single biggest producer of dioxin emissions in the country. How can we, as a nation, continue to fight

against modern, engineered waste solutions that are the norm in every other EU member state? We need to start taking a realistic approach to the problems that face us. We need to get down to business and this Bill provides us with a prompt and pragmatic means of doing so. We cannot continue to take five years to deliver a waste facility, as is the case with a number of proposals currently at the planning stage.

In the same vein, Ireland's attractiveness as an investment location is diminished by poor transport, distribution and communication links, which hinder efficiency. Recently, the Government launched the Transport 21 programme, which will reinvigorate Ireland's transport infrastructure. It is an extremely far-reaching and exciting project which will bring untold benefits to our everyday lives, as well as our economy. We have made great strides in the development of the road system in this country, taking into account, for example, the number of bypasses that have been built, which have made a great difference to a great many. The implementation of this transport plan, among other matters, will be advanced to a beneficial degree, if we can move forward with a new Planning Act on the Statute Book.

As with almost every Bill passed by Parliament, it remains to be seen how these provisions will operate in practice. We can only apply our better judgment in these circumstances but the Bill is a pragmatic solution to a problem that must be addressed and solved. The economy, the environment, our heritage and the public's right to participate in the development of the State all have to be taken into account in a balanced manner and this necessarily means give and take. A realistic approach must be adopted. The legislation allows us to do this in the best possible way.

I will shortly chair the Select Committee on Environment and Local Government which will scrutinise the legislation. I look forward to leading a close examination of the issues I have raised and others, on which I have not had time to deliberate. Given the importance of the Bill, many issues will be raised. The Minister will take all aspects of the debate into consideration when the time comes.

Deputy Connaughton has stated he has been a public representative for many years and witnessed every planning row imaginable and various protests. I have witnessed similar protests in my constituency and throughout the greater Dublin area. The Dublin Port tunnel begins and ends in my constituency and I have gained invaluable experience dealing with local communities and the planning process generally. The tunnel will open later this year.

Mr. Coveney: It has taken a long time to complete.

Mr. Haughey: Many lessons could be learned from the port tunnel planning application about balancing competing interests. Consultation took place with local communities on the project and our experience and wisdom of dealing with it and the incinerator in Ringsend are reflected in the Bill which has been brought forward in a sensible and pragmatic manner.

Mr. Coveney: I am glad the Minister of State, Deputy O’Keeffe, who is from my neck of the woods is present, as he will relate to a number of the planning frustrations and concerns to which I will refer. I welcome the fact that the Bill has finally been introduced in the House because we have heard rumours for a number of years about legislation that would attempt to streamline the planning process in regard to projects of national significance and importance. The prolonged planning and appeals process has been a significant contributory factor in delaying large-scale, important building projects. As a result, projects under the national development plan, for example, are way behind schedule and have significantly exceeded their original budgets. As Deputy O’Dowd correctly pointed out, the planning appeals process is far from the only contributory factor in delaying projects but it is a major consideration. In addition to the legislation, the Minister needs to streamline the planning process and ensure improved structures and timeframes are addressed in the other areas that cause unnecessary delays in much needed projects of national significance and importance.

Fine Gael supports the principle and thinking underpinning the Bill. Ireland is developing and progressing rapidly. Our population is increasing by almost 100,000 annually. Some 80,000 housing units are being built annually, while retail and industrial development continues apace. Cities, towns and villages are expanding at a rate we have never experienced. However, as the public sector has not kept pace with private sector demand, this is negatively affecting the quality of life of communities, while limiting the potential for development in many areas, as well as directly affecting our international competitiveness. Roads, bridges, tunnels, railways, commuter rail and underground links, airport extensions, port developments, energy and telecommunications infrastructure, gas and oil pipelines and terminals and waste management facilities which are unpopular but necessary are fundamental to expanding communities. As legislators, we must strike a balance between establishing a process that facilitates a reasonable timeframe for planning and appeals considerations and ensuring fair and balanced public consultation with a provision for legitimate objection and comment. That is the challenge we face in this legislation.

Unfortunately, the Minister and his Department decided that a broad consultation process

was not necessary before introducing the Bill. This is a shame. It is such fundamental legislation that he would have received constructive suggestions and comment if he had done so. This is evidenced by the main Opposition party supporting the legislation. Seminars on the Bill which took place at UCC, for example, demonstrated that if people had been given an opportunity, they would have provided constructive criticism before the legislation was introduced in the Oireachtas. This may have eased its passage politically. However, it is not a bad start and, with amendment, will improve the planning process in the area it targets.

The planning process as a whole needs to be reviewed because it is unnecessarily frustrating for many. A totally inconsistent approach to planning is adopted by different local authorities. For example, arranging preplanning consultations with planners is difficult, frustrating, time consuming and expensive for people who only wish to undertake small-scale developments. However, the inconsistency in decision-making among planners in different parts of the same county frustrates people the most.

The legislation aims to replace the two-stage planning process for major projects, whereby local authorities and An Bord Pleanála do considerable work on the same file consecutively. This is costly to the taxpayer and time consuming and the result is a duplication of work at times. Such projects are always referred to An Bord Pleanála. Therefore, the thinking behind the Bill is sensible. The planning applications for major projects should be sent to the board directly, if they are going to be referred to it anyway by local authorities. It is proposed that An Bord Pleanála will establish a strategic infrastructure division to handle all major projects. A strategic consent process will be undertaken for such projects, which will replace the current system. However, the dangers involved in switching from a two-stage planning process involving local authorities and An Bord Pleanála to a single stage process involving the board only must be addressed before the Bill is passed. Local planning considerations will not receive the same hearing and local planners, although they may be consulted, will not be involved in the final decision-making process. They will not have the same input. People with local development knowledge will have less of a say in the big projects in their counties. We need to ensure the new system is as watertight as possible to ensure everyone is consulted. It needs to be transparent from the pre-planning, consultation and application stages, right through to the decision-making stage. It needs to provide for a rigorous assessment of all projects, in particular related environmental concerns.

The new public consultation process being proposed, which may include oral hearings, needs to be credible. An Bord Pleanála has not covered

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itself in glory under the current system of oral hearings. The Minister of State will know what I am talking about following a recent case in Cork. I do not agree with Deputy Morgan on too many issues, but I agree with his sentiment on the Indaver proposal. The hopes of the community were facilitated by an oral hearing that continued for a long time, involving much effort and expense for people who had genuine objections to the project. They managed to convince the chairman of An Bord Pleanála's oral hearing that their case was right. The chairman recommended that the board reject the overall planning application, based on 15 judgments. However, the board went ahead and granted permission. People will continue to be sceptical of oral hearings if they win the debate at such a hearing, yet lose the war when An Bord Pleanála ignores the recommendations made. That is what happened in the Indaver case on the south side of Cork city and it continues to cause so much grief. Comment and objections must be seen to be taken seriously. It must not be a polite PR exercise on the part of the board. This gives a pretence that it is listening, when the reality is that the final decision runs roughshod over the oral hearing process.

I welcome the section of the Bill dealing with the issue of working to a fair and reasonable timeframe. I look forward to discussing it on Committee Stage in order that we can come to an agreement between the two large parties. The process proposed by the Minister seems to be reasonable. A person or body, whether State, semi-State or private, needs to apply to the board for a decision on whether a particular project is of strategic importance. We must ensure that what is categorised as "of strategic importance" is limited and defined and not merely a process for facilitating private developers progressing profit-driven large-scale projects. That is not the purpose of the Bill. We could have a long debate on the planning process for other such private profit-driven large-scale developments. I would like to see more efficiency in that regard, but that is not what the Bill is about. It is about projects that are of specific national importance to the national spatial strategy, the national development plan or Government policies that need to be implemented across the country.

I wonder if we are giving too much power to An Bord Pleanála and overly reducing local authority input in the assessment process of projects of strategic importance. We need to examine carefully the input process for local authorities and elected members to ensure it is real, as Deputy Haughey pointed out. An attempt is being made to ensure a real consultation process, whereby An Bord Pleanála will listen to what local representatives, local planners and local management have to say. However, I wonder whether that will happen in practice, or whether An Bord Pleanála will make decisions based pri-

marily on national spatial strategy considerations or Government policy. That is the big fear. Consideration of local authority views by An Bord Pleanála is already questionable.

A good example is the case of Indaver — I have nothing against the company — the application of which has been resulted in a long, protracted planning process. I was a member of Cork County Council when it decided to vote to ensure the site chosen by Indaver Ireland on which to build an incinerator would not be zoned for that purpose. Management accepted our decision, but Indaver appealed to An Bord Pleanála to get its way. Despite the outcome of the oral hearing to which I referred and in spite of the fact that the largest local authority in the country had voted democratically not to allow it to happen, An Bord Pleanála decided to allow the planning application to proceed in line with the national waste management strategy. If we are to work on this principle in the future, does local input matter if the overriding motive for a decision is guided by national policy? If we are not careful, we will see a power shift from local decision-making in big planning projects to centralised decision-making. If we can make this work to improve efficiency, then I am in favour of it. However, people need to be aware of the dangers involved.

My biggest concern with the Bill relates to the requirement for the board, when assessing an application, to have regard to the national interest on issues of strategic, economic or social importance. Government policy in areas such as waste management, the national development plan, the national spatial strategy and regional planning will strongly influence board decisions. They should do so, but not to the exclusion of other issues. In such cases the board becomes more than a planning agency. It is now taking on the role of facilitating and implementing often unpopular Government policies. In the case of the development of incinerators across the country the board is being used by the Government as a mudguard. Government Deputies do not back planning applications for incinerators in their own constituencies. Instead, we get helpless press releases claiming that the decision is up to An Bord Pleanála which is required to make its decisions on the basis of national interest and Government policy. Incineration forms part of the national waste management strategy, which people will learn if they read the small print. Therefore, the Government is driving the decision making process while blaming An Bord Pleanála for making the decisions. An unhealthy and undemocratic process has thus arisen in which An Bord Pleanála facilitates or forces through unpopular planning decisions and the Government puts its hands in the air and claims it can exert no influence, even though the Government's policies are driving An Bord Pleanála's decisions.

[Mr. Coveney.]

That policy runs into further trouble where we have regional or local plans that are inconsistent with national policy. God help An Bord Pleanála if it has to make a decision on a significant national project linked with decentralisation, for example, because the Government's decentralisation plans are totally inconsistent with the national spatial strategy. If a project of national interest is categorised within the target area of this Bill, there will be inconsistent strategies coming from Government and An Bord Pleanála will have to make a decision between the two. It will be even more common when local area and county development plans are inconsistent with national policy, forcing An Bord Pleanála to make policy rather than planning decisions. The members of An Bord Pleanála are planners who for the most part make very good decisions on planning applications but we are moving towards forcing An Bord Pleanála to make policy decisions. If we are doing that in an effort to achieve more efficiency in the planning process, we need to be very careful how we do it. For that reason, the House will see detailed discussion and amendments on Committee Stage before Fine Gael can support the Bill.

Mr. Carey: I welcome the opportunity to comment on this Bill which represents a major development in our planning code. The changes proposed are badly needed if we are to meet the demands of a modern state. In terms of the provision of infrastructure, it is probably the most important legislation to have been introduced during this parliamentary term. Planning attracts all sorts of preconceived notions, not all of which are well grounded.

Much of our experience has been informed through our involvement in local authority planning issues. Deputy McGrath and I served on Dublin City Council and have debated issues such as the development of the Kill waste management centre and the port tunnel. I am sure I will hear more from my constituents on these and other matters.

The constituency I represent will benefit from this legislation in respect of the proposal in Transport 21 for the construction of a Dublin metro. The new runway and the second and third terminals at Dublin Airport will become important and probably controversial issues. I wonder whether the airport's third terminal will be of sufficient strategic importance to come within the remit of this Bill.

The Bill proposes a streamlined planning procedure for major projects of critical economic and social importance. I will not rehearse the litany of projects which have experienced delays. The process will be administered by a new strategic infrastructure division within An Bord Pleanála, which represents a more cost-effective solution to

the problem than the establishment of a fast-track planning authority. I acknowledge the claims made by Deputy O'Dowd and others that the Bill is deficient in some respects but these problems can be addressed on Committee Stage. Given the changing nature of planning and our evolving needs, we will probably have to revisit this Bill at some point in the future.

It is important to recognise that the current planning system is largely successful. Much can be said in favour of the tried and trusted current system, although criticisms can certainly be directed at the abuses that have taken place. Recent years have brought significant improvements in planning, a process in which this House played no small part. Planning authorities and An Bord Pleanála have performed impressively. For example, local authorities granted planning permission for more than 100,000 housing units in 2004, an increase of 30% on the 2003 figure. An Bord Pleanála now delivers 85% of its decisions within the statutory period. I commend the Minister and the Government on providing additional resources in this area, although professional analysts claim that further funding will be needed when this Bill is enacted.

Although there have been successes on a local and small-scale level, the current planning regime has given rise to many problems in terms of the delivery of major infrastructural problems. We could discuss the difficulties experienced in delivering the Luas and in delivering the M50 which was delivered at a snail's pace. If the planning issue is not addressed, there is a danger that we will have that intractable issue unresolved for some considerable time. The current system creates unnecessary delays which present a barrier to catching up on infrastructural development. Recently, I read an article in the *Economist* which outlined the difficulties this nation has faced in coming to terms with new ways of delivering necessary infrastructure.

There is a clear need to balance individual democratic rights with the need to get things done. We do not have this perfectly right. The proposed legislation goes a long way towards achieving a balance but it has been argued that the current system places insufficient emphasis on Article 43.2 of the Constitution, which refers to the exigencies of the common good.

A balance must also be struck in the planning process between local and national bodies. This arises from the not in my backyard phenomenon, whereby nobody wants anything even vaguely detrimental to take place in his or her area. I have seen this happen many times. When the planning process was established in the 1960s, nobody foresaw that we might need to row back on any aspect of it. It made sense to build the process around two pillars, the local application process and the appeals procedure. Some 40 years later it needs to be refined and reviewed. Although I do not go

for such dramatic shifts in legislation, modification is necessary.

All one hears about in the media is projects delayed and budgets overrun. Nobody can deny that there have been delays. Adjustments to the way contracts are drawn up and delivered and the targets for delivering decisions of An Bord Pleanála have brought improvements. This legislation will bring more. When projects reach construction stage, the timescale is manageable. We have examples of this. The new section of the N2 is to open this week three or four months ahead of schedule. Deputy O'Dowd would know about this better than I. That is an example of best practice. On many projects the problems begin when archaeological or other issues arise. These problems are accorded the same importance as the overall need to deliver the project. We have got this wrong. There are anecdotal stories about the natterjack toad being responsible for delaying a project, while a snail has held up another. I wonder if these are the real reasons projects have been delayed. We know how the castle at Carrickmines delayed the completion of the M50 for a long time. The planning process makes no allowance for the prompt altering of road routes to avoid important heritage or environmental features. Therefore, once a problem is encountered, the whole project seems to stall. The recent decision in Waterford is a good one. A way has been found locally to preserve a heritage site without seriously delaying the delivery of the project. It appears this systemic inflexibility is hindering our efforts to close the gaps in our critical infrastructure which pose a real threat to Ireland's growth and the standard of living the people have, rightly, come to expect.

The Minister has stated we cannot run a modern economy with 20th century infrastructure or architecture. We need to find ways to get millions of people to work and children to school without having to spend hours in cars. We must treat our wastewater for the good of our environment. We need new and secure ways of powering our homes. To do this we need to get our planning laws in order to ensure we can spend the money necessary to achieve these goals. A reference was made to the A & L Goodbody report and its estimate that €140 billion must be invested in infrastructure in the next 15 years if the economy is to continue to be competitive. The Government has a clear commitment. I assume the next Fianna Fáil led Government will be as committed to investing similar and greater amounts in the delivery of infrastructure from 2007 onwards. Members are aware that the draft development plan being prepared envisages considerable investment in infrastructure and I suspect we will receive all-party support.

We find it difficult to reach the target of 5% of GNP on public capital programmes. Last year expenditure came to approximately 4.2%. We

need to critically examine the reasons for this underspend when there is a crying need for the delivery of infrastructure. The money is meant to provide for the State's future economic development. If we do not spend it, we may not have the capacity to maintain economic growth. If we underspend now, we will find it difficult to reach the levels to deliver the ambitious transport plan. Enabling legislation such as this is needed in order that areas such as Dublin Airport and beyond can be developed. Last night I spoke to a group of people who suggested the metro should be extended as far north as Balbriggan at least to serve that growing area. Deputy O'Dowd will want it to go all the way to Belfast.

Mr. O'Dowd: Drogheda.

Ms Burton: Dustin the Turkey's idea was that the DART should go to Dingle. He was right.

Mr. Carey: We would have to call it An Daingean. In this regard, the Bill is vitally important. It deals with improving the quality of life and protecting the environment. Both are possible if we are serious. I commend the Minister, Deputy Roche, for his determination in progressing the Bill.

The single stage process is important but I do not pretend it will be easy. I have heard others, including Deputy O'Dowd, discuss the possibility of our being trapped in resorting to judicial review and the courts in this process. Because I come from a local authority membership background I am not certain we have the correct balance in giving a real right of input to members of local authorities. The idea is a good one. I am not trying to row back on it, but I wonder if there is a danger, given the structure of city and county management and the lack of balance in the powers of elected members and managers, that the transmission of the views of the local authority to the board will be an exercise in tokenism. My reservations may be found to be without foundation. However, it is my experience that the views of local authority members are not taken with the same degree of seriousness as those of management.

The Bill proposes that specific types of infrastructure which are listed may be eligible to apply within the one-step application process. As others have spoken on this, I will not go through it in detail. We have not developed public consultation to its full potential in Ireland. We have the environmental impact process and public consultation, which we have gone through in respect of public housing and even small-scale projects where Part 8 or Part 9 of the planning Act is invoked and there is no recourse to the board. I am not sure, however, that it has always worked out well as far as local consultation is concerned. I do not suggest we provide opportunities for

[Mr. Carey.]

people to be obstructive because most interest groups are not. While there is much positive support for most developments flagged by local and national authorities, the concept of transparency which is often lacking should be developed further. In certain respects the Bill goes some way towards doing this.

Many delays have been caused by poorly prepared applications and environmental impact statements. The board will be able to tackle this directly. That the board will be able to access notes on consultation between developers and local authorities will assure the public of the transparency of the system. I commend the Minister for that measure. Any member of the public, a residents group or an environmental group will have the opportunity to make its views known on the proposed infrastructure project. We must strengthen this provision if possible. The board will have regard to a range of issues, including the submissions and objections made by local people and the local authority. The local development plan must be taken into account.

The metro project will test this Bill. Public consultation has begun, generating a high level of interest among local groups. It is a significant positive development for the city, the north side, the airport, Ballymun and Swords areas. Although one cannot make omelettes without breaking eggs, this Bill enables residents' concerns to be taken into account. The residents associations with whom local representatives are working are making a coherent case.

Deputy O'Dowd referred to the port tunnel and community gain. An informal, unsatisfactory arrangement was agreed to provide for the upset caused to the adjacent community by work on the port tunnel. The Minister is now making provision in statutory form for this community compensation. In the metro project area, one of the largest parks, Albert College Park beside DCU, will be out of commission for the duration of the construction and may never reopen. Finding the balance between local authority input and An Bord Pleanála is important.

I am pleased that section 9 will, at long last, make rogue developers pay for bad behaviour. I would like to have those branded rogue developers precluded from tendering for public projects. I do not know how this would be worded in the Bill but a number of these rogue developers come to mind.

Mr. O'Dowd: Will they be kept out of the tent at the Galway races?

Mr. Carey: I have been to three race meetings in my time — none has been in Galway.

Ms Burton: Perhaps this Bill represents an apology from the Government to the people for

the repeated failures to complete the infrastructure that people have a right to expect as citizens of a modern EU country. For most people, infrastructure means roads, trains and buses. There are metros in most European cities of comparable size to Dublin and Cork. A decent bus service should be available in cities and towns. Many Members have travelled in Europe and will have been staggered by the difference between public transport infrastructure there and in Ireland. This Government has had nine years to achieve success on this matter but is still floundering. Many Ministers are jaded and exhausted from holding office for so long. Their efforts to meet the infrastructure gap have been disappointing.

Planning is not an easy matter, particularly if one is in a growth area. I began my political life on the former Dublin County Council at a time when the area was experiencing the kind of expansion only experienced by other towns and cities around the country in the past seven years. Dublin county was the key area for expansion. Three new towns were designated for the area around Tallaght, Blanchardstown and Lucan thirty years ago. Swords grew as a new town without designation. The rest of the country has been experiencing something similar in recent years. The development of new towns or areas must be accompanied by infrastructure. The Government gets it consistently wrong and there is a reason for this.

When Fianna Fáil is in power, planning is not done for the general good to meet the needs of people, traders and employers. It is driven exclusively by developers and builders. Although they have a role to play and are essential to the process of development, should they dominate it to the extent they do when Fianna Fáil is in power? This is the reason for the massive scale of public distrust. Our planning process is backward, with consultation at the end rather than the beginning as happens in most countries. Much pseudo consultation takes place because it is required under recent legislation. Many individuals do not wish to take part in pseudo consultation. I find it strange that the Government is perpetually surprised at the negative reaction to notices in the newspapers and meetings where one learns nothing concrete.

I speak from personal experiences of being in Dublin County Council in the early 1990s. I was pestered by developers on all sides, queueing up to propose their land for development. This Bill does not address the value and enormous gains accruing when land is rezoned for infrastructure development. The gain is always to a coterie of builders and developers, of which 90% support one political party in the State. That critical lack of confidence in the planning process originates in the fear of corruption and belief that decisions have been arrived at in an underhand way. It has poisoned the political well for the past 20 years

to the extent that, when something is put forward nowadays, even with cross-party agreement among local authority members, the general public still feels left out and suspicious that something has been got over on it. We should look to the United States of America where discussions are held first and proposals are in the public domain, instead of the Irish system where consultation with the public comes last.

This week we have had an example of decentralisation. Across the board in this House, every party agrees with decentralisation, but Fianna Fáil agrees with it as “stroke politics”. Some 53 locations are necessary to achieve the big bang within three years of the 2003 budget. Not one Member listening that day did not know that the principle of decentralisation was good but the small print was so crazy that it would not happen. Deputy Kelly knows what happened in Longford in the early 1990s when the Government of which I was part decentralised significant elements of the Department of Social and Family Affairs to the north west. We know that it worked, since it brought great benefits. In many ways former Deputy Reynolds who was Taoiseach at the time spearheaded that decentralisation. However, we know how long it took and that there was an initial rush of up to 25% to the social welfare offices relocating from Longford to Sligo and Letterkenny. Another 25% went easily enough on foot of promotion and with agreed time and space to do so. Then the process stalled and there was local recruitment.

It is no wonder that what is being done has resulted in strikes in public bodies. It has been implemented in a back-door manner with only limited consultation with those involved. Such stroke politics in infrastructural projects makes people suspicious. This week, for instance, I asked the Minister for Health and Children, Deputy Harney, a question. That an embryonic Department with responsibility for children is developing is good.

I see that the Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Browne, is present to represent County Wexford. I am sure that he will recall that, when a new structure, the EPA, was being created in those years, the Government stated that, as such, it was an obvious candidate for decentralisation. Johnstown Castle rightly was home to a very good project. One hopes it will now be added to.

When the Department of Justice, Equality and Law Reform was expanding computer services in such key areas as payroll, high quality jobs were decentralised to Killarney over a period, a move that proved very successful. Both the civil servants involved and Killarney very much welcomed it.

The Government is now creating a Department with responsibility for children. It has created a

Minister of State with special responsibility in that regard with power to go to the Cabinet and argue children’s cases. The Department will combine functions from the Departments of Health and Children, Justice, Equality and Law Reform, and Education and Science to address children’s needs coherently. That is a new development.

The overseas aid section of the Department of Foreign Affairs has specialists dealing largely with developing countries and embassies based in Dublin and London. This specialist agency, whose employees must work around the world, may now be relocated to Limerick. They do not know when or for how long. Without consultation, we tell them that they are going to Limerick, yet we decentralise the embryonic Department with responsibility for children to within 100 yards of St. Stephen’s Green. That is stroke politics at its worst.

All major parties in the House have successfully implemented decentralisation programmes and we know what does and does not work. When it comes to the Planning and Development (Strategic Infrastructure) Bill 2006, we must ask the critical question of the stroke elements that will cause people to lack confidence in the process. The first thing the Minister should do is clarify the position on the Minister for Justice, Equality and Law Reform and the proposals for a heat treatment plant in Ringsend. The Minister has let it be known far and wide that it will not happen on his watch. The Minister of State, Deputy Browne, may smile and I can understand why. Fianna Fáil will probably not have a seat in Dublin South East after the next general election as a consequence.

Mr. O’Dowd: Or in Wexford.

Ms Burton: What is the situation? Will this treatment plant be covered by a regulatory section that the Minister will not bring into force until after the next general election? Will it be exempt completely? We would like to hear the story.

I have been in a constituency probably subject to more mega-development plans than any other in the country, barring north County Dublin and parts of County Kildare. I will give some more examples. Approximately four years ago the Government nominated a strategic development zone of 3,000 units at Hansfield, Clonsilla. That number of houses is not unusual in Dublin West and the planning process deals with it regularly and very often without many objections, since a system has developed of trying to work in blocks of what is good for an area. However, in the strategic development process at Hansfield, the Government decided to make absolutely no commitment regarding infrastructure such as schools, access to public transport or the road network. People naturally objected, although not to the

[Ms Burton.]

principle, since everyone accepts that the area is a good one to locate more housing. However, it is located along the line of the Dunboyne railway line spur which has, unfortunately, been closed for more than 50 years. The Government has promised that one day it will be reopened. However, living in Dublin West, people know the Government's track record. It is a case of promises upon promises, with precious little delivery.

There was the land at Abbotstown where the Taoiseach proposed to build a large stadium. There was the development of the National Aquatic Centre which I welcomed as soon as I heard it announced. Some 15 years ago in the Fingal development plan I proposed that the entire site be reserved for amenity purposes and a park, something supported by all parties represented on the council. As a public representative in Dublin West, I am now on my fifth stadium proposal. I know very little about football but have learned a great deal about stadium plans such as which ones work and which ones do not.

The critical point concerns the relationship of the proposals to the people and developers in the area and how realistic they are if the key issues of road and rail access are not addressed. I want to know about the ancillary facilities to which such projects give rise.

Let us consider Blanchardstown which has probably the best town centre in the country. It is open to all and everybody uses it but the road network which serves it is dreadful. Some 20 years ago there was a line drawn in the development plan for a railway but we are still waiting. I presume the metro, the grandson of the original railway proposal, will serve Blanchardstown. How do we know, however, that a developer will not get on the inside track, to which the public does not have access? That is the critical issue.

If there is strategic infrastructure alongside a designated strategic railway development which almost everyone would welcome, what happens to the lands on either side of the development? Obviously, their value will increase by multiples as a consequence. If we do not ensure the bulk of the increase in the value of the land accrues to the public, developers will walk away with unreasonable profits. I am a realist. Like other business people, builders are in business to make money and good luck to them. However, I draw the line at them making unreasonable profits where they avail of the benefit of the increase in land values and decamp to Marbella or some other location to buy their millionaire homes and the people left behind are left without infrastructure.

The reference to community gain is not to a small playing pitch which a developer suggests to a residents association to try to get it to change its view and support a planning decision. It is a

much broader concept which has been developed in places such as Milton Keynes in the United Kingdom where when land values rise and developers make money but it is a reasonable profit and the bulk of the gain goes to the community. If the Government could address this issue, we would not have as many innate objections to projects which may be essential in the public interest but in respect of which people believe there is corruption involved at base because there is a golden circle on the inside track and the citizen is not within the ring of stakeholders and left without primary schools.

People cannot believe that since January, up to 600 parents in five housing growth areas in Dublin West have been told that there will be no place in a primary school for their four year old. The people concerned work, pay their taxes, buy their houses and do everything the right way. They are model citizens. Some 30 years ago when the country had no money, each child could find a primary school place but one cannot do so today in Dublin West. The reason is that the developers own the land and the Government is afraid to take them on. It makes promises but does not comprehensively address the issue. We have reservations about the Bill because it is only by cutting to the chase and providing infrastructure for the good of the community, not just to satisfy developers' naked greed, that we will make progress.

Mr. Kelly: I am delighted to speak on the Planning and Development (Strategic Infrastructure) Bill which is one of the most important pieces of legislation to pass through the Dáil this session. Ireland is a great country and it is important we promote it in a positive manner and tell the world what a great place it is in which to live, work and visit.

I am delighted to have the opportunity to say a few words about the social welfare office in Longford which has been mentioned by others. Albert Reynolds was the Taoiseach of the day. He was a great Deputy for his constituency and a great Taoiseach who made us proud. There was no delay in the decentralisation of the social welfare office to Longford. The developers and builders were P. J. McLaughlin and I compliment them and their staff. They were decent, honourable, conscientious and great community people who contributed greatly to every aspect of life in Longford and elsewhere in the country — business, sport, social, cultural and charitable activities. They are the third generation in Longford and a credit to the developers and builders of this country. Only for people like them, we would not have this major development. They cannot be questioned; one could not put a mark against them. One would give them 100 out of 100 for everything.

I also compliment the 300 staff in the social welfare office. If one wants to know the facts

about decentralisation, one should not ask me but the staff of this office. Those who decentralised to Longford are enjoying every minute. Hundreds of civil servants are on the waiting list to move to the town. The Prison Service is being decentralised to it and the project is on target. Building work is taking place and we look forward to opening the office shortly. No doubt it will be opened before the general election. I thank Deputy Burton for giving me the opportunity to promote my county and decentralisation in a positive light.

The Bill amends the Planning and Development Act 2000. It introduces a new consent process for major infrastructural projects of national and public importance. I cannot emphasise enough how badly Ireland needs new and improved infrastructure to remove bottlenecks in the economy, enhance competitiveness, improve the quality of life of citizens and protect our precious environment. Every delay in dealing with an infrastructural project adds to the cost of its provision, not only in financial terms but also in terms of the time lost and lost opportunities.

The Bill will introduce a new consent process for major infrastructural projects of national and public importance. An Board Pleanála will be restructured by the establishment of a dedicated strategic infrastructure division. The Bill will provide for the provision a better service for all stakeholders, infrastructure providers, State bodies and the public through a single stage process of approval for projects, a rigorous assessment of all projects, including their environmental impact, full public consultation and certainty of timeframes.

An Bord Pleanála is already responsible for deciding on proposals in respect of road, motorway, water and wastewater projects from local authorities. The Bill extends this process to projects of strategic importance. In addition, infrastructure provided by other statutory bodies and private promoters will also be subject to a single stage process. This will cover core energy, environmental and transport infrastructure.

Debate adjourned.

Message from Select Committee.

Acting Chairman (Ms B. Moynihan-Cronin): The Select Committee on Health and Children has concluded its consideration of the Health (Repayment Scheme) Bill 2006 and has made amendments thereto.

Private Members' Business.

Drug Abuse: Motion (Resumed).

The following motion was moved by Deputy Crowe on Tuesday, 23 May 2006:

That Dáil Éireann,

recognising the many diverse and profound problems for individuals and for society caused by the misuse of drugs, both legal and illegal;

affirms:

- the right of children, young persons, adults, families and communities to be protected from the harmful effects of drugs and associated crime;
- the right of all to be educated about the damaging effects of the misuse of drugs;
- the right of people to grow up in communities free from poverty, social exclusion and inequality, which are undoubtedly factors which have influenced drug misuse;

views with grave concern the escalating impact of problem drug use in Irish society including:

- the rapidly increasing use of cocaine throughout the country;
- the devastating effect of heroin use, in particular, in many working-class communities and now spreading to every town and village in Ireland;
- the hurt and pain suffered by the families of addicts due to drug use, drug dealers and the inadequate and late response of statutory bodies;
- the emergence of a trade in crack cocaine in Dublin;
- the high level of crime which is fuelled by the drugs trade;
- the damage to public health caused by growing levels of drug misuse and addiction; and
- the failure of the Health Service Executive to provide harm reduction facilities throughout the State;

calls on the Government to acknowledge the many shortfalls in policy and implementation of policy and to recommit itself to the overall strategic objective of the National Drugs Strategy 2001- 2008 which is to significantly reduce the harm caused to individuals and society by the misuse of drugs through a concerted focus on supply reduction, prevention, treatment and research;

to that end, mandates the Government to:

- ensure the relentless pursuit of major drug traffickers and ring-fence funds seized from them for community development in those neighbourhoods worst affected by the drugs scourge;

- provide for all appropriate sanctions for those involved in the drug trade, including prison sentences for drug barons which reflect the devastating impact of their activities on individuals, families and communities, as well as increased use of alternatives to prison for certain drug-related crimes where this would be more appropriate;
- increase the resources available to the Garda Síochána national drugs unit, local drugs units and juvenile liaison officers;
- ensure a genuine partnership between the Garda Síochána and local communities, given that the Garda Síochána Act 2005 failed to introduce adequate structures for accountability and genuine community policing;
- introduce local accountability structures at district level such as community policing partnerships or, at least, to roll out the joint policing committees and community policing fora provided for by the Garda Síochána Act 2005 across the Twenty-six Counties as a matter of urgency;
- reverse the current approach to drug abuse in prisons to ensure that prisoners have access to health care and prevention policies and services including harm reduction strategies equivalent to those available in the wider community;
- immediately formulate, resource and implement an action plan to combat spiralling cocaine use;
- dedicate adequate funding to significantly expand the availability of drug treatment and to eliminate waiting lists for treatment;
- encourage the Health Service Executive to return to real partnership with community and voluntary groups in addressing problematic drug use;
- expand the spectrum of services available so that all drug users who want to avail of treatment and other services can do so;
- ensure that drug users also have access to the other counselling and medical services they need, without discrimination;
- recognise the right of all grandparents looking after the children of their addict sons and daughters to be fully supported in line with provision for foster

- parents and accordingly increase the orphan-guardian allowance;
- ensure the take-up of widespread and well resourced education programmes and campaigns for children and parents against the misuse of drugs, in school, at home and in the community;
- seriously address poverty and inequality in this State, including educational disadvantage, and accordingly provide Early Start programmes in all RAPID areas;
- work on an all-Ireland basis to ensure the application of the strategic objectives of the national drugs strategy to the island as a whole; and
- appoint a Minister of State with sole responsibility for drugs issues.

Debate resumed on amendment No. 1:

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

- supports the Government on its ongoing implementation of the National Drugs Strategy 2001-2008;
- notes that the key finding of the mid-term review of the national drugs strategy in 2005 was that the current aims and objectives of the strategy are fundamentally sound and that progress was being made across the four pillars of the strategy;
- recognises the significant work being done under the four pillars of the national drugs strategy, supply reduction, prevention, treatment and research and the decision to include a fifth pillar of rehabilitation to further focus initiatives in that area;
- welcomes the significant increase in funding provided this year for drugs initiatives;
- commends the partnership approach to tackling the drugs issue across Departments, agencies and the community and voluntary sectors;
- commends the Health Services Executive on its role in developing appropriate responses to problematic drug use through significantly increased treatment services;
- commends the level of success of the Garda and customs services in relation to drug seizures and the work of the Garda in countering drugs misuse on a countrywide basis and in a spirit of partnership with local communities;

- endorses the initiatives outlined in the recently published Irish Prison Service drugs strategy Keeping Drugs Out of Prisons;
 - endorses the national action plan against poverty and social inclusion and the five year educational plan, Delivering Equality of Opportunity in Schools, which commenced in 2005;
 - welcomes the all-island initiatives in relation to the problem of drug misuse in Ireland; and
 - supports the Minister of State, Deputy Ahern, in his wholehearted commitment to, and successful handling of, the Government's drive against the problems of drug misuse in our society.
- (Minister of State at the Department of Community, Rural and Gaeltacht Affairs).

Mr. O'Connor: I propose to share time with the Minister for Justice, Equality and Law Reform, Deputy McDowell, and Deputies McGuinness and Curran.

I acknowledge the presence in the Chamber of my colleagues and good friends, the Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Browne, and the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen. They will not object if somewhere in this short contribution I mention Tallaght. I will deal later with Deputy English to whom I listened carefully last night.

I compliment my colleagues in Sinn Féin, especially my local colleague, Deputy Crowe, on their initiative in proposing this motion. It is good to have this debate. I have often spoken about the importance of Private Members' business for Deputies like me because it gives us an opportunity to talk about every day issues.

I will not say that everything is perfect in regard to drug services and there is no problem in my area because there is but I am proud of the efforts we have all made. While we are entitled to make our political points, a serious effort has been made to combat this problem. We must continue to support the Garda Síochána to ensure that people who peddle drugs and import them into our jurisdiction are dealt with severely.

As some Deputies know, I represent Dublin South-West which includes the major population centre of Tallaght but also Firhouse, Greenhills, Templeogue and Brittas. I am from Dublin and was reared in Crumlin. There have always been drugs challenges in these communities to which the Government must continue to respond.

Someone last night referred to the work of the previous rainbow coalition.

Mr. English: It was not me.

Mr. O'Connor: I think it was Deputy English's colleague, Deputy McGinley. A great deal of good work was done. My constituency colleague, Deputy Rabbitte, who was then Minister of State at the Department of Enterprise, Trade and Employment, did important work. When the Government changed in 1997, my party colleague, Chris Flood, whom I replaced here, continued that work. From 1997 to 2000, Chris dealt with the drugs situation as Minister of State at the Department of Tourism, Sport and Recreation under the then Minister, Deputy McDaid. Chris, like Deputy Rabbitte before him, and Deputy Eoin Ryan after him, made a strong contribution to dealing with the drugs scourge in our communities, particularly in the Dublin region.

I recall Fergus McCabe, who has had his own difficulties recently, saying at a well attended public meeting in Dublin that he never voted for Fianna Fáil but if he had been ever tempted to do so it would have been because of the work of Chris Flood. I am sure he will not mind my repeating that tonight. Chris has a proud record in that regard. Before retiring from politics and becoming chairman of the Tallaght drugs task force, he established the young people's facilities and services fund. Many areas, including my constituency, which I share with Deputy Crowe, have benefited significantly from that fund.

Projects which benefited from that fund include Brookfield community youth facility which is under construction, the Brookfield youth at risk project, the Jobstown community sports facility, namely, the all-weather pitch, which is a great amenity in Tallaght west, the Killinarden and Fettercairn community centres, which were redeveloped, the Springfield community youth project, the Tallaght Travellers youth service, and the St. Mark's youth and community centre project in the Farm in Fettercairn. Several other major initiatives began too. For example, three major facility projects have been developed under the premises initiative, something of which we in Tallaght are very proud, in the St. Aengus community action group, the jazz centre in Jobstown and the CARP project in Killinarden.

Several community responses have been successful in the Tallaght area in this regard, for example, the St. Dominic's community response group, the jazz group in Jobstown, the St. Aengus project, the CARP project in Killinarden, the project in Brookfield, the Fettercairn project and the Tallaght rehabilitation project which operates in Kiltalown House in Jobstown and on whose board I have had the honour of serving.

The Tallaght rehabilitation project believes:

. . . in the advantage of rehabilitation within the community, as addiction does not happen in isolation.

[Mr. O'Connor.]

Our aim is to create a supportive and nurturing environment where participants are encouraged to address their previous drug use and in so doing, can become and remain drug free.

The project promotes a healthy lifestyle in a structured and safe way, through education and training. From there participants are encouraged to make an informed choice to become and remain drug free. My colleagues will join me in supporting that group.

The pilot project in the Tallaght area dealing with the scourge of cocaine use is run jointly by the St. Dominic's community response group, situated in St. Dominic's Road in Tallaght, and the CARP group in Killinarden. This project has completed its work and been evaluated. When I and my colleagues, including Deputy Crowe, mentioned it to the Minister of State at the Department for Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern, he was very responsive to its needs. He has made it clear that additional moneys are being allocated to the project which will allow it to continue to operate until the Department has received and assessed the evaluation report. There was some concern on that issue and I am glad it has been resolved. I acknowledge the assistance of the Minister of State because it is important to support this project.

I am also glad that the Minister of State has accepted an invitation to visit Tallaght again where, at the institute of technology, he will award the annual certificates issued by the CARP group. I look forward to welcoming the Minister of State there.

Apart from the services I have mentioned, there remain gaps in the service in Tallaght and there is work to do. We must continue to support the work of the Tallaght task force which was chaired by Chris Flood, followed by Mick Duff, an activist in St. Aengus, and is now chaired by Anna Lee from the Tallaght Partnership.

I do not wish to speak in a negative way about Tallaght but there are challenges there and those of us who represent the area need to mention them. There is a need to examine the continuing care provided for people from the time they enter treatment, move to a private general practitioner, enter drug-free programmes and detoxification, and re-enter mainstream living. We need to understand the concerns about the growing number of people presenting with serious dependency on non-prescription and prescription drugs.

My contacts in Tallaght inform me that, while relations with the Health Service Executive have improved, there is a definite need to develop closer links for a more shared care approach. All the groups in Tallaght would want me to make that point. Drug-free rehabilitation centres are necessary and we should support access to them.

While the waiting list for treatment has reduced significantly, six to eight weeks is too long to wait. My contacts say that FÁS should offer more community employment places for a community drug-free project. I ask the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, to convey that message to FÁS.

While drug services in Tallaght have improved, there is a need to join up services and to begin looking outside this particular box for treatment options. We must not be afraid to admit that there is a continuing problem. I am glad the Minister for Justice, Equality and Law Reform is present because I wish to repeat my call for more resources to be given to the Garda Síochána to deal with this scourge. It is important that we continue to work with the Garda Síochána to put drug dealers and drug barons out of business. I am glad the Garda drugs unit in Tallaght has been so helpful and successful in this regard.

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I am grateful to Members for enabling me to address this motion this evening. As the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern, noted, both the drug problem in Ireland and the way in which we respond to it are extremely important. Ireland is not unique. It is one of many western societies facing the drug problem. However, we are responsible for what happens in our own jurisdiction. While the drug problem is by no means confined to one EU member state, we must constantly struggle to eliminate the scourge of drugs from our society.

Unfortunately, there is a considerable amount of moral ambivalence in respect of drugs. People will talk about how terrible it is that drug warlords shoot each other's heads off and endanger the public in their sadistic and brutal killing sprees, how terrible it is that addicts shoot up and die from overdoses in doorways in our cities and how terrible it is that our prisons are populated to an unacceptable degree by people who have been led into the prison system through access to drugs and who still have access to them while in prison.

However, there is another world about which there is far less unanimity and clarity. Anyone who smokes a joint, snorts a line, takes an ecstasy tablet or any form of hard drugs and thinks that it is a private matter and that his or her actions have no social implications contributes in a fundamental way to the problem. Certain people argue in public that it is somehow acceptable to consume prohibited drugs and to possess them in small quantities. We witnessed a recent example of such an argument on "The Late Late Show". The person who appeared on that programme argued that if someone wanted to kill himself or herself with heroin, it was acceptable and queried

why society did not make such drugs available to the people who sought them. People who advance such arguments are not merely suffering from moral confusion but from a complete absence of any critical faculty.

Some people have argued for the legalisation of drugs. An aspirant to membership of this House has done so and has argued that it should not be an offence to be in possession of heroin if one wishes to use it. Let us examine this proposition. First, it ignores the reality that we are obliged under European law to criminalise the possession of hard drugs so the proposal is a non-starter. We are now obliged by unchangeable European law to criminalise the possession of these drugs.

Even if this particular handcuff to reality was removed and we, for a moment, speculated about the effects of legalising hard drugs or their possession, how could we possibly expect that 15, 16 and 17 year olds would not gain easy access to drugs if 18, 19 and 20 year olds could possess them without infringing the law? It is a non-starter, unstateable as a proposition and should not be countenanced. Whereas it may, like some designer drugs, have a quick rush of popular approval attached to it, it is as illusory and empty an argument as one is likely to hear.

I agree with Deputy O'Connor that resourcing the Garda Síochána in terms of numbers, money, equipment, know-how and technology must play a part in fighting the war against drugs. However, none of us should forget that the gardaí cannot win this war if people are willing to consume this product. The gardaí cannot at any stage hope to deal with the drugs issue if people consume drugs. The sad fact is that as Ireland becomes affluent, there is more money available for those who wish to consume drugs and that in an affluent society with so many opportunities so many more people are being ruined by their addiction to drugs. We cannot, as a community, tell the gardaí that they must solve this problem if we do not bear down at every level through the education system, social and political discourse and our influence, particularly on vulnerable people, and make it very clear that we are unambiguous in condemning the availability and supply of drugs.

Certain speakers, including Deputy Jim O'Keeffe, referred to various studies of drug use in prisons. The studies referred to by the Deputy were carried out in 1999 and 2000 and were funded by the Irish Prison Service. However, we should not be overwhelmed by their veracity. The suggestion that initiation into drug use in prison was rare is far closer to the truth than some of the suggestions in the studies, which were based on prisoners' accounts, would lead us to believe.

Mandatory drug testing will be introduced in our prisons and we are bringing forward prison rules to allow this testing to take place. I strongly believe that prison, which is a remedy of last

resort, has failed completely if it permits people to maintain a drug habit throughout their time in prison and emerge on to the streets with a live and virulent drug habit. The Criminal Justice Bill 2004, which is on Committee Stage, contains new provisions to drive more structured sentencing. Given that the Irish Prison Service has sorted out its perennial problem with matters like overtime and there is a united approach from staff and management to the task of building up a professional 21st century prison service, I am very confident that the next few years, particularly in the context of the new prison building programme, will create an environment in which prisoners will no longer be subject to being afflicted by the availability of drugs in prisons.

I could say much more about some of the matters raised during this debate. Minimum sentencing, which was provided for in 1997 by the Houses of the Oireachtas, will be strengthened during the passage of the new criminal justice legislation. There is no point in me lecturing or waving a finger at the judiciary in a hostile fashion. I prefer to appeal on behalf of the Members of this House to the Judiciary to reflect on the law made by this House. We appeal to the Judiciary to ponder that it is laid down in the law of our land that only in exceptional and specific circumstances should the possession of drugs in large amounts not be visited by a ten-year prison sentence. It is not acceptable for people to be found with quantities of drugs with street values not of €30,000 but of well over €1 million and to be given sentences of between three and six years when there are no exceptional circumstances in play. Members may wonder what is the rate of implementation of the minimum sentence laid down by this House. It was as low as 6%. There was a time when 94% of sentences under the relevant section were less than the ten year minimum. That has changed and it is now 79%. That means 21% have got ten years or more in recent times. That has to do with one proposition, namely that the Members who put in place that law, from whatever political perspective, have all made it clear that they really want it to be enforced. I know members of the Judiciary are rightly supposed to be independent of the executive and legislative arms of the State and I would not change that. However, I hope they will be influenced by the fact there is a political consensus in this House that drugs have such a dramatic effect on the quality of life in our society, a prisoner focused sentencing policy, which takes its eye off the overall global effect of the drugs scourge, is mistaken when it goes too far.

I am glad the figure of 6% has grown to 21%, but I will not be happy until the exceptional and specific derogation we provided is only availed of in a minority of cases when people are sentenced for possession of drugs. I hope most Members will not keep quiet on this subject until that mess-

[Mr. McDowell.]

age is driven home. One of the provisions in the Criminal Justice Bill is that in looking at the circumstances in which a departure from the ten year sentence is being argued in court, the Judiciary must have regard to the effect of drugs on society. In other words, the social dimension to sentencing must be put back firmly centre stage in the drama of the judicial process, rather than left in the wings unseen and unheard when the sentencing process is at hand.

I know members of the Judiciary see the consequences of drug addiction, day in, day out. We must connect the unanimity on this subject in this House with the public's determination that a strong line be taken against drugs, and the underlying goodwill in the Judiciary to use the new structured sentencing that will be in place, to ensure everyone who is sent to jail with a drug habit has a good incentive to participate in treatment programmes in prison, that such initiatives are adequately funded and available and that the probation service acts as an ally for those who are released with portions of their sentences still hanging over them, to keep them on the straight and narrow. There are so many things that we can do as a society to strengthen the hand of people who are vulnerable to the drugs scourge. We must always remember it is the vulnerable elements in society who are sought out by drug pushers in order to suck them into the self-destruction of drug dependency. I just want to——

Mr. McGinley: Will the Minister not agree that some go to prison with a habit and come out as addicts?

Mr. McDowell: That is the point. I agree with that, and I am adamant in that regard. I do not know what the percentage is and it is not easy to work out. However, I say to the Deputy that we cannot rest easy while drugs are in our prisons. I say with all my heart that it is not good enough to argue that if there are drugs outside there will be drugs inside. People in prison are there for the purpose of rehabilitation. It is no more good enough to argue that than it is right to say that because there are drugs outside they are bound to be in hospitals or schools. That is not the right way forward. We must have a clear moral focus in what we say and do on this issue.

I am grateful to the Deputies who brought the motion. I believe very strongly that the Government's amendment is a fair reflection of the truth of the situation. I ask the House to support the Government's amendment and to unite in condemning those who are making drugs available in our society.

Mr. McGuinness: I want to share time with Deputy Curran.

I join with the Minister in his condemnation of those who push and use drugs in this country. It is time for a wake-up call, too, for the Judiciary as regards sentencing. There is a perception abroad that sentencing for those who push drugs is far too lenient. The impact of drugs is devastating for communities, not just in the major cities, but throughout the country. Beyond the good work being undertaken by the National Drugs Strategy 2001-08, the need to concentrate on such centres as Kilkenny must now be acknowledged. Over the last number of years I have seen an enormous growth in the use of heroin and ecstasy tablets. I know of a recent case where €20,000 worth of cocaine was confiscated by the Garda from one individual. Right across the country there is a major problem. There is a need for immediate funding and response from the Garda. There is a need for joined up effort by the agencies involved such as county councils and the HSE, to respond in partnership with community groups to get action on this matter. We can at least work with the communities to ensure drug pushers are finally pushed out of action as regards the damage they are doing to young people. I ask the HSE to ensure that places are available for heroin addicts to be looked after and to receive the care they need. There simply are not enough places, particularly in the south-east region, for that to happen. In fact some cases are being turned away. Parents do not know what to do, the HSE is not responding positively, and until such time as the community policing committees are put in place to deal with matters on a cross-agency basis, we will not be supporting those who need support.

The words of the Minister for Justice, Equality and Law Reform will simply mean nothing if we do not take legislative action, put the funding where it is needed and if we do not support those who are fighting this horrific development.

Mr. Curran: I thank the Minister for Justice, Equality and Law Reform for giving me an opportunity, which I welcome, to contribute. Unfortunately the Minister is no longer here.

I suppose Deputy Crowe is of like mind to me, representing as we do constituencies where the issue of drug abuse and associated criminality is all too common. The Minister spoke about mandatory sentencing and the lack of it, particularly for those in recent years who have been convicted for possession of large amounts of drugs. He talked about the increase from 6% to 21% and went on to say members of the Judiciary were being influenced by Members of this House from all parties who have complained about the lack of mandatory sentencing for very serious crimes. It is unfortunate that the Minister is not here, because I would tell him that the Judiciary does not reflect the views of this House. We have sought mandatory sentencing. It is in legislation,

and only in exceptional cases should mandatory sentencing for possession of large amounts of drugs not be imposed. Had the Minister been here, I would say to him that if it is not being imposed, we need to revisit that legislation. We need the Judiciary to not just reflect on the views, but to implement what this House has sought. Trafficking in drugs is very serious. The penalty most people receive for what is a serious crime is grossly inadequate. I am sorry the Minister is not here for me to tell him we need to revisit the legislation. The 21% of people convicted of possession of a large amount of drugs who receive the mandatory sentence are in the minority. This does not adequately reflect what this House wants or what we, as public representatives, require. I support the Government amendment to the motion.

Mr. O'Shea: Ba mhaith liom mo chuid ama a roinnt leis an Teachta Upton. Tá áthas orm labhairt faoin dochar atá á dhéanamh ag drugaí mídhleathacha ar fud na tíre, sna cathracha, sna bailte agus sna sráidbhailte ar fad.

I welcome this private Members' motion on the misuse of drugs. It affords the House the opportunity to debate the serious threat to our society posed by increasing drug use and the parallel horrific violent increase in drug dealing. Irish-based drug dealing is not confined to the Irish market. In his 2004 book *Gangs*, the author Tony Thompson, crime correspondent for *The Observer*, made some startling revelations. The following quotation from his book comes from one of the biggest cocaine dealers in the north east of England:

A lot of the stuff I deal with comes via Ireland. There's a lot going on over there because the Irish navy consists of something like two rubber dinghies and one of those inflatable bananas. There's so much coastline, they just can't patrol it all. It's absolutely wide open.

This quote does not, of course, do justice to the Irish Navy. However it outlines the real situation with regard to our ability to patrol our coastline effectively to prevent the entry of illegal drugs.

Mr. Thompson goes on to state that the part the dealer finds hardest at the moment is not bringing the drugs into the country but getting the money out to pay for them. There are plenty of friendly *bureaux de change* that he and his fellow gang members use to change small denomination notes into European currency, but the difficult part is actually getting the cash out to Spain, Amsterdam or Ireland to pay for whatever is coming in. The book goes on to describe the case of a man who was arrested some years ago as he was boarding a flight from Heathrow to Dublin carrying two suitcases containing more than £500,000. He admitted being paid £35,000 a time

to take cash-filled suitcases to Ireland. At the time he was caught, he had already completed approximately ten such trips from either Heathrow or Newcastle. He admitted to working for a south London based drugs smuggling syndicate which was making at least £500,000 per week.

This information gives some impression of the extent of the Irish illicit drugs scene. An estimate of the amount of cocaine arriving in Ireland between 1995 and 2004 published by the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs was €5.37 billion. Provisional figures for 2005, recently sent to the Minister for Justice by the national drugs unit, indicate that the cocaine market in Ireland is worth an estimated €210 million. This is almost a tenfold increase in just ten years.

Cocaine dealing has spread throughout the country. In my region, the south east, the percentage of those seeking the support of regional services as a result of cocaine misuse was 0.5% in the year 2000. Of the 2,786 who sought treatment for alcohol and drug abuse in 2005, 2.3% were misusing cocaine. In this region there is some anecdotal evidence that cocaine users are presenting with chest pains. Cocaine can cause problems for the heart and lungs.

The use of cocaine is spread evenly across the region. In gender terms, 73.8% of those presenting for treatment — for all drugs — in the south east region are male, while 26.2% are female. In terms of age, four of those presenting for treatment were between ten and 13 years old, while 59 were aged between 14 and 17 years. While extremely welcome capital investment in drug prevention is focused on the main urban centres, there is a need to spread this investment to both large and small towns throughout the country. The fact that cocaine is seen by many as a drug of leisure that has no detrimental effects is worrying.

The pattern for so-called leisure users of cocaine seems to be first to consume a large amount of alcohol, followed by the cocaine. The Oireachtas Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs is currently preparing a report in regard to including alcohol in the national drugs strategy. The trend or pattern that has been identified would certainly vindicate this inclusion.

The conclusions and recommendations of the same Oireachtas committee report on the treatment of cocaine addiction, with particular reference to the Irish experience, refer to the need for preventative strategies, including health promotion and basic factual information on cocaine and its risks, to be provided in leaflet form and in the media. There is further reference to the need for specific psycho-education to expose the misconceptions about enhanced performance in sport through cocaine use. A further key element

[Mr. O'Shea.]

of the committee's conclusions was that professionals from a wide range of disciplines must be prepared to target schools and youth clubs to demystify cocaine use and expose its dangers.

There is an onus on all of us in public life to get across to the so-called leisure users of cocaine the message that the massive proceeds from the drugs industry are being enjoyed by ruthless criminals. These individuals have brought gun crime to new levels, with a subsequent disregard for the value of human life. I agree with the Minister for Justice, Equality and Law Reform on the point he made in his contribution that unless people stop taking these drugs, the Garda and other agencies will always be in a catch-up situation with regard to dealing with the problem. If there is no demand, supply is irrelevant. Too many people take the view that what they are doing is harmless to themselves and others, but they should take into consideration the vast sums of money coming into the coffers of ruthless criminals who are prepared to go to any length to protect their patch. We must try to make an impact and point out again and again to people who use cocaine as a leisure drug that what they do does not just harm themselves, but contributes to the high level of crime in our society. We need to stamp it out as quickly and effectively as possible.

We should pay particular heed to the recent comments of the Garda Commissioner, Noel Conroy, on this matter:

We are doing extremely well in terms of detecting the trafficking of drugs. But when you come down to the whole area of shooting individuals, of course the help and co-operation coming from the people involved is, you could say, nil... Many of the weapons being used by drug gangs in fatal gun attacks had been sourced from eastern Europe. Others were entering the State with shipments of illegal drugs. However, Gardaí were succeeding and many people were before the courts at present.

The most important thing I have to say this evening relates to a new and even more harmful drug that is emerging in Ireland. I have dealt primarily with cocaine so far. Crack cocaine has been identified on the streets of Dublin's north inner city. I refer again to Tony Thompson's book to give some idea of the effect of crack cocaine:

The effect of the drug alone was enough to guarantee its success. The instant euphoria that a rock of crack produces usually lasts forty or fifty seconds, a few minutes at the most, and a mere flash in the pan compared to the thirty-minute cocaine high or the three to four hour trip from a dose of heroin. But with crack, the high has no parallel. There isn't anything else like it. Around seven per cent of cocaine users

go on to develop an addiction, and even then the process can take up to eighteen months. With crack around 80 percent of users go on to develop an addiction, usually within two weeks of their first smoke.

Tony Thompson goes on to say that 73% of children who were battered to death by their parents in the New York area in 1988 were the offspring of crack users, while 40% of homicides in the city were crack-related. The level of crime associated with crack addiction is more devastating than that of all other drugs combined as addicts in their thousands become criminals and pursue cash for their next fix. It is imperative that the spread of crack cocaine use in Dublin and throughout the country is prevented. The Government and all other relevant arms of the State must urgently mobilise in this regard. While the latest information states that crack cocaine is relatively confined to one part of inner city Dublin, I do not doubt that it will spread to other cities and towns like wildfire unless we are vigilant and we show a great commitment to stemming its spread. I have focused on cocaine misuse as it is the most serious drug problem confronting us at present. If we do not take immediate action to tackle the problem of crack cocaine use, however, in future years we will have to address a crack epidemic that is doing even worse damage to our cities, towns and communities.

The Department of Community, Rural and Gaeltacht Affairs, which is responsible for the matters on which I am the Labour Party's spokesman, has the co-ordinating role in combating drug use in partnership with the local and regional drugs task forces. This year's Estimates provide €5 million for the regional drugs task forces as they roll out their plans. It is estimated that it will cost €12.2 million to finance the plans when they are rolled out in full. Therefore, the State has decided that less than half the drug action plans will be implemented this year. As I previously said to the Minister of State, Deputy Noel Ahern, the sense of urgency that is needed is just not there. Action needs to be taken by a range of Departments, but for the purposes of this debate I am most interested in the work of the Department with which I deal.

The plague that could arise in this country if crack cocaine takes hold here will be not prevented if the current laid-back attitude of various Ministers to the problem continues. We have to agree that we face a substantial problem and mobilise all the resources of the State to combat it. The point that is sometimes made by the Minister of State, Deputy Noel Ahern, with whom I do not often agree, bears repeating — as long as there are customers, the supply will follow. People who use cocaine as a leisure drug should think again.

Dr. Upton: The thrust of what I will say will relate to the protection of innocent communities which are the victims of the scourge of drugs. Deputy O'Shea spoke at length about crack cocaine. When I was doing some research on this subject on the Internet today, I found information about 23 different illegal drugs.

Crystal meth, which is the most recent drug to hit the streets, is more addictive than crack cocaine. It is now considered to be the most significant cause of drug problems in north America. There are no statistics on the abuse of crystal meth in Ireland, but there is no doubt that it will find its way into our communities and will increase in popularity, just like all the other drugs we have encountered and had to deal with. Crystal meth is a synthetic drug that is reputedly quite simple to make in one's kitchen. There are reports that many people have died as a result of taking very small quantities of the drug. It is the latest in a long list of illegal drugs to have hit our streets, but it will not be the last. I do not doubt that our enterprising chemists, for want of a better word, will find new drugs and new ways of producing more illegal products which will have devastating effects on our communities.

Figures for last year show that the Irish illegal drug trade is now worth €13 billion a year. The extent of the devastation of individuals, families and communities by drug abuse cannot be measured in monetary terms. The drugs trade involves the particularly vile and horrible exploitation of vulnerable people. This country's so-called drugs barons, who live the good life here or abroad, use the most base methods to attract — and terrorise if necessary — their stooges who help them to make their fortunes. I am told that the pattern of entrapment involves one of the operators giving relatively innocent victims their first drug samples free of charge and inviting them to come back for more.

The vultures usually hang around near schools or discos, where they have something of a captive audience, so they can ensnare their victims slowly but surely. The plot then involves blackmailing the victims so they become carriers, delivering small quantities and gradually being forced to get involved in bigger-time business. I have been told that it is not unusual for drugs to be deliberately planted on such people. The Garda is then told they are dealing drugs, even though they are somewhat innocent in all this nasty business. We know only too well about the outcomes for the unfortunate people who get caught up and ensnared with the big dealers and are in hock to them.

That the number of drug seizures is increasing is an indication of the increase in the availability of drugs. I attended a function last night at which a number of young people, who are not involved in drugs in any way, were in attendance. When I spoke to them about drugs, I learned they were

well informed of where and how one can acquire the drug of one's choice. If it is so easy for such young people to tell me where and how drugs can be bought, why are there not many more hauls of illegal drugs? I accept that, compared to ten years ago, there is much more information, open discussion and education on drugs and their effects on communities. It should be accepted that the scale of the drugs problem is escalating, however.

I hear stories in my constituency every day about the ravages of the impact of drug abuse on individuals and communities. My sympathies are with the decent people who have to live beside drug dealers. They are afraid to leave their homes because of stress and intimidation and the fear of being mugged. They are afraid their children will get caught up in this vile trade. They are afraid their homes will be broken into and ransacked. They have every reason to have such fears because the things I have mentioned have happened already to many of them. They are also concerned for the reputations of their communities when word spreads rapidly that certain places are drug shops.

The dreaded drug barons, who are at the root of the disease that has blighted our streets, must be stripped of their assets. They must be removed from communities and put behind bars. I heard the discussion about sentencing earlier. Their ill-gotten gains should be redistributed to the communities which have suffered as a result of their violence. Many communities are crying out for facilities and supports.

In many areas, there is a shortage of sporting activities and youth facilities. Last week, in another part of my constituency, I listened to the concerns of local people regarding the lack of Garda responses. While they did not blame individual gardaí, they simply made the point that there are not enough of them.

The unfortunate addicts are simply pawns in a bigger game. Few facilities are dedicated to them, areas of social disadvantage are most at risk and there is an urgent requirement to improve facilities for rehabilitation. Moreover, there is a cost to local communities, which must often bear the brunt of the anti-social behaviour which frequently accompanies the treatment of addicts. I refer to those areas in which it is reported that syringes and needles are dropped around the place. Greater facilities and many more dedicated resources are required.

Mr. Gregory: The drugs crisis is now endemic. Neglect by successive Governments in the past 25 years has fuelled this social disaster. It was ignored while it was confined to inner city disadvantaged communities. However, it is now a countrywide problem and the Government response is both too little and far too late.

Many of the Irish drug dealers of the 1980s and 1990s have become major international drug traf-

[Mr. Gregory.]

fickers and are based in Amsterdam, Liverpool and Alicante. They are flooding this country with cocaine, heroin and other drugs. The State failed to deal with them then and cannot get near them now. In addition, Nigerian non-nationals are developing a frightening crack cocaine distribution network in Dublin's north inner city. Crack cocaine is beginning to be used in many disadvantaged drug-smitten communities.

The Government should stop congratulating itself, as it has in its amendment. Its offensive amendment should be withdrawn. In particular, it should delete the laughable reference to the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern, and his so-called successful handling of the drug crisis.

I wish to pay tribute briefly to the work of Fergus McCabe, which is unequalled by anyone in the fight against drugs. It speaks volumes that someone as totally dedicated as Mr. McCabe was obliged to resign from the drugs strategy team of the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern.

On a number of occasions in this House, I have raised the Government commitment to rehabilitation measures, such as it is. There is an excellent training and development project in the north-west inner city based around the old markets area, which works with people who had serious heroin addiction problems. This project, based on a FÁS scheme, has done the requisite groundwork and has reached a stage at which it could be of great benefit to recovering addicts. However, it is imperative that project should receive the funding required to employ three full-time personnel with the skills and expertise to fully implement the rehabilitation process. Contrary to the claims of the Minister of State, Deputy Noel Ahern, the project does not want three additional staff. It wants three full-time professional staff, who are unavailable to it under a FÁS scheme. For the present, the necessary funds could come from the emerging needs fund. In future, after the project has been allowed to prove itself, its status could be regularised by the Health Service Executive or an appropriate agency. If the Government and the Minister of State, Deputy Noel Ahern, were as committed as they claim to focussing on rehabilitation, they would recognise the project's importance. Instead however, the Minister of State drags his heels and misrepresents the appeals made by me and others. Shame on him.

I wish to share time with Deputies Finian McGrath, Catherine Murphy, James Breen, McHugh and Cuffe.

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

important debate on the drugs crisis, which is damaging the entire country. Before discussing the details of the motion, I express my sympathy to all the victims who have been affected by the rampant drugs epidemic. Each time I attend the funeral of someone who has died as a direct consequence of drugs, I become depressed and saddened. In the past 20 years, I have attended many such funerals, many of which were of my past pupils.

Despite all the talk from Ministers, this epidemic is completely out of control. I demand action and a considered response to the drug dealers and the victims, as well as care for the addicts. It is a community issue, a health issue and a policing issue. Any other response is merely hot air. It is as simple as that. The Government should tackle the drug dealers, help the victims, educate the children and assist the addicts damaged by the misuse of drugs.

While Members debate the drugs issue, I wish to address the issue of supply. In particular, I refer to developments regarding cocaine in Colombia. I challenge the Minister for Justice, Equality and Law Reform and the Government on this matter. I acquired some real facts while acting as an independent observer there. There is tolerance of the Mafia armed wing, the narco-paramilitaries in mainstream political circles. These dark forces are in the Colombian Congress, judiciary, police forces and the army. The Colombian mob has spent years infiltrating the State's institutions, intelligence services, customs authorities and the police.

The Minister for Justice, Equality and Law Reform, Deputy McDowell, will not be heard discussing such people, because he knows, as does the rest of the world, that they are linked directly to right-wing paramilitaries. Why does he stay silent on this important matter? I refer to the link between Colombia and the cocaine supply in Ireland. Corruption in Colombia is so bad that in 2002, using the well-worn strategies of intimidation and bribery to empower their hand-picked candidates, such groups boasted that they controlled 35% of the Colombian Congress after the elections. No one knows how far they have advanced since the congressional elections last March. The Government is aware of this, as is the United States Government. The EU also knows the truth about Colombia. It is time for action to deal with this major threat to international democracy. The Government should tell the truth and challenge President Uribe.

I call on the Government to immediately formulate, resource and implement an action plan to combat spiralling cocaine use, to dedicate adequate funding to significantly expand the availability of drug treatment and to eliminate waiting lists for treatment. This debate is about drugs and health. This motion concerns drug dealers and above all, it concerns protection and

care for citizens, and I urge all Members to support it.

Ms C. Murphy: I welcome the opportunity to support this motion. This is one of the most important issues facing the country. Unfortunately, Ireland has had enough experience of the drug problem in the past three decades to know what must be done. The courage of inner city communities who reacted against local pushers acted as a spur for the implementation of the national drugs strategy. It has its roots in such actions.

While there was hope that the problem could be contained, the strategy requires the wholehearted endorsement of the Government and I do not see evidence of such an endorsement. The lack of a dedicated portfolio indicates the Government believes the problem is being tackled and is on the decline.

As Members are aware, cocaine is a fashionable drug. Those with high disposable incomes use this drug. Frequently, while such people can afford to socialise or buy a car, they cannot buy a house. People begin to use it on an occasional basis, then increase their usage to twice or thrice per week and subsequently, a dependence develops. Users often refer to the activity as a white night. Those in a group of friends who do not use the drug feel unwelcome.

It is readily available in my constituency and I do not believe the situation is different anywhere else. The Garda is well aware of the problem. However, I am not convinced the resources are in place to deal with or break up the networks. I am alarmed by the escalation of the problem in recent years. While I was going to say the problem is under my nose, in the context, that would probably be inappropriate. Small-time pushers operate in every town and village and are the necessary component of the drug network. Such networks must be broken up before a reduction in use will occur. However, that would require dedicated and ongoing police work.

Cocaine users who use the drug on an everyday basis can only sustain that lifestyle for a short time. As there is no substitute for cocaine, like methadone for heroin, one can predict the problems which will arise in the future, given that waiting lists to deal with the effects of addiction already exist. This escalation will put pressure on a system that is already overburdened. Members must be provided with evidence that the strategy is being resourced and that it takes account of both existing use and the escalation of use. I underline the importance of the escalation of drug use.

While people in Ireland are good at adopting strategies on paper, we fail when such policies require implementation. For those with an addiction problem, a readily available range of services must be put in place. This must be viewed as an

investment in the solution to the problem. The existence of waiting lists for treatment is ridiculous. Essentially, if one informs people with addiction problems that they are obliged to wait or to go on a waiting list, one is telling them to carry on with their existing problems. Much of the policing response is not the kind that will make newspaper headlines. It is important that the CAB continues its work — it more than justifies its existence. However, community police and juvenile liaison officers form part of the programme. I fully support the motion.

Mr. J. Breen: Ireland has seen great advances in recent years economically, industrially and socially. With this change has come a sharp increase in crime. Drug use in particular has risen rapidly and has left far behind it those institutions that might protect and guard society from the dangers and crimes associated with the drug trade. In County Clare the number of drug samples forwarded by the Garda to the State Laboratory for analysis has already increased by 78% this year alone. Despite the best efforts of the under-resourced Garda, the amounts seized represent a mere fraction of the real problem in the county where one Garda superintendent has acknowledged publicly that there has been a significant increase in the availability of hard drugs, in particular heroin, and that this rise has led to a major increase in associated crime. However, Clare has only two permanent members and one temporary member of the Garda Síochána assigned to the Garda drug unit for the county.

This summer will see a large welcome influx of visitors to Clare, in particular to various festivals. Miltown Malbay will see the annual pilgrimage of thousands to the town for the Willie Clancy music festival. There is an obligation to have the festival properly policed. At present Miltown Malbay has one garda and one sergeant, whereas in the recent past we had four gardaí and one sergeant. I call on the Minister for Justice, Equality and Law Reform to address this matter urgently. The emergence of the Criminal Assets Bureau in the last decade has been welcome. However, slowly the wide-ranging powers available to it have been diluted following a series of court challenges to its licence. As the Legislature we must do all we can to ensure proper investigative powers available to the bureau are maintained.

Equally, proper sanctions should be available to judges. There is no point in giving them the power to impose supposedly mandatory sentences when they cannot be applied. The court system requires that a reduced penalty be applied where a defendant pleads guilty to an offence from the outset, which prevents the imposition of a mandatory sentence. We require stiffer sanctions with minimum sentence recommendations as opposed to mandatory sentences.

[Mr. J. Breen.]

In Clare we are somewhat fortunate, as our sitting District Court judge has adopted a no-nonsense approach to drug offenders coming before him. Cases are regularly adjourned to allow for analysis of supervised urine samples which are tested for drug and alcohol use over a period between four and six successive weeks. This is done in conjunction with appointments with the probation and welfare service. This approach has helped to rescue some of those who may have been in the early stage of addiction and helped them get back on a straighter path. However, locally our already overworked GPs have difficulty at times in helping defendants meeting court testing requirements. The HSE should take on the role of establishing centres throughout the community to accommodate such testing while at the same time providing drugs awareness programmes and counselling services.

Mr. McHugh: I compliment the Sinn Féin Party on tabling the motion which has relevance for the entire country. Drugs are being peddled throughout the country. Every Deputy must deal with drug issues, regardless of whether they are from rural or urban constituencies. The problem is no longer just the preserve of inner cities. As a rural-based Deputy my concern is that the mistakes made in dealing with the issue in urban areas might be repeated in rural areas. The issue needs to be arrested in rural Ireland before it spirals out of control as it has in many urban areas. One of the basic mistakes made was the failure to provide sufficient Garda manpower to drugs task forces to nip the problem in the bud in the initial stages. If the supply of drugs is cut off the drugs problem will not expand. While I realise that may be fanciful thinking, with sufficient gardaí and drugs task forces with sufficient resources, the problem can be contained.

Therefore it is imperative that the Minister for Justice, Equality and Law Reform should increase Garda manpower levels and increase the Garda resources to rural areas. The Government needs to recognise that we have a drugs problem in rural Ireland and take action accordingly before we need to establish large-scale methadone clinics etc. in the towns throughout the country. Young people need to be protected from the unscrupulous drug dealers who have no regard for life. It is important to send the clear message to people who make money out of young people that they will be caught by fully equipped Garda units. We cannot send that message today, as we do not have those properly manned units. The Minister correctly said this evening that we are not unique in having this problem. However, the problem here is ours and it is up to us to ensure that what is needed to deal with the problem is provided.

I have concentrated on the stick approach to dealing with the issue. However, education must play a very important part in dealing with the problem. While some good programmes have been run, it is time for a new series of education programmes targeted at secondary school students in rural areas. Programmes that would show the full shock horror effects of drugs are required to get across the terrible effects of drugs to our young population. This is an issue for the Department of Health and Children and the HSE in conjunction with the Department of Education and Science.

Mr. Cuffe: I commend Sinn Féin on tabling the motion. The drugs issue is about more than just methadone. The European Union Drug Strategy 2005-2012 outlines a blueprint for a successful drugs strategy, and refers to “an effective and integrated comprehensive knowledge-based system including prevention, early intervention, treatment, harm reduction, rehabilitation and social reintegration.” While access to treatment and harm-minimisation are vital features of any drug strategy, they can only form part of a successful strategy.

I will talk about the wider drugs issues here. As Deputy Boyle pointed out last night, the Government regards this as a problem that can be tackled in isolation, which is a very naïve approach to a problem of far-reaching magnitude. Our current drug problem is inextricably linked to the wider issues of marginalisation and the growing disparity between the very rich and the very poor in this country. It is about inequality, poverty and neglect. It is not about absolute poverty but about relative poverty because when the “have-nots” see what the “haves” have it is time to ensure they get their fair share of the wealth of the nation.

Tony Geoghegan of the Merchants Quay project has pointed out that those with no stake in society and no place in education or the jobs market deal in drugs to gain status. It is important that the Government does everything it can to give these people a stake. I represented the south inner city for ten years and I saw the absolute and relative poverty. This Government, the previous one and all governments in the 1990s failed to put the resources and investment into the areas that are crying out for educational assistance, housing and amenities. They are not getting the attention they deserve. They did not get it then and they are not getting it now when we have a huge amount of wealth.

I refer to rehabilitation in our prisons. It is no secret that Ireland’s prison system is and has for some time been rife with illegal drugs. The Minister for Justice, Equality and Law Reform recently unveiled a new prison drugs strategy. Bizarrely this new strategy was developed without consulting the national drugs strategy team.

The inspector of prisons, Mr. Justice Dermot Kinlen, has condemned the Irish penal system as an utter failure and called on the Minister to implement a radical overhaul of the rehabilitative programmes in our prisons. However, the Minister has refused to consider his suggestions. In rejecting the inspector's call for new rehabilitative approaches such as enhanced family visiting arrangements and prisoner employment programmes, the Minister, Deputy McDowell, is failing to play his part in the war on drugs.

The Department of Community, Rural and Gaeltacht Affairs has estimated that total Government spending on drug treatment and preventive initiatives would be approximately €43 million in 2006 compared with €13.5 million in 2002. However, the increases in the value of drugs seized in recent years have been more impressive. The value of drugs seized in the State has increased fivefold since 2000 to approximately €100 million last year. It is accepted internationally that the authorities seize only approximately 10% of all illicit drugs. This values the drugs trade at approximately €1 billion per year. Increasing fines reflect that the drugs problem is more significant in our society than we thought and that the system of policing is not working.

I refer to drug related violence. Dr. Chris Luke, an accident and emergency department consultant in Cork University Hospital, has more than 20 years' experience and he has witnessed a relentless increase in the number of cocaine users presenting with acute agitation, anxiety and violent tendencies. He says cocaine abuse creates an omnipotent, all knowing, all powerful cruelty, which results in people revelling in gratuitous violence. Unfortunately, we have witnessed the effects of this capacity for cruelty and gratuitous violence over the past six to eight months culminating in the tragic death of Donna Cleary in March. One of the men under suspicion in connection with her death was a chronic abuser of heroin and cocaine and was clearly under the influence of cocaine on the night she was killed.

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá cúig nóiméad agam ach ní mór an am é sin le díriú ar an gceist seo. A number of Members raised issues. The normal practice is for a Minister to make a contribution outlining all the money we have spent on an issue but I will make a number of general comments before addressing the specific issues raised, if I have enough time. Drugs and areas of deprivation are more or less synonymous with each other and the State's drugs policy has been developed on that basis.

The young people's facilities and services fund was established with the focus was on areas of high deprivation and this must be sustained. Much work has been done but more still needs to be done. Funding has increased but more invest-

ment is needed in youth facilities and diversion programmes. In addition, through the RAPID programme, we are trying to deal with the issue of marginalisation in society. The design of housing estates and its impact on crime levels is another issue. Certain buildings attract problems by their very design. Many issues must be tackled and we will focus on that age group.

However, it is simplistic to say that drugs are only a problem among one socio-economic group in society. Cocaine abuse is one of the greatest challenges we face because it is not as clearly defined socially or geographically as the heroin problem. It would be foolish to think that focusing on one area will address the totality of the drugs problem in our society. There were multifaceted and clearly defined reasons for the abuse of heroin and other drugs and they were easier to tackle than the new phenomenon of cocaine abuse which is rife throughout society. It must be tackled and we must develop new policies.

Regional drugs task forces point out in every one of their reports that the alcohol is the primary drug. The debate is ongoing about whether alcohol should be treated as a drug. The polyuse of drugs is also an issue, where a combination of drugs is taken, including alcohol. It was stated in the House last week that the debate on drug abuse is confrontational and the issues are not teased out, but these issues must be debated.

Deputy English asked how many people have come off methadone. Approximately 8,000 people are on methadone and 360 have come off it. He also raised the waiting times for treatment, especially in the midlands. It can take up to 19 months in the Athlone centre and six months in the Portlaoise centre. However, the waiting times are shorter at Clondalkin and Ballyfermot. Other than that, assessment and treatment are available quickly, varying from a number of days to a few weeks.

Deputy Gregory referred to the north-west inner city Dublin scheme. The Minister of State will visit the scheme shortly and he will then make a decision on funding under the emerging needs fund. He gave a detailed reply on that issue during Question Time recently.

Regional drugs task forces have been allocated €5 million this year to implement their plans, which is all they will be able to spend because schemes must be cranked up. However, the funding has been increased to €12.2 million. Funding will need to continue to increase and we will try to secure good incremental increases, as has been the case in the recent years.

Deputies O'Shea and Gregory referred to the use of crack cocaine in north inner city Dublin. We have discussed this issue on a number of occasions with the Garda. Thankfully, it is limited to a small area but we accept it is a threat and we must try to see what we can do to stem it.

Mr. Morgan: The Minister of State with responsibility for this area has no idea about what is happening. During his contribution, he referred to a changed landscape and the improving situation. He is the only person who does not know the threat of drugs is greater than ever.

I refer to my experience in the north east. Recently, I was contacted by two mothers separately. Each had a son locked in a bedroom in the town of Dundalk to try to keep them off drugs. They asked me for help because virtually no assistance is provided by the Health Service Executive or other agencies in the region. One doctor and one counsellor are trying to cover the entire region. Both professionals have waiting lists the length of one's arm. One must wait between four weeks and four months for a consultation with either of them. I am forced to refer addicts to the Crossroads Project in Drogheda. The group comprises recovering addicts and sympathetic people. They rented an old shack and renovated it with their own hands to hold their meetings. They received no funding or assistance from any Government agency.

One of the mothers to whom I referred earlier has borrowed money so that she can buy methadone from drug dealers. That is her option to keep her son off heavy drugs. Should I tell that woman on behalf of the House that the Government does not care? Previous speakers, including Government backbenchers, have provided similar examples and the lack of resources is as bad in the south east as the north east. The people involved in the Crossroads Project have attended the funerals of eight drug addicts over the past three years. The oldest person was 34 while the youngest was 21. That age group is caught in this dilemma and the Government is doing too little to deal with this problem. Part of the reason drug addicts die at such a young age is no accommodation is provided for them. They sleep rough in doorways. The only people who offer help to them are the Crossroads administrators and their parents. The Government has abdicated its responsibility in this area.

My party has repeatedly brought the increasing cocaine and crack cocaine crisis to the Government's attention over recent years. Following the publication of the Merchants Quay Project annual report last September, we demanded a fully resourced national action plan to prevent and address cocaine use and its consequences. This was done in the context of the Government's ongoing failure to acknowledge the gravity of the situation. Thankfully, in recent months, a number of Ministers have belatedly accepted there is a cocaine problem, but they continue to underestimate its size and geographical spread.

The Government must learn from the past failure to acknowledge and respond to the emergence of the heroin crisis and the grave consequences of that neglect. Sinn Féin is calling on

the Government to formulate, resource and implement an action plan to combat spiralling cocaine use and to do this in partnership with community representatives and groups. This must include granting the local drugs task forces the extra resources to begin addressing cocaine and crack cocaine problems in their areas, as well as the extension of existing successful pilot projects.

The same Minister of State has responsibility for both housing and drugs, two critical portfolios. He is making no headway in dealing with either. It is vital the issue be given the attention of a dedicated Minister of State with sole responsibility for the drugs issue. This must be done soon and the Government must face the crisis that is unfolding across this State by putting proper provisions in place.

Caoimhghín Ó Caoláin: Ba mhaith liom buíochas a ghabháil le gach Teachta a ghlac páirt sa díospóireacht tábhachtach seo ar son bhaill Shinn Féin. I thank all Deputies who have participated in this important debate. The Sinn Féin Deputies tabled this motion because we believe that far too little attention is being paid to the massive problem of drug abuse in society. It has not received the attention it deserves and it is timely that everyone here is reminded of the impact of this problem in every neighbourhood in the country.

In our approach to this debate we have chosen not to attack but to encourage. That must not be lost on the Minister responsible and his colleagues. There must surely be a realisation across this Chamber of the enormity of the challenge to be faced. We know it and we do not underestimate it, nor do we underestimate the difficulties involved. We have been constructive and rather than concentrate on the shortcomings of Government policy and implementation, we have proposed concrete measures to improve the situation. These measures reflect the experience of our activists and elected representatives in the communities worst affected by the scourge of drugs, as well as the experience of people working in the sector. The response of the Minister of State, Deputy Noel Ahern, is the typical knee-jerk self-congratulatory amendment that seeks to bury, by weight of numbers on the Government benches, the truth from full public gaze. Shame on him.

In addressing the drugs crisis, it is vital that the response is community led and community driven. When heroin first appeared on the streets of Dublin in the early 1980s, communities were totally abandoned by the State. They had to organise themselves to protect their children from drugs. Very often they were met not only with neglect but with harassment from the State. Some community activists were even imprisoned for trying to protect their children from drug pushers. Over the years, communities built up a

huge fund of knowledge and experience about how to address the massive problem of drug abuse in their families and communities. Their input has been vital at every level. The knowledge and experience of communities must be harnessed and those communities must be empowered. In that respect, I commend all those who worked in this area, be they in paid employment or volunteers. In particular, I commend the Cavan drugs awareness group on its recent hosting of the Dublin-based Men At Work at the Ramor Theatre in Virginia, County Cavan.

This is a multifaceted problem requiring a multifaceted response. We have called for more effective policing, specific action to deal with the hugely increased problem of cocaine use and focussed efforts to address poverty, social exclusion and educational disadvantage. It is essential the Government dedicates adequate funding to significantly expand the availability of drug-user treatment and to eliminate waiting lists for treatment. It is unacceptable that there are waiting lists for treatment and there is no excuse for this. It is generally recognised that the methadone maintenance programme is limited both in scope and in geographical area and there is far too much reliance on this programme as the main medical response to heroin addiction. For methadone to be effective in assisting people to become drug-free, it must be used together with a range of other interventions.

The Government needs to expand the spectrum of services available so that all drug users who want to avail of treatment and other services can do so. It should also ensure that drug users have access to the other counselling and medical services they need, without discrimination. These services should be culturally appropriate. It is important that homeless drug users are treated appropriately and preferably within their area of origin. People working in the sector also make the point that providers of mental health services should be open to treating people with dual mental health and drug use problems.

Effective rehabilitation is vital as part of the overall effort to combat drug misuse. There must be a continuum of care for those who have overcome drug misuse and are recovering. Treatment options need to include increased numbers of detoxification beds for recovering users. There needs to be more inter-agency co-operation so people in recovery can rebuild their lives. Health, employment, social welfare and housing needs should be addressed. Too often, families have seen the tragedy of a child who successfully battles against addiction only to succumb once again. In some cases, this results in drug overdose and death, or another statistic to add to the innumerable lives destroyed by drugs. Continuity of care is vital to help avoid such tragedies. There is a need for the development of opiate overdose reduction strategies.

Despite clear evidence that residential drug treatment is effective, severe difficulties remain in accessing treatment. There is an urgent need to end waiting lists for such treatment. Harm reduction is not confined to supporting people in their efforts to break their addiction. Efforts must also be made to minimize the dangers to health posed by drug use. This includes the need for expanded needle exchange programmes to reduce the risk of HIV and hepatitis C infection. These programmes should be extended to cover prisons. The approach of the Minister for Justice, Equality and Law Reform will not end drug misuse in prisons, but will drive it further underground and increase the danger of HIV and hepatitis C. We should at least note that the Minister addressed the issue in a debate this evening and resisted the temptation to embark on one of his anti-Sinn Féin rants. It is sad that we have so little for which to be thankful.

The Government must get its act together by further increasing the resources available to the Garda national drugs unit, local drugs units and Garda juvenile liaison officers. It should speed up the process of civilianisation so more officers can be freed up to combat the drugs scourge on the front line. The hundreds of personnel and massive funding devoted to the special branch would be better utilised protecting communities from the real threats to their lives and tackling the supply and sale of drugs. When communities have faith in gardaí, when they are seen to be effective in tackling this malignant growth in our midst, people will support them and we will see the beginning of a rebuilding of community confidence in its police force.

The Government amendment is defensive in the extreme. It is depressing that there is no recognition in the amendment, nor in the speech of the Minister of State last night, of the continuing impact of the drugs scourge on real people, families and communities. The Sinn Féin motion does not condemn the Government as such motions often do. It offers a clear analysis of the problem and presents proposed actions. It deserved a better response than this amendment and last night's speech by the Minister of State, Deputy Noel Ahern.

Nobody denies there have been improvements in the way we as a society respond to this problem. However, this has happened in a context where drug misuse has expanded greatly and adversely affects far more people than ever before. The hurt, pain and devastation of families is all about us if we only look and listen. Sadly, there was scant recognition of that in the Government's response to this motion. There was a complacency in the Minister of State's response, even in the face of the evidence he cited about increased use of cocaine. I dispute his contention that substance misuse prevention programmes in schools have equipped all students with know-

[Caoimhghín Ó Caoláin.]

ledge about the dangers of drug misuse. The delivery and effectiveness of these programmes needs to be monitored and assessed. Assumptions by the Minister will simply not suffice.

It was alarming to hear the Minister of State attempt to put a positive spin on the supposedly falling numbers of heroin addicts. The more than 12,000 heroin users in Dublin and 8,000 people receiving methadone are nothing to boast about, yet the Minister of State favourably compared the numbers being treated today with those treated in 1997 as if the increase was a sign of success. That is nonsense.

According to the script distributed by the Minister of State last night, he strenuously rebutted the motion put forward by Sinn Féin. I am glad he had the common sense not to use that phrase

in delivering his speech, instead noting the motion and stating that it presented an opportunity for debate.

This debate has been long overdue, but a renewal of the commitment on the part of the Government to address the damage being done to society by the scourge of drugs is also long overdue. I have listened to the contributions made last night and tonight and can say there is much common ground in the Dáil and among statutory agencies, those working at the coalface, including community and voluntary bodies, communities and drug users themselves about how we can move forward. Commitment and drive will be needed and, to that end, I suggest we all strive together. Taking the first step will require support from all Deputies for the motion tabled by Sinn Féin.

The Dáil divided: Tá, 69; Níl, 60.

Tá

Ahern, Noel.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
Browne, John.
Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fitzpatrick, Dermot.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Haughey, Seán.
Healy-Rae, Jackie.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.
Kelleher, Billy.

Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McDowell, Michael.
McEllistrim, Thomas.
McGuinness, John.
Martin, Micheál.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O'Connor, Charlie.
O'Dea, Willie.
O'Donnell, Liz.
O'Donovan, Denis.
O'Flynn, Noel.
O'Malley, Fiona.
O'Malley, Tim.
Parlon, Tom.
Power, Peter.
Roche, Dick.
Sexton, Mae.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Wallace, Mary.
Walsh, Joe.
Wilkinson, Ollie.
Wright, G. V.

Níl

Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Coveney, Simon.
Crowe, Seán.
Cuffe, Ciarán.

Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Ferris, Martin.
Gilmore, Eamon.
Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Hayes, Tom.

Níl—continued

Healy, Seamus.
Higgins, Joe.
Hogan, Phil.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pádraic.
McEntee, Shane.
McGinley, Dinny.
McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Gay.
Mitchell, Olivia.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Neville, Dan.
Noonan, Michael.

Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O’Keeffe, Jim.
O’Shea, Brian.
O’Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

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

Amendment declared carried.

Question put: “That the motion, as amended, be agreed to.”

The Dáil divided: Tá, 68; Níl, 61.

Tá

Ahern, Noel.
Ardagh, Seán.
Blaney, Niall.
Brady, Johnny.
Brady, Martin.
Brennan, Seamus.
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Callanan, Joe.
Callely, Ivor.
Carey, Pat.
Carty, John.
Cassidy, Donie.
Collins, Michael.
Cooper-Flynn, Beverley.
Coughlan, Mary.
Cowen, Brian.
Cregan, John.
Cullen, Martin.
Curran, John.
de Valera, Síle.
Dempsey, Tony.
Dennehy, John.
Devins, Jimmy.
Ellis, John.
Fitzpatrick, Dermot.
Fox, Mildred.
Gallagher, Pat The Cope.
Glennon, Jim.
Grealish, Noel.
Haughey, Seán.
Healy-Rae, Jackie.
Hoctor, Máire.
Jacob, Joe.
Keaveney, Cecilia.

Kelleher, Billy.
Kelly, Peter.
Killeen, Tony.
Kirk, Seamus.
Kitt, Tom.
Lenihan, Brian.
Lenihan, Conor.
McDowell, Michael.
McEllistram, Thomas.
McGuinness, John.
Martin, Micheál.
Moynihan, Donal.
Moynihan, Michael.
Mulcahy, Michael.
Nolan, M. J.
Ó Cuív, Éamon.
Ó Fearghaíl, Seán.
O’Connor, Charlie.
O’Dea, Willie.
O’Donnell, Liz.
O’Donovan, Denis.
O’Flynn, Noel.
O’Malley, Fiona.
O’Malley, Tim.
Parlon, Tom.
Power, Peter.
Roche, Dick.
Sexton, Mae.
Smith, Michael.
Treacy, Noel.
Wallace, Dan.
Walsh, Joe.
Wilkinson, Ollie.
Wright, G. V.

Níl

Allen, Bernard.
Boyle, Dan.
Breen, James.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Connaughton, Paul.
Connolly, Paudge.
Costello, Joe.
Coveney, Simon.
Crowe, Seán.
Cuffe, Ciarán.
Deasy, John.
Deenihan, Jimmy.
Durkan, Bernard J.
English, Damien.
Enright, Olwyn.
Ferris, Martin.
Gilmore, Eamon.
Gogarty, Paul.
Gormley, John.
Gregory, Tony.
Hayes, Tom.
Healy, Seamus.
Higgins, Joe.
Hogan, Phil.
Kehoe, Paul.
Lynch, Kathleen.
McCormack, Pádraic.
McEntee, Shane.
McGinley, Dinny.

McGrath, Finian.
McGrath, Paul.
McHugh, Paddy.
McManus, Liz.
Mitchell, Gay.
Mitchell, Olivia.
Morgan, Arthur.
Moynihan-Cronin, Breeda.
Murphy, Catherine.
Neville, Dan.
Noonan, Michael.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O’Keeffe, Jim.
O’Shea, Brian.
O’Sullivan, Jan.
Pattison, Seamus.
Penrose, Willie.
Perry, John.
Ring, Michael.
Ryan, Eamon.
Ryan, Seán.
Sargent, Trevor.
Sherlock, Joe.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Upton, Mary.
Wall, Jack.

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

Question declared carried.

Adjournment Debate.

Hospital Accommodation.

Mr. Connolly: I thank the Ceann Comhairle for the opportunity to speak on the cause of bed shortages in Cavan and Monaghan and the problems caused by the vancomycin resistant enterococcus, VRE, virus in Cavan, where no new patients are being admitted to the critical care unit. These difficulties are replicated nationally and are a major problem in the health service. A number of patients occupy beds without receiving active treatment. There are three categories of such patients — tertiary patients awaiting a nursing home bed whose subvention claim has not been processed, patients awaiting transfer to another hospital for an investigation, such as a CAT scan, and those who are clinically discharged but have nowhere to go because relatives cannot accommodate them. It is not acceptable that patients are occupying hospital beds without receiving treatment. We must examine this. Some 20 people were on trolleys in Cavan-Monaghan General Hospital recently while more than 20

people were occupying beds and not receiving any treatment. A hospital bed costs €651 per day, while for the same amount a patient can stay in a nursing home for a week. It is not logical.

Budget holders of the hospital management and community sections are part of the problem. The hospital budget manager does not care whether patients are receiving treatment once the beds are full. In fact, the less treatment patients are receiving, the more likely he is to keep them because he has no incentive to bring in patients who require treatment. The community manager does not wish to accept another patient full-time because it is a drain on his assets. Two hospital departments are playing with the taxpayers’ money. They see it as a budgetary gain, but patients suffer. We must examine how this is allowed to continue.

The same problem exists with regard to clinics. Patients discharged from a hospital who need a taxi to a clinic are encouraged to seek the money from the hospital budget. That department will claim that no money is available for taxis.

I suggest, as I have suggested to the manager of hospital services and others, that we consider vacant floor space in the psychiatric establishment at Cavan-Monaghan General Hospital. A considerable amount of floor space is used at St. Davnet’s Hospital to deliver services for Monaghan General Hospital, a practice that is

very successful. Adjacent floor space could easily be transformed into hospital step-down facilities for patients receiving no form of treatment. There is already a nursing home on the campus. The additional floor space would not require the same level of high specification, such as oxygen points or nursing care, as the main hospital and this measure would relieve pressure from the general hospitals.

It is ridiculous to keep somebody in a hospital bed at a cost of €651 per day when the same amount would pay for a week's stay in a nursing home. Keeping patients in a hotel with full board would not cost that amount. Playing with budgets is the source of this problem and somebody must crack the whip. The taxpayer, so badly exposed in this situation, must be protected. If the HSE is serious about its task, these minor issues must be addressed. Everyone suggests we need more beds, which is true, but we must examine how we use the beds available to us. We do not make the best use of the available beds even though this problem can be solved.

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, Deputy Harney. The HSE has advised the Department that over the past 12 months the average number of patients clinically discharged from Cavan-Monaghan General Hospital but awaiting accommodation elsewhere has been in the region of seven to nine at any time. The HSE is examining ways of reducing the number further in order to free up these beds for other patients requiring admission.

The HSE has established hospital bed use review groups in Cavan-Monaghan hospital, Drogheda-Dundalk hospitals and in Our Lady's Hospital, Navan. The purpose of these groups is to review the bed use at each hospital site, to alleviate the overcrowding situation where possible by the introduction of any initiatives deemed appropriate, to develop and implement effective admission, transfer and discharge policies and procedures, to work in partnership to manage bed use in each hospital group in a more effective manner and to liaise with colleagues in the primary, community and continuing care directorate regarding arrangements for clinically discharged patients. There is a representative from the primary, community and continuing care directorate on each of these groups.

Deputy Connolly raises the possible temporary use of St. Davnet's Hospital as a step-down facility for patients who have been discharged following their acute phase of care. The HSE has indicated that there is currently no suitable space available for that purpose. In order to facilitate the ongoing refurbishment of wards at Monaghan General Hospital, the remaining vacant wards at

St. Davnet's are being used as a temporary out-patients unit for Monaghan General Hospital.

The development of home care packages and further home support structures give wider options in looking at delayed discharges in the acute hospital system. The HSE advises the Department that additional funding has been allocated to enable more home support packages to be put in place. A joint continuing care and secondary care management team has been established with representatives of senior personnel from Cavan-Monaghan Hospital and the primary and continuing care services. The team, which closely monitors all hospital discharges, has met on several occasions and continues to do so with a view to identifying innovative and appropriate responses to patients.

Mr. Connolly: Very briefly—

An Ceann Comhairle: There is no facility for supplementary questions.

County Enterprise Boards.

Mr. Perry: I thank the Ceann Comhairle for allowing me to raise this very important issue, and the Minister for attending.

The role of the county enterprise boards, particularly that of Sligo County Enterprise Board, is of great concern regarding small companies. The parent company, the Department of Enterprise, Trade and Employment, is in the process of adding further constraints on how it operates with smaller companies. The concern is that such constraints, affecting up to 2,000 small companies in Sligo with fewer than ten employees, are not in the best interests of the development of small enterprise. It is estimated that up to 20,000 people work in such small companies.

While I certainly welcomed this week's announcement on funding for Enterprise Ireland for larger companies, when it comes to the development of smaller ones, funding for enterprise boards is a little over €1.5 million. There is potential for job creation, and it certainly has a great impact if up to 20,000 people are employed in 2,000 companies in Sligo.

Small businesses face great difficulties, including burdensome and costly administrative regulations, rising local authority charges and high rates. Many business people feel that they receive no return on these charges. Water charges are high, and yearly rate increases bring little or no benefit. There is poor access to information and advice and inadequate infrastructure. It is difficult in certain cases when one is starting small to access finance, and there can be a weak management capability.

All those smaller companies are starting from scratch, and it is particularly important that we consider the level of support for them. The

[Mr. Perry.]

enterprise boards need a high level of capability, but there has been limited engagement by the Department with the boards' chairmen and voluntary directors, showing little appreciation of people's continuing role in development when working on the boards. It is very unfortunate when one considers the opportunities for job creation in the economy of Sligo or any county. There has been a lack of development and great emphasis on job creation. Some 85,000 small companies in Ireland employ up to 347,000 people, and in Sligo up to 2,000 companies employ perhaps 20,000, yet there is a lack of back up to exploit potential.

Within the last three years, some €650 million was stolen from the social insurance fund, despite the great contribution of employees and employers who receive little or no support. That is true of the services sector but also of manufacturing and those who set up in small enterprise parks. It is not merely about retail but about the creation of enterprising, manufacturing and IT jobs, which is a very important role. The Minister should consider the level of funding. Enterprise Ireland in Sligo, based on the announcement made during the week, supports high-potential start-ups, which means companies based on technological innovation likely to achieve significant growth in three years, sales of €1 million per annum, employing ten or more, export-oriented, and ideally led by an experienced team with a mixture of technical and commercial competence. That definition includes early-stage, product-led, research and development companies, with equivalent sales and employment potential. These are the companies with which Enterprise Ireland is dealing.

I believe that from the small acorn the large oak grows. Nothing is happening with small companies, and while the competition is very important in the retail trade, the manufacturing sector is different. There is an institute of technology in Sligo, and thousands of students are leaving the region. It is regrettable that there is not more support, and I call on the Minister of State to deal directly with enterprise boards, which are the vehicle for it. Small companies, the backbone of the economy, need that. The Government has failed to deliver to them, especially in the Sligo region.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The core function of the county enterprise boards is to develop indigenous enterprise potential and stimulate economic activity at local level. In carrying out that function, the CEBs have performed extremely well over the last 13 years, making a significant contribution to direct job creation and the development of an enterprise culture throughout Ireland. Over

that period, the boards have supported some 17,000 projects, which resulted in more than 30,000 new jobs being created. In addition, some 80,000 people have benefited from the management training provided by the boards. I acknowledge the vital role that the voluntary board members have made to ensuring that the work of the boards is effective and relevant to local conditions.

However, it is important that we regularly review and evaluate the types of support and assistance that the CEBs offer to ensure that they remain properly and appropriately targeted in the context of the changing environment in which the boards operate. The budget for the network of CEBs is now €30 million per annum, and there is a clear obligation on us to ensure that the money is used in an effective and efficient manner.

Against that background, a comprehensive review of the role of the CEBs was carried out by Fitzpatrick Associates in 2003, the tenth anniversary of the establishment of the boards. While endorsing the continued role of the CEBs in the delivery of State support to the micro-enterprise sector, the Fitzpatrick report made several recommendations designed to improve the overall effectiveness of the network.

The recent Small Business Forum report also endorsed what it saw as the key recommendations of the Fitzpatrick report: that CEBs should renew their focus on their core enterprise and entrepreneurship responsibilities, minimising the wider local economic development activities with which they had increasingly become engaged; that CEBs should gradually shift the emphasis of their activities away from the provision of grant aid support towards repayable supports, the provision of business information, advice, training and capability enhancement; that a central CEB co-ordination unit should be established in Enterprise Ireland to provide leadership, direction, technical support and shared services for the network of CEBs; and that the national micro-enterprise co-ordinating committee should operate fully and meet regularly.

The CEBs themselves were involved in the 2003 Fitzpatrick review, through both extensive consultations with, and submissions to, the consultants carrying it out, as well as through their representation on the steering committee that oversaw production of the final report. The subsequent recommendation that the CEBs be integrated into the mainstream enterprise development system by establishing a CEB central co-ordination unit in Enterprise Ireland was welcomed by the CEBs in their response document, *Driving Entrepreneurship and Small Business in Ireland*.

The proposed new central co-ordination unit in Enterprise Ireland was subsequently supported by the enterprise strategy group and approved by the Government in 2005. The role of the new unit

will be to provide a range of strategic, administrative, financial and technical supports to the CEBs with the ultimate objective of enhancing the effectiveness, efficiency and impact of the CEBs and the development of micro-enterprise in Ireland and contributing to a greater level of consistency and best practice across the CEB network as a whole. The Department has been working with Enterprise Ireland and the CEBs regarding arrangements for the establishment of the new unit, and it is hoped that it will be operational within a few months.

The Department is firmly committed to active dialogue with the CEBs. Officials from the Department meet representatives of the CEB network very regularly. Those frequent meetings are used as a vehicle to explore the most appropriate and balanced way to respond to the evolving business and economic environment, including the implementation of the recommendations of the Fitzpatrick and other reports.

In the context of the dramatically more favourable business and economic environment, CEBs have been evolving their policy focus and client support interventions gradually over the years to reflect changing needs. Increasingly, the CEB focus is now on enterprise promotion, generation and growth rather than simply on job creation, as was largely the case in earlier years. The cultivation of entrepreneurially active local communities around the country is now central to the overall CEB mission, with activities directed at expanding business management capability, encouraging increasing levels of female participation in business, and providing education for enterprise through college curriculum design and student enterprise schemes. We do not seek to place constraints on CEBs.

The Department of Enterprise, Trade and Employment is engaged in dialogue with the CEBs to determine how best we can continue to adapt to this changing economy. Both the Department and the CEBs want to build on that success. The Ireland of 2006 is thankfully in economic terms not the same Ireland of 1993. It is vital we offer supports to indigenous micro-enterprise which are appropriate, targeted and ultimately effective.

Retirement of Army Officer.

Mr. Costello: A young 24 year old lieutenant in the Army was “retired” in the interests of the service, as it was put, in 1969 and his life and Army career lay in ruins. Neither he nor his party ever fully recovered from the traumatic experience. Nevertheless, he has never ceased to protest his innocence.

Donal de Róiste is the brother of Adi Roche, the director of the Chernobyl Children’s Fund and Labour Party presidential candidate in 1997. Indeed, the linking of Donal de Róiste’s “retire-

ment” from the Army and the circumstance surrounding it effectively scuppered any chance of election for Adi Roche.

Mr. Mullan’s book makes it clear that there were serious flaws in the investigation of the de Róiste affair. Due process was not adhered to. Legal advice was not made available to him and he was never charged with any offence. His accuser was never revealed and, most importantly, the recommendation to “retire” Mr. de Róiste was made while the investigation, inadequate as it was, was still ongoing. Indeed, Mr. Mullan argues that senior officers at the highest level in the Army may have fabricated evidence to secure the expulsion of Donal de Róiste from the Army.

There are files relevant to the case in the Taoiseach’s Department and in *Áras an Uachtaráin*, none of which has been released. Almost certainly there are still files in the military archives which have not seen the light of day. For example, a letter sent by Donal de Róiste, through his solicitor to the Army Chief of Staff in 1969, was only discovered in a safe in the office of the Secretary General of the Department of Defence in 2001. There may indeed be documents in the Department of Justice, Equality and Law Reform.

This case is a miscarriage of justice. It behoves the Minister for Defence to ensure that no stone is left unturned to right the wrong. I ask the Minister to meet Donal de Róiste and to conduct an independent, transparent review of the case. The Commissions of Investigation Act 2004 would be an appropriate mechanism under which to conduct this review.

Minister for Defence (Mr. O’Dea): The book to which the Deputy refers was, I understand, launched by the author last week. My Department has acquired a copy of this book and is examining the contents. I am not aware that it presents any significant new material. An initial review suggests that the book presents a hypothesis by the author based on material that has been available for some time rather than that it presents new material.

Donal de Róiste was retired by the President, on the advice of the Government, with effect from a date in June 1969. His retirement was effected pursuant to section 47(2) of the Defence Act 1954 and paragraph 18(1)(f) of Defence Force Regulations A15, which provide that an officer may be retired “in the interests of the service”. These provisions have always been considered as a necessary protection for the Defence Forces and need not be linked to the completion of other specific disciplinary measures.

However, the Deputy will appreciate that any decision to retire an officer “in the interests of the service” is extremely unusual in principle and would only be taken for the most compelling

[Mr. O'Dea.]

reasons. The Government advice to the President in this case was on grounds of security. I am satisfied from the information available to me that the matter was handled in an entirely appropriate and proper manner in 1969 and that the decision then taken was taken only after very detailed and due consideration.

Donal de Róiste initiated proceedings in the High Court in November 1998 in relation to the circumstances of his retirement 29 years earlier. The High Court found in favour of the State in June 1999 on grounds of the inordinate delay in the bringing of proceedings. Mr. de Róiste appealed to the Supreme Court in September 1999 and the Supreme Court refused his appeal in January 2001.

In early July 2002, arising from the newspaper feature article on the case by Mr. Don Mullan, published on 29 June 2002, the then Minister requested the Judge Advocate General to examine and review the case with regard to the following terms of reference: "To enquire into the circumstances surrounding the retirement of Donal de Róiste by means of a complete review of all relevant documentation held by the Department of Defence and by the Defence Forces, and to have full access to any civil or military personnel for the purposes of their providing explanation in relation to any apparent gaps or ambiguities in the documentation and to report to the Minister with her conclusions and recommendations".

These terms of reference were subsequently enlarged by the then Minister at the request of the Judge Advocate General to provide that the Judge Advocate General was "to be entitled, within the Terms of Reference, and the manner of the Inquiry contemplated, to take such representation in writing from any party whom she considers to be appropriate". The Judge Advocate General carried out a detailed examination and review of all the historical documentation relating to the decision in 1969 to retire Donal de Róiste from the Permanent Defence Force. She carefully examined the entirety of both the civil and military files in the matter. Her report was submitted to the then Minister in mid-September 2002 and was published in October 2002.

In December 2002, Mr. de Róiste applied to the High Court for an order quashing this report by the Judge Advocate General. The High Court found in favour of Donal de Róiste for reasons enumerated in the text of the High Court judgment. It should be emphasised, however, that the High Court judgment in the matter of the report of the Judge Advocate General specifically related to the actual procedures utilised by the Judge Advocate General in the course of her review and examination in 2002 and to the release by the Department of Defence of certain documents to Mr. de Róiste only after completion of the report by the Judge Advocate General.

The substantive issue, namely, the Government decision in 1969 to recommend the retirement of the then Lieutenant Donal De Róiste from the Defence Forces by the President, remains entirely unaffected by the judgment of the High Court, a point specifically emphasised within the text of the High Court judgment itself.

The position now is that Donal de Róiste has had access to all documents relating to his retirement since 14 November 2002 when his legal representatives attended the Department and were given copies of all the relevant records held in my Department. In the circumstances, particularly the considerable passage of time, I do not propose to take any further action in relation to this matter.

Social and Affordable Housing.

Mr. Walsh: I thank the Ceann Comhairle for allowing this important matter to be discussed. I acknowledge the presence of the Minister of State, Deputy Noel Ahern, to take the matter. The Department of Agriculture and Food proposed a site of 15 hectares, which is almost 40 acres, of land for affordable housing at Clonakilty, County Cork, in December 2003. In May 2004, the Teagasc authority formally handed over this land to the local authority, Cork County Council. In October 2004, Cork County Council took on Colin Buchanan and Partners to design a unique rural village, the first in Ireland to be created at Darrara, Clonakilty, County Cork, for affordable housing.

It is almost three years later and not a sod has been turned on that site. There are a number of reasons for that and one of them, regrettably, is that Fine Gael and the Fine Gael members of Cork County Council have frustrated this development at every opportunity. At any rate, on Monday last at a meeting of Cork County Council, a decision was taken by 34 votes to ten to go ahead with the project. The ten voting against it were the Fine Gael members of Cork County Council, which is very regrettable. I can only suggest it was done for reasons of rural snobbery. Young people deserve the chance to have homes of their own. The local authority received a gift of 40 acres from the State for this affordable housing scheme. Services therefore are the only costs for the sites and young people can get houses which will cost approximately €150,000 less than their commercial value. How any political party could try to stymie and frustrate such a development is beyond me. It is regrettable.

The decision has now been taken to proceed with the project. I want the Minister of State at the Department of the Environment, Heritage and Local Government with responsibility for housing to Government and to social partnership to commit to a timescale for the development. This initiative forms part of the social partnership

agreement to the effect that 10,000 affordable houses would be built each year and this is one of the projects. It is a unique project, comprising 104 houses in 40 acres with a wide expanse of streetscapes, plenty of green areas, and in every way a desirable development. We want it to go ahead within a definite time, from planning to the commencement of building, so that young people can aspire to have their own homes in this region of west Cork.

A survey ten days ago showed this area to be the most expensive part of the country for housing. Sites range typically from €200,000 to €250,000 per site with services and the cost of the house on top of that. Houses are selling for between €750,000 to €1 million. This is a great chance for the 186 young people who have applied for these houses. They need some certainty and a timescale. That is what I want to hear from the Minister of State.

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I thank my colleague, Deputy Walsh, for raising this matter.

In December 2003 he, as Minister for Agriculture and Food, proposed a site at Darrara Agricultural College in Clonakilty for inclusion in the affordable housing initiative and the Government agreed to this proposal. As Minister of State with responsibility for housing, I acknowledge this and thank Deputy Walsh for it and the other sites he put forward during his tenure in Agriculture House.

The State lands made available for the initiative are transferred to the relevant local authority which is responsible for developing and progressing the projects. In this case, it is up to Cork County Council to plan and develop this project. My Department will at all times be in contact with the council to ensure that all aspects of the project are progressed as quickly as possible. The council has also established an in-house technical group to progress the project.

There has been some progress in advancing this project since it was released to the initiative. A feasibility assessment on the site was carried out in terms of strategic land use planning, financial viability, affordability and suitable infrastructural solutions. Cork County Council approved the feasibility study on 30 September 2005. Following this, public consultation took place during October 2005 culminating in a council decision to initiate the process to amend the local area plan to facilitate the construction of the affordable housing units.

The proposed amendment to the local area plan was advertised and was on public display until 3 April 2006. Following this, the Cork county manager prepared a report on the proposed development at Darrara which was circulated to members of Cork County Council. The

council development team discussed the report in some detail and, at the meeting of Cork County Council on 22 May 2006, the proposal to amend the local area plan was approved.

I was amazed to see in the media reports of this meeting that a project for affordable housing was passed by a majority with ten Fine Gael members against it. In this Chamber Opposition parties on all sides criticise me heavily because they do not seem impressed that we delivered 3,000 affordable houses last year. It is not right politically for people to pretend to be interested in affordable housing but to block and prevent it in every possible way when the opportunity arises.

The proposed development comprises 104 units, with a mix of affordable, social, voluntary and private units, and with 74 units being earmarked for applicants under the affordable housing scheme. While these will be welcome, I am somewhat disappointed because originally we thought of a higher number. I am pleased to see that an integrated development is being proposed which should result in the introduction of a new, active and successful community into the area.

The early delivery of affordable units is vital as Clonakilty is not immune to high house prices, as evidenced by the recent report which Deputy Walsh mentioned. The headline in the newspaper was that house prices in Clonakilty are the highest in Munster. That makes the Fine Gael objections at council level all the more surprising and it is obvious that some people on the council, especially those in Fine Gael, want to keep it as an enclave for the super-rich. When Deputy Walsh was Minister for Agriculture and Food, the Government designated this site for affordable housing and everybody ought to be committed to pushing that on as quickly as possible.

Cork County Council considers that the best way to develop this site is in several phases, given the sensitivities connected with the site, and will decide in the coming weeks the number of units to be constructed in the first phase of the project, at which stage it should be clearer when construction may commence. The necessary documentation is being prepared with a view to initiating the Part 8 planning process as soon as possible.

As with all projects, commencement of construction on this site now depends on the outcome of the next phase of the planning process. I hope that this phase progresses without any hitches and that construction commences on-site as soon as possible. Part 8 in local authority planning is normally much quicker than an ordinary planning application but that depends on the attitude of local people and councillors. Obviously if people want to screw something up, so to speak, they can. I hope that the first phase is a considerable one, contains most of those 104 units and that there will be no more delaying tactics.

[Mr. N. Ahern.]

I assure the Deputy that I will try to progress the matter at every possible opportunity. When I visited that part of the country two years ago, I viewed the site. It is a fine one and this will be a good development when it is complete. I will take all possible steps within the Department to indicate my interest in it and to drive it but the council must go through the planning process. I

sincerely hope that people of all parties realise this is an opportunity to provide affordable homes for people who need them and that people cop themselves on and build this as quickly as possible.

The Dáil adjourned at 9.30 p.m. until 10.30 a.m. on Thursday, 25 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. 1 to 11, inclusive, answered orally.

Questions Nos. 12 to 54, inclusive, resubmitted.

Questions Nos. 55 to 62, inclusive, answered orally.

EU Enlargement.

63. **Mr. Bruton** asked the Minister for Foreign Affairs the position with regard to the negotiations taking place between Turkey and the EU regarding Union membership; and if he will make a statement on the matter. [19565/06]

148. **Mr. McGinley** asked the Minister for Foreign Affairs the position with regard to the future entry of Croatia to the European Union; when accession is likely to take place; the outstanding issues for resolution; and if he will make a statement on the matter. [19564/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 63 and 148 together.

Accession negotiations were opened with both Turkey and Croatia on 3 October 2005. An extensive screening process is currently underway, in which experts from the Commission explain EU rules to the two countries and examine their strategies for adopting and implementing them. It is expected to take until autumn 2006 to complete the screening process for the required 33 chapters.

After each chapter has been screened the EU can decide, on the basis of a proposal from the Commission, whether the negotiations in that sector can be opened. To date, the Commission has presented its reports to the Council on four negotiating chapters, although formal negotiations have not yet been opened on any of these. The fact that this screening process with both countries is currently running in parallel does not mean that the pace of their progress towards

membership is linked. Both countries will be judged on their own merits. At this stage, it is not possible to set a timeframe for the completion of the negotiations with either country.

Careful preparation of the Union's most recent enlargement has been a key factor in its success. With regard to the accession negotiations with Turkey and Croatia, the EU has confirmed that it will be firm in demanding that they fulfil all the requirements of membership. It is not an automatic process, but one where conditionality is the key.

Both countries will be expected to maintain their commitment to the full implementation of human rights and other reforms.

The Union's capacity to absorb new members will also be an important consideration. If EU membership is to be further extended, the Union will need to ensure that it has the economic, political and institutional capacity to make this possible. As Turkey's accession could have substantial financial consequences, it is accepted that its negotiations can only be concluded after the establishment of the Union's financial framework for the period beyond 2013.

Ireland has always been supportive of the process of EU enlargement from which we have consistently benefited. It has been our policy to consider each candidate on the basis of its own merits and this principle will continue to underpin our approach to the negotiations with both Turkey and Croatia. Both countries benefit from the Department of Foreign Affairs' Bilateral Assistance Programme, which provides support for candidate countries as they prepare for the considerable challenges of EU membership.

Decentralisation Programme.

64. **Mr. Ring** asked the Minister for Foreign Affairs the number of development specialists, currently working with Irish Aid, volunteering to decentralise; and if he will make a statement on the matter. [19576/06]

134. **Mr. O'Dowd** asked the Minister for Foreign Affairs the number of senior development specialists, currently working with Irish Aid, volunteering to decentralise; and if he will make a statement on the matter. [19575/06]

146. **Mr. Naughten** asked the Minister for Foreign Affairs the number of principal development specialists, currently working with Irish Aid, volunteering to decentralise; and if he will make a statement on the matter. [19574/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 64, 134 and 146 together.

There are 3 categories of Specialists employed by Irish Aid: Principal Development Specialists, Senior Development Specialists, and Development Specialists.

Three Principal Development Specialists serve in Irish Aid headquarters in Dublin. None of the three has applied to decentralise to Limerick.

There are twelve Senior Development Specialists in Irish Aid headquarters. None of the twelve has applied to decentralise to Limerick. Two Senior Development Specialists originally applied to decentralise to Limerick, but subsequently withdrew their applications.

Finally, there are nine Development Specialist posts in headquarters. Five Development Specialists are scheduled to decentralise. Of these, four commenced employment since the announcement of the decentralisation programme in December 2003, and one applied via the Central Applications Facility.

Discussions are ongoing with representatives of the Specialists, with their union IMPACT, and with the Department of Finance about the issues involved in decentralisation which also, of course, have a wider Civil Service dimension. It would be my hope that a greater number of Specialists will, in time, volunteer to decentralise to Limerick.

Overseas Development Aid.

65. **Mr. Perry** asked the Minister for Foreign Affairs the likelihood of achieving the millennium development goals, within the envisioned timescale; and if he will make a statement on the matter. [19553/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Ireland attaches the highest importance to the Millennium Development Goals (MDGs), which were adopted by the United Nations in 2000. We have incorporated them as the overarching framework of the Irish Aid programme. The Goals, which include halving the proportion of people in extreme poverty and reducing child mortality by two-thirds by the year 2015, correspond to our focus on reducing poverty and supporting the provision of basic services to the world's poorest people.

Deputies will be aware that the United Nations Summit meeting last September conducted the first major review of progress towards the implementation of the Millennium Development Goals. The review concluded that some progress is being made, particularly in Asia. However, concern was expressed at the uneven progress in Africa.

The Summit unanimously acknowledged the MDGs as the international framework for development, together with the Monterrey Consensus and the Johannesburg Plan of Implementation. The Summit's recognition of the need to accelerate progress towards the MDGs and to make progress on aid effectiveness and on debt relief was encouraging. I was particularly pleased by the acknowledgement of the special needs of Africa, which has long been the main focus of Ireland's aid programme.

Ireland worked in the lead-up to the September meeting to build the necessary support among fellow donor countries and to restore momentum both towards the achievement of the MDGs and towards strengthening the United Nations system.

Deputies will recall that during the meeting the Taoiseach announced that Ireland has pledged to increase our Official Development Assistance so as to reach the target of 0.7% of GNP by 2012, three years earlier than the agreed EU deadline of 2015. The timetable we have set ourselves places Ireland in the forefront of donors worldwide.

I believe that, if the other major donors make equivalent commitments, and the developing countries themselves play their part, the Millennium Development Goals are indeed achievable within the timescale envisaged. I can assure the Dáil that Ireland will continue to play its part in this regard.

Democratisation Process.

66. **Mr. O'Dowd** asked the Minister for Foreign Affairs if he has had contact with his Ethiopian counterpart with regard to the political situation in that country, following elections held there in summer 2005; and if he will make a statement on the matter. [19548/06]

162. **Mr. Neville** asked the Minister for Foreign Affairs the political and security situation in Ethiopia; and if he will make a statement on the matter. [19546/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 66 and 162 together.

The deterioration in the political and human rights situation in Ethiopia since the May 2005 general election remains a matter of serious concern. Ireland, along with our EU partners, continues to emphasise to the Government of Ethiopia the need to respect human rights and the

rule of law; to strengthen the democratisation process by opening a non-conditional dialogue with all opposition parties and allowing those parties and civil society organisations to operate freely; and to allow the private media operate without restrictions.

Steps have been taken within Ethiopia towards addressing the situation. These include an independent investigation commission to examine the June and November 2005 violence set up by the Ethiopian Parliament in late November and which is expected to report shortly. An initiative to reform parliamentary rules of procedure and strengthen the role of the opposition has also been undertaken. It is understood that a majority of opposition MPs have now entered parliament. Dialogue is under way between the Government and two opposition political parties, not including the Coalition for Unity and Democracy (CUD) whose leaders are currently on trial. The majority of detainees arrested during the unrest last November have been released.

While these positive developments should be welcomed, with our EU and international partners we continue to communicate our concerns to the Government of Ethiopia, at both the political and official levels. I wrote to Prime Minister Meles on 15 February to express his concerns and, in particular, to raise the ongoing detention of opposition political leaders. The Oireachtas Joint Committee on Foreign Affairs, led by Dr Michael Woods, T.D., visited Ethiopia from 1-5 May. The delegation met with Prime Minister Meles as well as with opposition leaders including imprisoned CUD leaders, members of civil society and human rights organisations. I understand that a report on the visit is being prepared. Furthermore, it is likely that the Minister for Foreign Affairs will visit Ethiopia in July.

The trial of 129 individuals including the elected leaders of the CUD, journalists, and civil society leaders began on 23 February 2006. They have been charged as a group with treason, genocide and inciting violence. On 22 March 2006, all charges were withdrawn against 18 of the detainees, including 9 being tried in absentia, and the prosecutor was instructed by the court to amend the genocide charge.

The EU has underlined to the Ethiopian Prime Minister the need for the trial to be conducted in a transparent, fair and speedy manner in accordance with international standards. We also called for the release of the detainees on bail as a confidence building measure and for better access to detainees by families, lawyers and the international community. The Prime Minister agreed to an EU request for international observation of the trial and a distinguished international lawyer is observing the trial on behalf of the EU, as are EU Embassies in Addis Ababa, including Ireland. While bail has not been approved, the Prime Minister has indicated that the Ethiopian authorities will do everything they can to ensure

the expeditious completion of the trial and that he expects it to be completed within a year.

As regards security, Addis Ababa has experienced a number of bomb attacks in recent months, the most recent of which earlier this month resulted in four fatalities. No group has claimed responsibility for the attacks. The Embassy in Addis Ababa is liaising closely with Irish citizens in Ethiopia and has advised them to exercise caution and keep a low profile at present.

Foreign Conflicts.

67. **Dr. Upton** asked the Minister for Foreign Affairs if he will make a statement on the Government's view of recent developments in relation to Kashmir. [19701/06]

Minister for Foreign Affairs (Mr. D. Ahern): India and Pakistan have made significant progress over the last few years to improve their relations and I welcome the progress that has been achieved. The ongoing talks within the Composite Dialogue Framework to move forward the peace process are significant, although clearly differences remain between the two sides. I hope that both countries will continue to work together towards a peaceful, negotiated final settlement.

One of the most visible signs of cooperation has been the opening of crossing points along what is referred to as the "Line of Control" and the re-establishment of a number of transport links. On 7 April 2005, for the first time in sixty years, a bus service operated between Srinagar in Jammu and Kashmir State and Muzaffarabad in Kashmir.

President Musharraf undertook a successful visit to India from 16 to 18 April 2005. In a joint statement issued after the meeting, the Pakistan and Indian Prime Ministers determined that the peace process was "irreversible". Significantly, both sides agreed to continue discussions on Kashmir "in a sincere and purposeful and forward-looking manner for a final settlement". They expressed their determination to work together to carry forward the process and to bring the benefit of peace to their people. They also pledged they would not allow terrorism to impede the peace process.

The earthquake on 8 October last had a devastating effect on the Northwest Frontier Province of Pakistan and Pakistan-controlled Kashmir. The efforts made by both Governments to reach agreement on opening crossing points along the Line of Control to enable aid to reach survivors and to reunite families were obviously positive.

In January 2006, the Foreign Secretaries of India and Pakistan met in New Delhi to begin the third round of talks under the Composite Dialogue framework. Their discussions focused on peace and security, including a detailed exchange on the Kashmir issue. Both sides reiterated their

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resolve to carry forward the peace process and maintain its momentum.

While progress is for India and Pakistan to make between them, Ireland and other members of the international community would, of course, be willing to offer any assistance or advice they might jointly request.

Nuclear Programmes.

68. **Mr. Deenihan** asked the Minister for Foreign Affairs his views on whether offers from Russia to Iran, in respect of uranium enrichment, could constitute a potential resolution to some of the outstanding international concerns regarding nuclear development in that country; and if he will make a statement on the matter. [19569/06]

74. **Mr. Connaughton** asked the Minister for Foreign Affairs if his Department is in full agreement with the EU3 in respect of their negotiations on behalf of the Union with Iran regarding nuclear development; and if he will make a statement on the matter. [19567/06]

97. **Mr. O'Shea** asked the Minister for Foreign Affairs if he will report on recent meetings between the European Union and Iran; the discussions which may have been had at these meetings; the progress made with particular reference to the ongoing dispute over uranium enrichment in that country; and if he will make a statement on the matter. [19733/06]

122. **Mr. McCormack** asked the Minister for Foreign Affairs if he has communicated a position to the EU3, on behalf of Ireland, in respect of their negotiations with Iran regarding nuclear development in that country; and if he will make a statement on the matter. [19568/06]

130. **Ms O. Mitchell** asked the Minister for Foreign Affairs when he last received a briefing from the EU3 in respect of their negotiations with Iran regarding nuclear development in that country; and if he will make a statement on the matter. [19566/06]

218. **Mr. Allen** asked the Minister for Foreign Affairs the most recent contacts which has made with his counterparts among the EU3 to advise them of Ireland's position with regard to the development of nuclear capabilities by Iran; and if he will make a statement on the matter. [19810/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 68, 74, 97, 122, 130 and 218 together.

The question of Iran's nuclear programme is kept under constant review within the European Union at official level and is also the subject of regular discussions at Ministerial level, most

recently at the General Affairs and External Relations Council meeting on 15 May. The meeting received a briefing from the Foreign Ministers of France, Germany and the United Kingdom (collectively known as the EU3) and High Representative Solana. The meeting was informed that discussions were continuing at the UN Security Council in New York, with a view to formulating a resolution in light of the most recent report on the Iranian nuclear programme by the International Atomic Energy Agency (IAEA) Director General on 28 April last.

The last meeting between the European Union and Iran took place in Brussels on 20 February when Iranian Foreign Minister Mottaki met the Commissioner for External Relations, Mrs Benita Ferrero-Walder, and High Representative Solana. The talks covered a broad agenda including the nuclear issue, human rights, cartoon caricatures of the Prophet Mohammed, as well as the Middle East, terrorism and Iraq. This was the first meeting since Iran's unilateral declaration on 3 January that it would recommence its enrichment related activities. The meeting discussed this decision as well as the Russian proposal on nuclear cooperation. However, there was no concrete outcome and there are currently no plans for a further meeting.

The Council meeting regretted the failure of the Iranian authorities to take the steps deemed essential by the IAEA Board and the Security Council and called on the Iranian authorities to cooperate fully with the IAEA, suspend all enrichment related and reprocessing activities and the construction of a reactor moderated by heavy water, in order to create conditions in which negotiations might resume. The EU reaffirmed the right of Iran to the use of nuclear energy for peaceful purposes in conformity with its obligations under the NPT. The Council indicated that the EU would be prepared to support Iran's development of a safe, sustainable and proliferation-proof civilian nuclear programme, if international concerns were fully addressed and confidence in Iran's intentions established.

The proposal put forward by Russia some time ago envisaged establishing a uranium enrichment facility in Russia that would provide enriched uranium to Iran. Despite mixed messages from Iran on the merits of the proposal, a number of meetings took place between the two countries to discuss the details of the proposal. No agreement was reached on the main stumbling block of whether Iran could carry out enrichment, even in a limited form, on its own soil. Although no meetings have taken place in recent months on the proposal, the Russian Foreign Minister has recently confirmed that the offer remains open for discussion. The EU has welcomed the Russian efforts to seek a way forward involving the offer to Iran on nuclear cooperation. Whether this proposal could constitute a potential resolution of

the matter depends to a large extent on Iran's willingness to suspend its enrichment activities.

The Government's position on the Iranian nuclear programme is a matter of public record. Ireland remains strongly committed to a diplomatic solution to this issue. I have made clear on several occasions my full support for the EU3. The initiative of the EU3 has also been endorsed by most countries on the IAEA Board of Governors. It is essential for Iran to respond to the calls by the Security Council and to implement the confidence building measures called for by the IAEA Board of Governors. This includes the suspension of all enrichment-related and reprocessing activities.

Overseas Development Aid.

69. **Mr. Naughten** asked the Minister for Foreign Affairs the level of aid being directed to Ethiopia for 2006; and if he will make a statement on the matter. [19547/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Ireland's total aid to Ethiopia in 2006 is expected to amount to approximately €35 million. Of this total, it is anticipated that non-governmental organisations (NGOs) working in Ethiopia, including Concern, GOAL, Self Help Development International, Trócaire and others will receive financial support of approximately €7 million. The remainder will be delivered through the Irish Aid programme administered by the Embassy in Addis Ababa.

With a population now exceeding 70 million people, Ethiopia is Ireland's largest Programme Country. It is also one of the poorest, with over 30 per cent of the population living on less than \$1 a day and 76 per cent on less than \$2 dollars a day. It is ranked 170th out of 177 on the UN Human Development Index (HDI). This index measures the well-being of the population across a wide range of indicators.

In 2006, the aid programme in Ethiopia will continue to focus on supporting basic service delivery to the rural poor especially in the areas of health, education, good governance, and HIV/AIDS. Another important component of Ireland's programme in Ethiopia is our support to the UN monitored Social Safety Nets Fund, which provides some 7 million of the poorest Ethiopians with cash or food in exchange for labour. This innovative fund, which was established with assistance and expertise from Ireland, is perceived as an invaluable instrument in preventing up to 7 million people from facing starvation each year.

Question No. 70 answered with Question No. 60.

Human Rights Issues.

71. **Mr. Bruton** asked the Minister for Foreign

Affairs if his Department has raised with the Chinese authorities the concerns which exist with regard to the treatment of Falun Gong members in China; and if he will make a statement on the matter. [19538/06]

Minister for Foreign Affairs (Mr. D. Ahern): Human rights issues are a constant and important point of dialogue with the Chinese Authorities at both bilateral and European Union levels.

On a bilateral level, I met with Chinese Foreign Minister Li Zhaoxing on 12 May during my recent visit to Beijing. During our meeting, I had the opportunity to raise human rights issues and concerns, including the importance we attach to freedom of speech and freedom of religion. I expressed the hope that the new UN Human Rights Council (HRC), to which China has been elected as a member, will give the international community the chance to develop a more productive way of working together to improve standards everywhere. It is important to Ireland that the HRC is a success and we look forward to the constructive engagement of all its members. FM Li referred in particular to China's commitment to the EU-China Human Rights Dialogue and was hopeful that a decision would be taken to ratify the International Covenant on Civil and Political Rights as soon as possible.

At EU level, the EU-China Human Rights Dialogue is the agreed formal framework through which the EU raises its concerns with China about individual human rights cases, and more general issues such as freedom of expression and the abolition of the death penalty.

At the latest round of the Human Rights Dialogue, held in Beijing on 24 October 2005, the EU raised, inter alia, the right to freedom of religion and the need for reform of the administrative detention system, including the associated Re-education Through Labour (RTL) camps. The EU expressed particular concern in this regard for Falun Gong members and stated that reform of the RTL system is an issue of fundamental importance for the EU in the Human Rights Dialogue.

The next round of the Dialogue will take place in Vienna later this week, from 25-26 May. A number of Falun Gong cases are included on the EU's list of individual cases of concern which has been submitted to the Chinese Authorities in the context of the Dialogue. EU concerns regarding use of the death penalty, the right to freedom of religion and the need for reform of the administrative detention system will be among the issues raised with the Chinese side during the Dialogue.

I am aware of reports which circulated in recent months alleging the harvesting of live organs from Falun Gong practitioners jailed in Shenyang in Northeast China. I asked my Department to make enquiries about these allegations, including within the EU and UN frameworks. We do not have any information, at this point, to sup-

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port these specific allegations. In this regard, I would note a U.S. Department of State statement last month that its Embassy and Consular officials visited the specific site mentioned on two separate occasions, were allowed to tour the entire facility and grounds and found no evidence that the site is being used for any function other than as a normal public hospital.

EU Enlargement.

72. **Mr. Costello** asked the Minister for Foreign Affairs the discussions being held at European Union level as to the further expansion of the EU25; the position in relation to the admittance of new entrants, with reference, particularly, to Romania and Bulgaria; and if he will make a statement on the matter. [19716/06]

128. **Mr. G. Murphy** asked the Minister for Foreign Affairs the position with regard to the entry of Bulgaria to the European Union; when accession is likely to take place; the outstanding issues for resolution; and if he will make a statement on the matter. [19562/06]

138. **Mr. J. O’Keeffe** asked the Minister for Foreign Affairs the position with regard to the entry of Romania to the European Union; when accession is likely to take place; the outstanding issues for resolution; and if he will make a statement on the matter. [19563/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 72, 128 and 138 together.

The forthcoming accession of Bulgaria and Romania will mark the completion of the Union’s 5th enlargement — increasing its membership from 15 to 27 Member States.

This has been by far its biggest, most ambitious and most important enlargement to date. A further expansion of such magnitude is not on the horizon, although the EU does have accession negotiations underway with Turkey and Croatia and has made commitments to the countries of the Western Balkans, which gives them a prospect of eventual membership.

Ireland participated in the first enlargement of the EU in 1973 and the benefits we have derived from membership are beyond doubt. Similarly, each successive enlargement has proved its worth, both for the existing and new Member States. The fact that so many other countries now wish to join testifies to the success of the enlarged Union.

Nevertheless, an important debate is underway with the Union with regard to future enlargement strategy. If EU membership is to be further extended, the Union will need to ensure that it has the economic, political and institutional capacity to make this possible. It will be important to listen to the concerns of EU citizens and offer

them a clear and realistic strategy for future enlargement.

The immediate priority should be to make a success of the enlarged Union of 25. The immediate priority should be to make a success of the enlarged Union of 25. The Union’s objective is to welcome Bulgaria and Romania as members on 1 January 2007. The EU could, however, postpone the accession of either or both countries for up to one year if the Commission considers that either country would be unprepared to meet the requirements of membership in 2007.

On 16 May 2006, Enlargement Commissioner Olli Rehn presented the Commission’s Comprehensive Monitoring Report on Bulgaria and Romania to the European Parliament. He confirmed that their accession on 1 January 2007 remains an achievable goal for both countries. They need to make progress in addressing the outstanding issues highlighted in the monitoring report and the Commission and the Member States will continue to monitor their progress in the coming months. A final decision on the date of accession will be taken in light of the Commission’s next monitoring report in October.

Since the Commission’s previous monitoring report in October 2005, both countries have significantly reduced the number of issues that need to be addressed before accession. Some of the problem areas that remain are common to both countries, particularly in relation to putting in place the necessary arrangement for the disbursement of EU funds. In the agricultural area, both countries need to set up a proper, integrated administration and control system.

While both countries need to sustain their efforts in reforming the judiciary and fighting corruption, Bulgaria has been urged to devote special attention to this area. According to the Commission, Bulgaria needs to show tangible results in investigating and prosecuting organised crime networks, in the more efficient and systematic implementation of laws for the fight against fraud and corruption and in the enforcement of anti-money laundering provisions.

Ireland believes that both Bulgaria and Romania need to make full use of the time available to address the remaining issues so that they can join the Union, as planned, on 1 January 2007. Both countries benefit from the Department of Foreign Affairs’ Bilateral Assistance Programme, which provides support for new Member States, acceding and candidate countries in coping with the considerable challenges of EU membership. Ireland very much looks forward to working with both countries as partners in a successful Union of 27 Member States.

State Visits.

73. **Mr. Stanton** asked the Minister for Foreign Affairs if he will report on the visit of the Australian Prime Minister to Ireland; and if he will make a statement on the matter. [19533/06]

157. **Ms O'Sullivan** asked the Minister for Foreign Affairs the reasons underpinning the visit of the Australian Prime Minister to Ireland; the further reason he has been invited to address Dáil Éireann; if his attention has been drawn to the widespread condemnation among the Irish population and beyond to Mr. Howard's support of, and involvement in, the invasion of Iraq among other issues; and if he will make a statement on the matter. [19727/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 73 and No. 157 together.

The Prime Minister of Australia, the Right Honourable Mr. John Howard, began his official programme to Ireland on Monday, 22 May with a wreath laying ceremony at Kilmainham. He later met students from the Australian Studies Centre at University College Dublin and a civic reception was held for him at the Mansion House. A business lunch hosted by Minister Michael Martin, in cooperation with the Dublin Chamber of Commerce, IBEC and Enterprise Ireland, provided the Prime Minister with an opportunity to meet Irish and Australian business interests. The Taoiseach and I held official talks with the Prime Minister and the Taoiseach hosted an official dinner for him at Farmleigh. On Tuesday 23 May, the Prime Minister was received by President McAleese, a lunch for the Prime Minister was hosted by the Ceann Comhairle and he met with the leaders of the Opposition parties.

With its agreement, the Prime Minister was invited to address the Dáil in the afternoon of Tuesday 23 May. The Government proposed that Prime Minister Howard should be invited to address the Dáil as this courtesy is one the Dáil has extended to Heads of Government from countries with which Ireland has particularly close ties. Ireland's links with Australia go back to its very foundation. Since then continuous waves of Irish people have made Australia their home. They have been warmly welcomed there and given the opportunity not only to integrate into Australian society but to help mould, shape and develop it. Prime Minister Howard's predecessors, Mr. Hawke and Mr. Keating, had been invited to address the Dáil during their visits to Ireland. The Government considered it appropriate that the Dáil should continue with this tradition and extend this courtesy to Prime Minister Howard.

The key objectives for the Prime Minister's visit were to build on the close and developing relationship between Australia and Ireland. The official talks held with the Prime Minister enabled a detailed exchange views on a wide range of bilateral, regional and international issues and provided the opportunity to further pursue our mutual interests in expanding trade and investment, people-to-people links and practical cooperation in areas such as research and

development, information technology and education.

I took the opportunity of my official talks with Prime Minister Howard to discuss the situation in Iraq. My focus was on hearing his assessment of the situation and, in particular, the prospects for progress under the new Iraqi Government.

Question No. 74 answered with Question No. 68.

Middle East Peace Process.

75. **Caomhghn Ó Caoláin** asked the Minister for Foreign Affairs if he will increase the State's overall assistance to the Palestinian Authority in view of the decision by others to withdraw funding and to prevent the further impoverishment of Palestinian people. [19644/06]

79. **Mr. Crowe** asked the Minister for Foreign Affairs the representations that he has made to his EU member state counterparts to convince the Council to take concrete steps to persuade the Israeli authorities to genuinely renounce violence, recognise Palestine's right to exist and accept previous agreements and obligations to bring about a just and lasting peace. [19646/06]

101. **Mr. Ferris** asked the Minister for Foreign Affairs the steps he is taking to persuade the Israeli authorities to genuinely renounce violence, recognise Palestine's right to exist and accept previous agreements and obligations to bring about a just and lasting peace. [19645/06]

110. **Mr. Boyle** asked the Minister for Foreign Affairs the latest representations made on behalf of the Government to the Israeli Government regarding the building of the security wall; his views on whether it is unacceptable that the wall encroaches into the West Bank taking in Israeli settlements; and if he will make a statement on the matter. [19739/06]

125. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs his views on whether the decision of the EU to withdraw funding from the Palestinian National Authority is hypocritical in view of the continuation of preferential trading with Israel. [19643/06]

131. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs the actions being taken by his Department to ensure that the vision of two viable states of Israel and Palestine is being progressed; and if he will make a statement on the matter. [19536/06]

145. **Mr. Hayes** asked the Minister for Foreign Affairs the status of peace talks in the Middle East; and if he will make a statement on the matter. [19554/06]

155. **Mr. McGinley** asked the Minister for Foreign Affairs if he has raised the issue of the withholding of tax revenues due to the Palestinian Authority by Israel with his Israeli counterpart; and if he will make a statement on the matter. [19537/06]

217. **Mr. M. Higgins** asked the Minister for Foreign Affairs the position of Ireland in relation to the expansion of settlements in the illegally occupied West Bank; the threat of unilateral action in this regard outside of the framework of the roadmap for peace; the statements which have been made in recent times by either the Government or the European Union in relation to such illegality; and if he will make a statement on the matter. [19804/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 75, 79, 101, 110, 125, 131, 145, 155 and 217 together.

I refer to the replies to Priority Questions Numbers 55 and 59.

The Government has been consistently active in promoting a lasting and peaceful settlement of the Israeli — Palestinian conflict. Together with our EU partners, we remain convinced that the only way forward is through negotiations between the parties, based on the principles outlined in the Quartet Roadmap and leading to a mutually acceptable and viable two-State solution. Within the Union we strongly advocate policy positions stemming from this basic approach.

I share the concerns which have been expressed about the increasingly difficult situation facing the Palestinian population in the West Bank and Gaza. The EU has been the strongest supporter of the Palestinian people internationally. It is also the largest donor to Palestine, providing an average of €500 million annually in humanitarian assistance and in support of Palestinian institutions and civil society. Since the Palestinian elections in January, the EU and the international Quartet have made it clear that the new Hamas Government of the Palestinian Authority must commit to the peace process. It must renounce violence, recognise Israel's right to exist and adhere to agreements already negotiated by the Authority and the PLO.

In February, the Council approved the urgent disbursement by the Commission of €121 million in humanitarian assistance to the Palestinians. In early April, the Commission temporarily suspended direct assistance to the Palestinian Authority. The EU is reviewing its assistance against the Government's commitment to the principles set out by the Council and the Quartet.

There is full agreement among the Member States that it would be unreasonable to expect the EU to continue its capacity-building support for the Hamas Government irrespective of its will-

ingness to respect the basic rules of the peace process. However, the Government believes that the Palestinian people should not have to face the prospect of a humanitarian crisis because of the reluctance of their Government to meet its responsibilities. The EU is committed to continuing necessary assistance to meet the basic needs of the Palestinian population, and Ireland has argued strongly for the widest possible definition of these basic needs.

On 15 May, following the Quartet meeting on 9 May, the Council undertook the work of developing a temporary international mechanism to channel assistance directly to the Palestinian people. The Council stated that, as a matter of priority, the mechanism will aim to provide for basic needs, including health services. The political and technical aspects of the development of the mechanism are being pursued urgently. It will be essential that all international donors cooperate to ensure the effectiveness of the new temporary structures.

The EU has already called on the Israeli Government to resume the transfer of withheld Palestinian tax and customs revenues, which are essential in averting a crisis in the Occupied Territories. I hope that a decision to resume the transfers can be taken without delay, if possible through the new international mechanism. Equally, it is important that both the Israeli Government and the Palestinian Authority take concrete steps to implement their obligations under the Agreement on Movement and Access, which was brokered by the US and the EU in November 2005 and which provides for the movement of people and goods between Gaza and the outside world. I do not accept that there is any inconsistency between the EU's approach to the provision of assistance to the Palestinian people and the issue of preferential trading arrangements with Israel, which are identical to those accorded to Palestine.

I have given a commitment that the Government will maintain the level of Ireland's bilateral assistance to the Palestinians, which amounted to over €4 million in 2005. In February, following the Palestinian elections, the Government allocated €1.5 million in humanitarian assistance through the United Nations Relief and Works Agency (UNRWA). I expect to make further allocations in the near future.

The current difficulties in the peace process emphasise the importance of sustained engagement by the European Union, on the basis of a clear and balanced message to the parties. Israel and the Palestinian Authority must face up their obligations under the Quartet Roadmap, and under international law. The EU has consistently urged the Israeli Government to cease all activities in the Occupied Territories, including settlement building, the construction of the separation barrier on occupied land and the demolition of Palestinian homes, which are contrary to inter-

national law and which threaten to make any solution based on the co-existence of two viable States physically impossible.

Human Rights Issues.

76. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to a Guantanamo Bay-like detention site at Bagram in Afghanistan where prisoners are being held in primitive conditions, indefinitely and without charge in contravention of international law as part of the United States led Operation Enduring Freedom; if he has raised objections with the US Administration; and if he will make a statement on the matter. [19648/06]

112. **Mr. Morgan** asked the Minister for Foreign Affairs if he will make a statement on the situation in Afghanistan. [19647/06]

115. **Mr. Hogan** asked the Minister for Foreign Affairs the political and security situation in Afghanistan; the travel advisory issued by his Department for Irish citizens in that country or intending to travel to that country; and if he will make a statement on the matter. [19530/06]

140. **Mr. Cuffe** asked the Minister for Foreign Affairs his views on the state of Afghanistan; his further views on whether the Taliban has re-emerged as a force in many areas of the country; if he is satisfied regarding the rate of progress in relation to human rights reform; and if he will make a statement on the matter. [19740/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 76, 112, 115 and 140 together.

It is important to recognise that in any country, developing the democratic structures, institutions and administrative systems necessary to provide essential public services and ensure a secure environment for all is a process that takes time. Although Afghanistan still faces considerable challenges, the significant progress that has been achieved there over the past four years should be acknowledged. A democratic Constitution, a representative national Parliament and a legitimate elected Government are all now in place. Efforts are ongoing to consolidate the progress that has been made and reforms are underway, with the assistance of the international community, across all sectors, including the police service, the Afghan National Army and the judicial system.

As I informed the Dáil on 4 April in response to questions, the security situation remains a cause of serious concern and continues to undermine reconstruction efforts outside the cities. The conflict is complex and is influenced not just by Taliban insurgency but also by a number of other factors including ethnic and tribal tensions, narcotics and crime. Taliban insurgents are still active. As I informed the Dáil on 4 April in

response to questions, the security situation remains a cause of serious concern and continues to undermine reconstruction efforts outside the cities. The conflict is complex and is influenced not just by Taliban insurgency but also by a number of other factors including ethnic and tribal tensions, narcotics and crime. Taliban insurgents are still active in parts of the southern and eastern regions.

On 16 November 2005, the EU and Afghanistan issued a Joint Declaration. The Declaration reaffirmed the commitment of the Government of Afghanistan to safeguarding freedoms under the Constitution, to developing a pluralistic and democratic society, and ensuring respect for human rights. The Declaration further states that the Afghan Government supports the recommendations of the Afghan Independent Human Rights Commission and shall implement a process of transitional justice to address human rights violations of the past. The EU shares these objectives and shall continue to provide assistance to seek to ensure progress in this area. Improvements in the human rights situation have undoubtedly been made in Afghanistan since 2001 although clearly the situation is still far from ideal.

An Afghanistan Compact was launched at the International Conference on Afghanistan in London on 31 January/1 February and was endorsed by the United Nations Security Council in Resolution 1659 (2006) on 15 February. The Compact will guide the joint efforts of the Afghan Government and the international community in meeting outstanding challenges across three pillars of activity: security; governance; rule of law and human rights, and economic and social development. The Compact notes that Afghanistan's transition to peace and stability is not yet assured and that strong international engagement will be required to address remaining challenges.

I am pleased that Ireland was in a position to pledge €5 million at the launch of the Compact. This new pledge, which will be expended over the next two years, reflects Ireland's continuing commitment to supporting the reconstruction and reform process underway in Afghanistan. Including this new pledge, Ireland has contributed a total of €22 million to reconstruction and recovery programmes in Afghanistan since January 2002.

The Department of Foreign Affairs provides travel advice to Irish people planning a trip overseas. This is available at <http://foreignaffairs.gov.ie/services/traveladvice/> and, in the case of Afghanistan, inter alia, advises Irish citizens against all non-essential travel to Kabul and against all travel to other parts of Afghanistan.

Ireland holds the view that those detained at the Bagram detention centre must be treated in accordance with the requirements of international human rights law and international

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humanitarian law. I have not had any recent discussions with the U.S. administration specifically regarding the situation in Afghanistan, but our approach to human rights issues is extremely well known, including to the US Authorities.

Overseas Development Aid.

77. **Dr. Upton** asked the Minister for Foreign Affairs the proposals which have been put forward by the Government to the European Union for the replacement of the cattle stocks of the African drylands, home to 268 million people, 40% of the continent's population. [19702/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The current drought in the drylands of East Africa is affecting Kenya, Somalia, Djibouti, Ethiopia and Tanzania. In Kenya, the Government has declared a state of emergency. Countless livestock have died as a result of severe drought in most of north eastern Kenya and other sections of the country. Further south towards the Tanzanian border, the Masaai herdsmen have lost most, if not all, of their cattle. Even though the rains have come in parts of Kenya, for most Masaai, it is too late. They have no income because they have no milk or cows to sell. A similar situation exists in southern Ethiopia. The drought has brought about emergency conditions in which people are at risk and are losing most of their livestock and thus their livelihoods.

Within the European Union, the lead role in dealing with the situation referred to by the Deputy is being taken by the European Commission. The Commission has already provided €78 million in aid to respond to the drought problem in the region. This covers both emergency response and the putting in place of contingency systems for the medium term. Further funding of €40 million will soon be disbursed, bringing the total to about €118 million.

The problem of drought and food insecurity in the region is structural, brought about by a range of complex factors: climate change; desertification; over-grazing; poverty; the structure of agricultural markets. For example, there is a bumper harvest in the west of Kenya at the same time as the north-east of the country is suffering a food crisis.

The Commission has developed a regional strategy for the area which seeks to address inter alia the problem of drought on a long-term basis, and to put in place a drought prevention/ preparation strategy. A Drought Contingency Plan will be supported by the 10th European Development Fund, aimed at providing a sustainable economic livelihood for the population of the region.

Ireland strongly supports the work of the Commission in the region and is maintaining contact with the Commission in relation to this. More-

over, in the context of the European Union's work to prepare a renewed sustainable development strategy, for adoption at the European Council next month, Ireland, in a written paper circulated to all our EU partners, highlighted the suffering in East Africa wrought by the negative effects of climate change, which affects weaker regions and poorer people to a disproportionate extent.

Ireland is deeply conscious of the challenges and is endeavouring to assist the populations affected in a number of ways. In 2005, Ireland provided over €3 million to the Consultative Group on International Agriculture (CGIAR), which supports agricultural research focused on poverty reduction in some of the world's poorest countries. As part of Ireland's support for CGIAR, €750,000 in funding was provided to the International Livestock Research Institute (ILRI). Ireland is also supporting the drought relief effort in the affected regions. For example, in the Borena district of southern Ethiopia Ireland is supporting a project which is being carried out by Christian Aid in collaboration with the local authorities and a local church organization. Ireland is also providing funding to Trócaire in Kenya for an emergency response programme that includes restocking.

Question No. 78 answered with Question No. 62.

Question No. 79 answered with Question No. 75.

80. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which the combined aid of the international community is achieving success on the African continent, with particular reference to peace-keeping, peace-enforcement, alleviation of starvation, drought, human rights abuses, famine, HIV and Aids; and if he will make a statement on the matter. [19658/06]

225. **Mr. Durkan** asked the Minister for Foreign Affairs the countries on the African continent most seriously suffering from famine, war or human rights abuses; if he is satisfied regarding the adequacy and the effective targeting of international aid to these locations; and if he will make a statement on the matter. [20020/06]

231. **Mr. Durkan** asked the Minister for Foreign Affairs the 10 countries on the African continent deemed by the international community to be most vulnerable in terms of starvation, war, human rights abuse, HIV and AIDS; the extent to which aid or peacekeeping is succeeding; and if he will make a statement on the matter. [20026/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 80, 225 and 231 together.

Africa's enormous needs are due to a complex combination of factors including food insecurity, poverty, environmental degradation, weak policies, unequal trading relationships, conflict, severe infrastructural deficits, poor governance, debt and the effects of HIV/AIDS.

In response to such needs in Africa and elsewhere, the United Nations have developed the Millennium Development Goals (MDGs), which represent the key measurable development targets that must be reached if the challenge of reducing poverty, hunger, disease and lack of development is to be met by 2015. The eight MDGs cover the eradication of poverty and hunger, achieving universal primary education, promoting gender equality, reducing child and maternal mortality, combating HIV/AIDS and other communicable diseases, ensuring environmental sustainability and developing a global partnership for development. While these goals are undoubtedly ambitious, they can be attained if the international community, including Ireland, plays its part in ensuring that Africa receives the assistance needed to reach them.

There is no internationally recognised system for ranking either the severity of humanitarian crisis situations around the world or countries deemed guilty of the greatest deficiencies in the administration of democracy and the observance of human rights. However, it is clear that there is a strong interrelationship between conflict, the abuse of human rights, food insecurity and poverty and that all these factors impact disastrously on levels of human development.

Africa is at the heart of Ireland's programme of official development assistance and our approach has a number of distinct but complementary elements. Our humanitarian budget responds to both complex and sudden-onset emergencies. Our recovery and long-term development programmes seek to assist countries emerging from natural and man-made emergencies and also address the fundamental causes of poverty in all its manifestations.

The core of our aid programme in Africa concerns development and in particular, building strong partnerships with six countries in sub-Saharan Africa, namely Ethiopia, Lesotho, Mozambique, Tanzania, Uganda and Zambia. In addition, we work in many other African countries, either directly or through our partnerships with the United Nations and NGOs such as Concern, Goal, Trócaire and others. In the context of an increasing Irish Aid budget as we approach the UN target of 0.7% of GNP by 2012, we are will be able to enhance our humanitarian, recovery and development interventions in Africa.

As regards issues of conflict, Ireland is contributing to the security and stability of Liberia through its deployment of troops with UNMIL, the UN Mission in Liberia, since 2003. Ireland has also provided assistance to the African Union (AU) for its mission in Sudan (AMIS), as part of

the EU's joint actions to foster peace and security in Darfur. Ireland works with and seeks to enhance the effectiveness of, the multilateral framework provided by the UN. We have pledged support to the UN's Peace Building Fund and support the establishment of the UN's Peace Building Commission. We are actively seeking ways to support regional organizations in Africa, particularly the AU which represents an important strategic partner for the European Union and the international community generally.

The need for tangible success has been acknowledged by the international community. That is why we have committed to the Millennium Development Goals and set a target date of 2015. The Paris Declaration on Aid Effectiveness, developed in the context of the MDGs' target date, is a new tool to ensure results-driven strategies and interventions. The degree to which we meet the MDGs by 2015 will measure the success or otherwise of our collective efforts to assist Africa to meet its development challenges.

Foreign Conflicts.

81. **Mr. Hogan** asked the Minister for Foreign Affairs if he has raised the concerns of the Government at the United Nations in respect of the misappropriation of moneys set aside for the rebuilding effort in Iraq; and if he will make a statement on the matter. [19557/06]

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

The allegations of the misappropriation of funds which were intended for reconstruction and for the provision of basic services in Iraq are very disturbing. I agree fully that it would be disgraceful if funds for the relief of the Iraqi people have been misused.

The allegations relate both to Iraqi funds controlled by the UN and to US funds. They refer primarily to the period of the Coalition Provisional Authority in 2003/2004. I know that some individuals and companies have already paid substantial fines following proceedings in US courts.

As I stated in reply to a Question on this matter on 4 April 2006, the Government has no independent information regarding the allegations. Nor has it any means of assessing accurately the basis of the allegations which have been made. Responsibility for investigating such allegations rests primarily with the United Nations Security Council, and with the International Advisory and Monitoring Board which it established to oversee and audit the use of funds paid into the Development Fund for Iraq. The Iraqi Government and the US Administration clearly also have their own responsibilities in this regard.

82. **Mr. McCormack** asked the Minister for Foreign Affairs the steps the Government is taking in order to try to support peace moves in

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Darfur; and if he will make a statement on the matter. [19541/06]

95. **Mr. Perry** asked the Minister for Foreign Affairs the position adopted by Ireland in respect of the recent resolution at the United Nations regarding the situation in Darfur, Sudan; and if he will make a statement on the matter. [19580/06]

228. **Mr. Durkan** asked the Minister for Foreign Affairs the position in Darfur; the extent to which international aid and support is achieving its objectives; and if he will make a statement on the matter. [20023/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 82, 95 and 228 together.

It is clear that only a political solution will provide a lasting resolution of the crisis in Darfur. In that regard, I welcomed the signing of the Darfur Peace Agreement by the Government of Sudan and the Minni faction of the Sudan Liberation Army (SLA) on 5 May and expressed the hope that it would be signed by the remaining rebel groups. The final Agreement was achieved through the concerted effort of a number of international actors including the current Chairman of the African Union (AU), President Dennis Sassou-Nguesso of Congo-Brazzaville, President Obasanjo of Nigeria, the EU Special Representative Pekka Haavisto and US Deputy Secretary of State, Robert Zoellick. It is a matter of concern that neither the Abdelwahid faction of the SLA nor the Justice and Equality Movement chose to sign the Agreement. However, the AU has extended the deadline for signature of the Agreement until 31 May. Efforts are ongoing to secure further signatures before the new deadline. Elements within both non-signatory groups have already expressed their support for the Agreement. In a statement by its representative to the UN on 9 May, the Government of Sudan indicated its intention to fully implement the Agreement.

Ireland welcomed the robust conclusions adopted by the General Affairs and External Relations Council on 15 May. The Council expressed its support for the Agreement, its implementation and for reconstruction and development in Darfur. The Council called on the parties to implement all their obligations urgently, commended the work of AMIS and reiterated its support for the transition of AMIS to a UN mission. The Council also stated that full normalisation of relations with Sudan depends on progress towards peace and democratisation throughout the country. The Government particularly welcomed the reference to improving access for humanitarian organisations, which was included at Ireland's initiative.

On 15 May, the African Union Peace and Security Council (AU PSC) met in Addis Ababa to endorse the Darfur Peace Agreement, and decided that its implementation should begin on 16 May. The meeting also decided that concrete steps should be taken to effect the transition of the AU Monitoring Mission in Sudan (AMIS) to a UN peacekeeping operation at the earliest possible moment.

On 16 May the UN Security Council voted unanimously in favour of resolution 1679 (2006) which, under Chapter VII of the UN Charter, mandated a joint technical assessment mission from the African Union and the UN to travel to Darfur within a week. The resolution requested UN Secretary General Annan to submit recommendations on the transition to the Security Council one week after the return of the mission.

The Government fully supports the decisions of the AU PSC and the UN Security Council as steps towards the achievement of a lasting resolution to the dire humanitarian and security situation in Darfur, which remains a matter of grave concern.

For its part, Ireland provided €6.38 million and €3.98 million to Darfur in 2004 and 2005 respectively. In April 2005, Ireland pledged a further €15 million for Sudan for 2005-2006. So far €14 million of this has been delivered. Further funding of €6 million to project activities in Sudan, including Darfur, in 2006 will be pledged at the pledging conference for Sudan due to take place in June. Ireland works closely with key humanitarian partners in Darfur including the UN Office for the Coordination of Humanitarian Affairs (OCHA), the UN World Food Programme (WFP), and the Irish NGOs Concern, Goal and Trócaire. The situation remains very difficult and it is essential that all sides fully comply with the terms of the peace agreement and allow all necessary humanitarian aid to be delivered. I would particularly call upon the Sudanese Government to respect fully its obligations under international humanitarian law and remove immediately all obstacles to the delivery of humanitarian assistance to those in need.

Funding of €1.5 million has also been provided to assist AMIS in the recruitment of humanitarian and human rights officers and to assist in the building of police stations so that protection may be provided to vulnerable populations, either in IDP camps or in their own villages. Three members of the Permanent Defence Forces are currently serving with AMIS and another officer served in 2004-5.

Overseas Development Aid.

83. **Mr. English** asked the Minister for Foreign Affairs the position with regard to the humanitarian crisis in the Horn of Africa; the level of assistance being granted by the State towards humanitarian support; and if he will make a statement on the matter. [19552/06]

166. **Ms Shortall** asked the Minister for Foreign Affairs his views on the proposals made by Mr. David Andrews, Chairman of the Irish Red Cross, as a result of his recent visit to the drought-stricken regions of East Africa. [19704/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 83 and 166 together.

Years of poor rainfall in the countries of the Horn of Africa combined with weak infrastructure, under-development, asset erosion, population growth and widespread dependence on pastoralism have had a cumulative and devastating impact on the people of this region. With highly weakened coping mechanisms, some 15 million people have faced extreme vulnerability to drought, food insecurity and hunger over recent months. Pastoral communities in particular have been particularly seriously affected by the drought and loss of livestock has had a devastating impact on their livelihoods.

In Kenya alone, some five million people have been in receipt of food aid in recent months. In addition, over two and a half million Ethiopians and over two million Somalis were directly affected by water shortages, as well as populations in parts of Burundi, Djibouti and Eritrea.

In recent weeks, the drought hit areas of Ethiopia and Kenya have been receiving adequate and in some cases heavy rains. In some areas, the rain has increased the risk of disease due to flooding, water pollution and lack of sanitation facilities. The humanitarian situation has also been exacerbated, by the heavy rains threatening weakened livestock and making access to people in need extremely difficult. However, pasture and food availability is expected to improve. Some agencies involved in emergency water trucking are already scaling down their operations.

Ireland responded promptly to the crisis and to date has committed emergency humanitarian funding of €7 million to agencies working at both regional and national levels. Of this, over €2 million has been provided to the UN World Food Programme and to the Irish NGOs Concern and Trócaire for emergency programmes specifically in Kenya. Funding of €1.3 million has been provided to the International Federation of the Red Cross (IFRC) and the International Committee of the Red Cross (ICRC) for their regional response and work in Somalia respectively.

Former Minister, Mr. David Andrews, visited the Horn of Africa in his capacity as Chairman of the Irish Red Cross last month. I asked him to provide the Government with a report of the findings of his visit including his assessment of the situation and response in the affected countries. Mr. Andrews encouraged the Government to maintain its focus on the Horn of Africa, including by ensuring that resources continue to be provided to emergency and recovery activities across the region. Mr. Andrews indicated that “while cli-

matic and environmental conditions are major contributory factors [to the situation] ultimately the lack of sustained development investment and the apparent reluctance by governments to effectively engage with these unique communities are the primary reasons for endemic poverty”.

I fully support that conclusion. Ireland has an ongoing commitment to assist the people of the Horn of Africa in combating the causes of poverty and food insecurity. Ireland provided over €3 million in funding in 2005 to Non-Governmental Organisations working on longer term development issues in Kenya alone, including Concern, Self-Help Development International, Goal, Trócaire, Oxfam and Concern Universal. Ireland also contributes to the social safety-nets programme in Ethiopia which assists poor communities to withstand the dips into crisis which we have seen affecting the north of that country so far this year. I can assure the Deputies that we continue to keep the situation under close review, including the effect of the most recent floods on vulnerable communities across the region.

Foreign Conflicts.

84. **Mr. P. McGrath** asked the Minister for Foreign Affairs the political and security situation in Iraq; the travel advisory issued by his Department for Irish citizens in that country or intending to travel to that country; and if he will make a statement on the matter. [19582/06]

Minister for Foreign Affairs (Mr. D. Ahern): Despite the continuing violence in Iraq, there have been hopeful political developments in recent weeks. On 23 April, the Parliament provisionally agreed the nomination of Mr. Nouri al-Maliki, Deputy Leader of the Shi'a Dawa party, as Prime Minister designate of the new Iraqi Government. Following further negotiations on the filling of Cabinet positions in a Government of National Unity, the appointments of Prime Minister al-Maliki and his Government were approved by the Iraqi Parliament on 21 May. This is a very welcome and significant step forward. It has been warmly welcomed by the European Union. Iraq now has a fully sovereign and democratic Government and parliament, mandated for four years. The political transition process as set out in United Nations Security Council Resolutions has now been completed.

It would of course have been desirable for a Government to have been formed shortly after the elections held last December. However, it is important that we recognise the major achievement of recent weeks, which has required the engagement of all the major political parties in Iraq. The new Government is very broadly based, and includes the main parties representing the Sunni community. The General Affairs and External Relations Council on 15 May looked forward to this important development and repeated the EU's commitment that it will engage

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actively with the new Government to achieve a secure, stable and democratic Iraq.

The violence which forms the background to this political progress remains a matter of grave concern. Iraqi citizens continue to be targeted in openly sectarian bomb attacks, and casualties have been high. Despite their refusal to be provoked into large scale civil strife, sectarian retaliation and violence have been rising steadily. It appears that, in some areas, minority communities are reacting by moving to areas where they feel more secure. The new Government therefore faces very serious challenges in ensuring the security and unity of the State.

In view of the circumstances on the ground, my Department continues to advise Irish citizens against all travel to Iraq.

Overseas Development Aid.

85. **Mr. Noonan** asked the Minister for Foreign Affairs the timescale for meeting the UN target on overseas development aid; and if he will make a statement on the matter. [19545/06]

156. **Ms Enright** asked the Minister for Foreign Affairs the level of funding allocated to Irish Aid for 2006; and if he will make a statement on the matter. [19544/06]

161. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs his views on whether Ireland will reach the target of 0.7 per cent of GNP for international aid within the specified time-table outlined by him; and if he will make a statement on the matter. [19745/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I propose to take Questions Nos. 85, 156 and 161 together.

The Taoiseach, Bertie Ahern, announced at the UN Millennium Review Summit in New York on 14 September 2005 that the Government will reach the target of spending 0.7% of GNP on Official Development Assistance by 2012.

We have agreed a number of steps along the way to achieving the target. Firstly, we have an interim target of 0.5% of GNP in 2007. Secondly, aid spending is expected to reach 0.6% in 2010. In fact, Ireland is likely to reach the interim 0.5% target earlier than expected. The allocation by the Minister for Finance, Brian Cowen, in the Estimates for the Vote for International Cooperation (Vote 29) in 2006 amounts to €600 million. Coupled with amounts paid by other Government Departments and with a special contribution of €59million to the Multilateral Debt Relief Initiative of the International Development Association, total ODA this year will amount to approximately €734 million. On current estimates of GNP growth, our total ODA this year is therefore likely to reach 0.5%.

These figures clearly demonstrate the Government's commitment to overseas development and to achieving the UN target in 2012.

International Agreements.

86. **Mr. Kehoe** asked the Minister for Foreign Affairs the number of present signatories to the charter of the International Criminal Court; the position of Ireland with regard to the non-signatory status of a number of countries, including the United States of America; and if he will make a statement on the matter. [19584/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Rome Statute of the International Criminal Court entered into force on 1 July 2002 and to date has been ratified or acceded to by 100 states. An additional 43 states have signed the Statute, subject to ratification.

The Government are committed to the effective functioning of the Court and support efforts to ensure the widest possible ratification and implementation of its Statute.

Together with our partners in the European Union, Ireland has been a consistent and strong supporter of the ICC, recognising it as an essential means to combating impunity for the most serious violations of international humanitarian and human rights law. This position has been recognised in the EU Common Position last updated in June 2003.

The 2003 Common Position commits the Union and its Member States to support the effective functioning of the Court, and to advance universal support for it by promoting the widest possible participation in the Rome Statute. In February 2004 a detailed Action Plan on the implementation of the 2003 Common Position was adopted under the auspices of the Irish Presidency of the EU.

In addition to their efforts to promote ratifications, the EU and its Member States have been generous supporters of initiatives to promote the Court in third states, as well as to strengthen the capacity of states to cooperate with the Court. For example, in February of this year, Ireland co-sponsored a three-day conference aimed at promoting ratification of the ICC among Arab states. The conference, held in Amman, Jordan, was attended by representatives from Iraq, Oman, Qatar, Syria, the United Arab Emirates, Bahrain and Yemen, all of which have yet to ratify the Rome Statute.

The United States objects to the ICC principally on the basis that the independence of the ICC Prosecutor endangers US citizens, and particularly US military forces, to politically motivated prosecutions before the Court. While recognising its concerns, neither Ireland, nor our EU partners, share the United States' view toward the Court.

A number of approaches have been made to the US on behalf of the EU, outlining the EU

position on the Court and urging US support for it. Most recently, a démarche on behalf of the EU took place in December 2005, at which the EU's strong political support for the ICC was underlined and a number of matters related to the Court were discussed.

Such discussions are in line with the EU Council Conclusions on the ICC of 30 September 2002, which recall the shared objective of the EU and the US of individual accountability for the most serious crimes of concern to the international community, and call for a broader dialogue between the EU and US on all matters relating to the ICC.

Departmental Appointments.

87. **Mr. Penrose** asked the Minister for Foreign Affairs the number of Irish nominees to United Nations institutions and other international institutions; the names of such institutions to which nominations were made; and the names and backgrounds of those nominated. [19706/06]

Minister for Foreign Affairs (Mr. D. Ahern): At present, the following Irish nominees hold positions in UN and other international institutions on foot of nominations for election made by me, or by my Department: Judge Maureen Harding Clark, elected in February 2003 to a nine year term as a Judge of the International Criminal Court; Judge Clark's Curriculum Vitae is at www.icc-cpi.int/chambers/judges/Clark_Maureen_Harding.html.

Mr. Michael O'Flaherty, elected in September 2004 to a four year term as a member of the Human Rights Committee, the UN Treaty Monitoring Body for the International Convention on Civil and Political Rights; Mr O'Flaherty's Curriculum Vitae is at www.ohchr.org/english/bodies/hrc/membersCVs/oflaherty.htm.

Mr. Peter Croker, re-elected in April 2002 for a second five year term as a member of the Commission on the Limits of the Continental Shelf, which facilitates the implementation of the United Nations Convention on the Law of the Sea in respect of the establishment of the outer limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured; Mr. Croker's CV is at: www.un.org/Depts/los/clcs_new/members_curriculumvitae/CrokerCV.pdf.

Democratisation Process.

88. **Dr. Twomey** asked the Minister for Foreign Affairs the support allocated by Irish Aid towards elections in the Congo; and if he will make a statement on the matter. [19551/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Presidential and parliamentary elections will take place in the Democratic Republic of Congo (DRC) on 30 July

next. They will be the first multi-party elections in the country since it gained independence in 1960. Successfully conducted elections are critical to the consolidation of peace and security in the DRC and in the Great Lakes region as a whole.

Aware of the strategic significance of these elections, Ireland has allocated €1.3 million to support their organisation and oversight. This funding has been provided in two tranches. Some €500,000 was provided in October 2005 to the special Trust Fund established and administered by the United Nations Development Programme to help meet the costs of the elections. Earlier this month, I announced further funding of €800,000, which will be used to support the South African Independent Electoral Commission which is assisting in the organisation and oversight of the elections.

Ireland is determined to play its part in helping the people of the DRC to move away from the past and onto the path of stability and development. We have provided over €11 million for emergency and recovery activities in the DRC since 2002, almost €5 million of which has been provided to date in 2006. The humanitarian and development needs are enormous. Some 1,200 people die daily from preventable conflict-related causes, as many victims every six months as those of the Asian tsunami. Approximately 70% of the population has no access to even the most basic healthcare system. More than 20% of children die before their fifth birthday. Governance and the provision of basic public services are generally weak and non-existent in parts.

The successful completion of these historic elections is an essential step to creating stability in the DRC and the wider region. Ireland will continue to do its part over the coming years to support the people and leadership of the DRC to deal with the profound post-conflict and development challenges that lie ahead.

Undocumented Emigrants.

89. **Mr. Sargent** asked the Minister for Foreign Affairs if he is satisfied that the latest legislative proposals discussed in the United States will deal adequately with the undocumented Irish in the United States; the representations he has made on this issue; and if he will make a statement on the matter. [19747/06]

102. **Mr. P. Breen** asked the Minister for Foreign Affairs the steps being taken by the Government to support the Kennedy McCain immigration proposals in the United States of America; and if he will make a statement on the matter. [19559/06]

114. **Mr. Stagg** asked the Minister for Foreign Affairs the position with regard to the regularisation of undocumented immigrants in the United States, with reference to President Bush's unprecedented step of addressing the US people on

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national television; the discussions which his Department has held with officials of the US administration; and if he will make a statement on the matter. [19717/06]

126. **Mr. Stanton** asked the Minister for Foreign Affairs the recent contacts that he has had with his US counterpart with regard to the undocumented Irish in the United States; and if he will make a statement on the matter. [19560/06]

132. **Mr. Hayes** asked the Minister for Foreign Affairs if he has had any recent contact with his US counterpart with regard to proposals for the regularisation of citizenship for people resident illegally in the United States; and if he will make a statement on the matter. [19581/06]

224. **Mr. Durkan** asked the Minister for Foreign Affairs the progress in regard to discussions he may have had with the US authorities on the regularisation of undocumented Irish in the US; and if he will make a statement on the matter. [20019/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 89, 102, 114, 126, 132 and 224 together.

The welfare of the undocumented Irish in the United States continues to be a matter of the highest priority for the Government. In all of my dealings with contacts on Capitol Hill and in the US Administration, including with Secretary of State Rice, I emphasise our strong support for measures that would enable the undocumented to regularise their status and have open to them a path to permanent residency. As Deputies are aware, the legislative debate in the US is at a critical stage. In view of this, I am travelling again to Washington D.C. this week to meet with key legislators to emphasise directly the importance that we attach to an early resolution of this issue.

Over the St. Patrick's Day period, the Taoiseach and I availed fully of our valuable meetings with President Bush and Members of Congress to reiterate to them our views on this matter.

During our meeting with President Bush, the President assured us of his support for a comprehensive approach to immigration which advances reforms, as well as addresses enforcement issues. This is an approach which he endorsed strongly in a significant televised address on immigration on 15th May in which he called for concerted efforts to work towards consensus on this critical issue. I warmly welcome the President's personal engagement in this issue and, in particular, his view that most of those who are undocumented should be able to apply for citizenship once qualifying conditions are met.

The current stage of the legislative debate is that Senators are debating a compromise bill proposed by Senators Hagel and Martinez. This positive bill provides for measures that would enable the vast majority of the undocumented to regularise their status and have open to them a path to permanent residency. In this way, it contains the key elements of the bill tabled last year by Senators Kennedy and McCain. Significantly, the Hagel/Martinez bill enjoys the support of Senator Kennedy and Senator McCain, both of whom are active in encouraging its passage through the Senate. It is also supported by the Irish Lobby for Immigration Reform which, as Deputies will be aware, is proving most effective in giving expression to the views of many members of our community in the US on immigration reform.

While it remains clear that reaching consensus on this sensitive and divisive issue presents considerable challenges, I am greatly encouraged by the very constructive and positive tone of the discussions in the Senate. These discussions represent a very significant phase in the debate. Should the Senate pass a bill, the legislative process will move to a Conference Committee composed of representatives of the House of Representatives and the Senate convened to reconcile differences between the Senate bill and the Sensenbrenner/King bill passed in the House last December.

During this crucially important period in the Senate, the Deputies can be assured that our efforts on behalf of the undocumented Irish are being maximised to the greatest degree possible.

Human Trafficking.

90. **Mr. Morgan** asked the Minister for Foreign Affairs the steps he has taken to date and intends to take to work with other countries in order to combat human trafficking and to support the victims of human trafficking. [19652/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Government is fully committed to the active promotion of full observance of universal human rights standards, and opposes, and seeks the elimination of, the practice of human trafficking.

The importance of addressing trafficking in persons has been recognised by Ireland and our EU partners. Article 5 of the EU Charter of Fundamental Rights prohibits trafficking in human beings.

In 2004 the EU adopted a Council framework decision on combating trafficking in persons. I understand that my colleague, the Minister for Justice, Equality and Law Reform, is currently preparing legislation which will criminalise trafficking in human beings for the purpose of their sexual and labour exploitation, as provided for in the Framework Decision.

The Council of Europe last year concluded negotiations on a Convention on Action against Trafficking in Human Beings. This Convention,

which was opened for signature at the Third Summit of the Council of Europe in Warsaw on 16 May 2005, aims to prevent and combat trafficking in people in all its forms, national or international, whether or not it is linked with organised crime. The Convention is currently under consideration by the Department of Justice, Equality and Law Reform, which has responsibility for policy in this area. Legislation being prepared by that Department will also take account of the Council of Europe Convention.

The Organisation for Security and Cooperation in Europe (OSCE), at its Ministerial Meeting in December 2003 in Maastricht, endorsed an Action Plan against Trafficking in Human Beings, and subsequently appointed an OSCE Special Representative, Helga Konrad, to assist in putting this Plan into practice. While the Special Representative's mandate recently expired, the work of the OSCE on trafficking continues including through its anti-trafficking assistance unit.

Europol and the European Police College, CEPOL, organise courses on an EU-wide basis for police forces dealing with investigations into the trafficking of human beings. I understand from my colleague, the Minister for Justice, Equality and Law Reform that Garda Officers working in the Garda National Immigration Bureau investigating the trafficking of human beings have attended such courses.

Ireland is also a signatory to the UN Convention on Transnational Organised Crime and its two accompanying protocols on prevention, suppression and punishment of trafficking in persons, especially women and children and smuggling of migrants by land, air or sea. The protocol on trafficking not only provides for measures to suppress trafficking, but also measures to protect the victims of trafficking.

Through its participation at international fora such as the United Nations General Assembly, the UN Commission on Human Rights (CHR), the Council of Europe and the OSCE, Ireland has raised its concerns in cooperation with like-minded countries regarding these issues. As a member of the EU, Ireland coordinates with the other EU Member States in these fora. At the meeting of the CHR in Geneva in 2005, Ireland made a national statement condemning the trafficking of people and welcoming the appointment in 2004 of a United Nations Special Rapporteur on Trafficking in Persons. Ireland will continue to support initiatives in this area in the new Human Rights Council which has replaced the Commission on Human Rights.

In addition, my Department has provided over €1.7 million in funding for ILO and NGO anti-trafficking projects through Irish Aid.

Arms Trade.

91. **Mr. Kenny** asked the Minister for Foreign Affairs the position of his Department with

regard to calls to introduce greater controls on arms and arms production; and if he will make a statement on the matter. [19550/06]

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

The promotion and support of international efforts to secure appropriate safeguards on the control of arms is a key priority of Irish foreign policy. There is a need to end destabilising accumulations of arms that can increase the potential for violence in areas of tension. There are too many examples of conflicts which are fuelled by the proliferation of conventional weapons. This is especially an issue of concern in Africa, where the proliferation in particular of small arms and light weapons continues to bring much suffering to societies throughout that continent.

The European Council adopted a Joint Action on the European Union's Contribution to combating the Destabilising Accumulation and Uncontrolled Spread of Small Arms and Light Weapons in July 2002. This Joint Action is concerned primarily with enhancing efforts by EU Member States to build consensus in the relevant regional and international fora (such as the UN and OSCE) to prevent the further accumulation of small arms and to ensure that the EU's arms controls are as effective as possible.

More recently, the European Union adopted a common position on arms brokering, in June 2003, requiring Member States to introduce ad hoc legislation to effectively control the activities of brokers. Moreover, the European Council last December endorsed a strategy to combat the illicit accumulation and trafficking of small arms and light weapons and their ammunition. The text contains an Action Plan which will be regularly reviewed and updated every six months.

Ireland continues to fully participate in UN meetings dealing with small arms and light weapons issues. Ireland welcomes the fact that an instrument on the marking and tracing of small arms and light weapons was adopted last June. A review conference on the UN Programme of Action on small arms is also scheduled to take place at the United Nations in New York at the end of next month. One of the issues to be discussed at the meeting is the question of agreeing global standards for the transfer of small arms and light weapons, an outcome which Ireland, together with our EU partners, strongly supports.

Ireland has also been active in other fora, such as the Convention on Certain Conventional Weapons (CCW). The terms of the Convention and its protocols restrict or prohibit specific types of weapons used in armed conflict. Ireland has also ratified the Anti-Personnel Landmine Convention (also known as the Ottawa Convention), which prohibits the production, sale, transfer and use of such landmines.

Ireland also fully and strongly supports the negotiation of an arms trade treaty. At a small

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arms conference in New York last January, the Austrian Presidency, on behalf of all EU Member States, confirmed the Union's support for such a treaty. We will continue to participate actively within the UN and at other international fora to advance this objective and, more generally, to promote the strengthening of arms controls globally.

Diplomatic Representation.

92. **Mr. Gogarty** asked the Minister for Foreign Affairs if the Government has established diplomatic relations with the new Government in Iraq; his plans to establish an embassy in Baghdad; and if he will make a statement on the matter.

[19742/06]

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

The Government approved the establishment of non-resident diplomatic relations with Iraq in 1979 and Ireland subsequently opened an Embassy in Baghdad in 1986.

In the crisis leading up to the 1991 Gulf War, the Embassy of Ireland was moved from Baghdad to Amman in Jordan, and subsequently closed in August 1992. The Iraqi Embassy in London, from where the Iraqi Ambassador was also accredited to Ireland, closed in February 1991.

Diplomatic relations between Ireland and Iraq were never broken off but effectively went into abeyance. Therefore, the question of formally establishing or re-establishing such relations with the new Iraqi Government did not arise. Following the reopening of the Iraqi Embassy in London in 2003, my Department dealt with it as representing the newly established Iraqi Government. Active relations were fully restored when Ambassador Salah Al-Shaikhly presented his credentials to President McAleese on 21 March 2006.

Ireland has a small diplomatic service and accordingly, as I believe the Deputy will appreciate, any expansion of our resident diplomatic network must be approached on a phased basis, having regard to clear priorities. The opening of further resident Missions abroad is considered by the Government on an ongoing basis.

Human Rights Issues.

93. **Ms Lynch** asked the Minister for Foreign Affairs if he has received literature from the Bahá'í community here expressing their concern at the treatment of their co-religionists in Iran; the discussions which have been held between members of his Department and members of the Baha'i faith in this regard; the progress being made at United Nations level with respect to this issue and the actions which Ireland has taken in this matter. [19713/06]

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

Extensive literature concerning the situation of the Bahá'í community in Iran has been received over recent months, including the statement made on 20 March by the UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir. This statement is the latest in a series of reports which raise serious concerns about this matter.

The Department of Foreign Affairs maintains close contacts with the Bahá'í community in Ireland about the situation of their co-religionists on the ground. In its contacts with the Iranian Embassy in Dublin the Department regularly conveys the Government's concerns.

Ireland has also frequently raised the situation of the Bahá'í in Iran at EU level and the EU's concerns about the treatment of the Bahá'í have in turn been brought to the attention of the Iranian authorities on many occasions. Ireland and its EU partners have also supported resolutions on Iran at the UN General Assembly and at the UN Commission on Human Rights. These initiatives have brought specific attention to the plight of the Bahá'í in Iran.

The situation of the Bahá'í community has also been raised during the formal EU-Iran Human Rights Dialogues, the last session of which took place during the Irish Presidency of the EU in 2004. Iran has been reluctant to agree dates for a renewed session of the Human Rights Dialogue and the Dialogue has been in abeyance since that time, though consultations on the next session are ongoing.

The General Affairs and External Relations Council on 10 April 2006 underlined the EU's continuing concern about human rights in Iran, in particular the treatment of the Bahá'í and other religious minorities. These concerns were reiterated on 15 May 2006. In addition, the EU Presidency raised a number of human rights concerns directly with the Iranian Government on 11 April 2006, including the problems alluded to in the Special Rapporteur's statement.

Ireland and the EU will remain actively engaged on this issue and will continue to raise it in all appropriate fora.

Northern Ireland Issues.

94. **Mr. Howlin** asked the Minister for Foreign Affairs his views on the recent killing of 15 year old Michael McIlveen in Ballymena; his further views on the need to make tackling sectarianism the number one priority for all parties in Northern Ireland and for the two Governments; his further views on the Shared Future initiative in this regard; and if he will make a statement on the matter. [19725/06]

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

On 8 May last, I wholeheartedly condemned the appalling sectarian attack on Michael McIlveen which led to his death. My thoughts continue to

be with his family and friends who have shown such courage and dignity in the face of this tragedy.

This incident was a truly shocking reminder of the evil of sectarianism, and that sectarian hatred and violence still plague communities across Northern Ireland. As the Taoiseach said in the immediate aftermath of Michael's death, those responsible for this brutal crime stand condemned in the eyes of all decent people who yearn for a peaceful society in Northern Ireland. They must face the full rigours of the law as speedily as possible.

I welcome the fact that this sectarian killing has been condemned by the entire community in Northern Ireland. It is vitally important that all incidents of sectarianism be condemned consistently, unequivocally and unambiguously by every political party in Northern Ireland, and that leadership be shown in reducing tensions and promoting reconciliation between the communities. In this regard, I welcome moves by the Loyal Orders locally to voluntarily re-route a forthcoming parade away from the site of the attack on Michael McIlveen, as well as the decision not to proceed with a recent Hunger Strike commemoration in the town. I hope that this tragic death can, at the very least, lead to further instances of community sensitivity and local accommodation aimed at reducing tensions and avoiding further violence.

At the time of Michael's death, I called on all those in positions of influence and leadership to work unstintingly to combat all manifestations of sectarian hatred in their communities. I renew that call today.

Following the disturbing pattern of sectarian violence last summer, I held a number of meetings with victims of sectarian violence and local political representatives from the Antrim area, Belfast, and elsewhere. Officials of my Department also continue to meet on a regular basis with local community and political representatives in the areas most affected. We will continue to monitor the situation closely with regard to all instances of sectarian intimidation and violence as we approach this year's marching season.

The Shared Future initiative lays out a comprehensive approach to the promotion of good relations between all communities in Northern Ireland. The policy includes important initiatives to eliminate sectarianism and racism, steps to tackle inappropriate and aggressive displays of flags and emblems, initiatives to reduce tension at interface areas, and measures to promote opportunities for increased sharing in education.

I raised the future direction of the Shared Future initiative with Secretary of State Peter Hain at the most recent meeting of the British-Irish Intergovernmental Conference on 2 May 2006. We agreed that active implementation on the ground will be key to ensure that the strategy's positive vision of a shared future for all

is made a reality. It will be vital that the work now commenced via the recently launched Action Plan reaches into all aspects of life in Northern Ireland in order for progress to be made in promoting good community relations and in tackling the scourge of sectarianism once and for all.

Question No. 95 answered with Question No. 82.

Diplomatic Representation.

96. **Mr. Connaughton** asked the Minister for Foreign Affairs the number of Irish people for whom the Department of Foreign Affairs has paid a court-imposed bond since 1997; and if he will make a statement on the matter. [19540/06]

Minister for Foreign Affairs (Mr. D. Ahern): As I outlined in my reply of 4 April 2006 to a parliamentary question on this issue, consular assistance is provided by the Department of Foreign Affairs in a wide variety of circumstances, with each situation being assessed on a case by case basis, having regard to all the factors involved.

Since 1997, an advancement of the funds by the Department in a court bond context occurred in the case of three Irish citizens in Columbia. In this particular consular case, the court judgment permitted the three citizens to be released from prison on payment of a bond. My Department, at the request of the Defence team, and given the on-going consular concerns about the safety of the persons concerned, advanced the funds to facilitate the payment of this bond on the basis of a firm undertaking to repay the sum involved. The funds were repaid in full. The decision to advance funds was taken by the Department in pursuit of its consular responsibilities, and was neither discussed nor taken at political level.

Question No. 97 answered with Question No. 68.

Northern Ireland Issues.

98. **Mr. Gilmore** asked the Minister for Foreign Affairs the timetable for the re-establishment of all the institutions created under the Good Friday Agreement in view of the recall of the Northern Ireland Assembly; when new negotiations between the political parties in Northern Ireland and the British and Irish Governments will begin; the location of these talks; the length of time they are expected to last; and if he will make a statement on the matter. [19724/06]

Minister for Foreign Affairs (Mr. D. Ahern): On 6 April in Armagh, the Taoiseach and Prime Minister Blair set out the Governments' joint strategy to achieve restoration of the devolved institutions of the Good Friday Agreement this year. The joint strategy established a clear time-

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table, commencing with the recall of the Assembly on 15 May. Members have been given an initial period of six weeks to elect a First and Deputy First Minister and form an Executive. 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.

The two Governments firmly believe that the recall of the Assembly brings with it a precious opportunity to foster real political progress, and to chart the way for important decisions affecting the lives of every section of the community to be taken by locally elected politicians. As we have done throughout the process, the Government is maintaining close contact with the parties and, together with the British Government, will engage as and when necessary with the parties to facilitate a positive outcome.

Foreign Disputes.

99. **Mr. Allen** asked the Minister for Foreign Affairs if Australian use of oil fields off the coast of East Timor, over which ownership is disputed, was discussed by him or any member of his Department with the Australian Prime Minister or member of his delegation during his recent visit to Ireland; and if he will make a statement on the matter. [19534/06]

Minister for Foreign Affairs (Mr. D. Ahern): Timor Leste, or East Timor as it was formerly known, and Australia make overlapping claims to parts of the continental shelf in the Timor Sea, an area understood to contain large reserves of oil and gas. I understand that there has not been any adjudication under international law with regard to the disputed oil fields.

Under the terms of a bilateral Treaty on Certain Maritime Arrangements in the Timor Sea, signed by the Foreign Ministers of Australia and Timor Leste in January of this year, the two sides agreed to set aside their maritime boundary negotiations for fifty years and to share the resources of what is referred to as the Greater Sunrise field (formerly known as the Sunrise and Troubadour fields which had also been previously claimed by both countries) on a 50:50 basis. The agreement, which has yet to be ratified by the Parliaments in both countries, would also allow Australia to continue to conduct activities in relation to petroleum or other resources of the seabed and subsoil in respect of a number of contested oil fields. Prior to this agreement, Australia and Timor Leste concluded the Timor Sea Treaty in May 2002, which accords to Timor Leste 90% of the revenue from a Joint Petroleum Development Area in the Timor Sea. This Treaty came into force on 2 April 2003.

It would not have been appropriate for this issue to have been raised with the Australian

Prime Minister, the Honorable John Howard MP, or by officials of my Department with his delegation, during my official talks held on Monday with the Prime Minister. However, Timor Leste was on the agenda for our meeting and we had an exchange of views on the situation in Timor Leste during which I referred to Ireland's long-standing commitment to the country's political and socio-economic development.

International Agreements.

100. **Mr. Broughan** asked the Minister for Foreign Affairs when Ireland will ratify and implement the United Nations Convention Against Corruption. [19712/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Convention was opened for signature on 9 December 2003 and was signed by Ireland on that date. It entered into force on 14 December, 2005. In April of 2005 the European Commission advised that, as parts of the Convention are matters of exclusive Community competence, Member States could not ratify it until the Community had done so. The European Community signed the Convention on 15 September 2005.

My colleague, the Minister for Justice, Equality and Law Reform, who has lead responsibility in this area, has instructed his officials to examine the Convention with a view to identifying the necessary legislation which will be required to allow Ireland to ratify it. This examination involves consultation also with the Attorney General's Office. It is envisaged that this exercise will be completed in the near future and that drafting of the necessary legislation will commence thereafter.

Question No. 101 answered with Question No. 75.

Question No. 102 answered with Question No. 89.

State Airports.

103. **Mr. Gormley** asked the Minister for Foreign Affairs if his attention has been drawn to the fact that Israeli war planes recently landed in Shannon Airport; if this action is compatible with Irish foreign policy in relation to the occupation of Palestine; if permission was sought for this landing; and if he will make a statement on the matter. [19736/06]

Minister for Foreign Affairs (Mr. D. Ahern): I would refer the Deputy my reply to Questions Nos. 254 and 260 of 16 May 2006. At the outset, I would point out that the two aircraft in question—both Boeing 707s—are not warplanes. On 28 April 2006, the Department of Foreign Affairs having, in accordance with standard practice, consulted with the Department of Justice, Equality and Law Reform, gave permission for two Boeing

707 aircraft operated by the Israeli Air Force to land at Shannon Airport on 5 May.

The landing permission for these two aircraft was granted subject to the normal conditions that apply to landings at Irish airports by foreign military aircraft; namely that the aircraft would be unarmed, would carry no arms, ammunition or explosives, would not engage in intelligence gathering, and that the flights in question would not form any part of military exercises or operations. The practice of permitting landings by foreign military aircraft at Irish airports, subject to such conditions, has been in place for more than fifty years.

The search for a lasting and peaceful settlement of the Israeli-Palestinian conflict has long been a central concern of Irish foreign policy, under successive Governments. The Government and its partners in the EU firmly believe that the only route to a just and lasting settlement is through the negotiation of a mutually acceptable two-state solution. This must lead to the coexistence of two viable, sovereign and independent states with agreed international borders. We will continue to work to promote an environment for negotiation, despite the obstacles which are so obvious at this point.

Official Engagements.

104. **Mr. Broughan** asked the Minister for Foreign Affairs the contact he has had with the recently elected President of Chile; and if he will make a statement on the matter. [19711/06]

Minister for Foreign Affairs (Mr. D. Ahern): I have not yet had an opportunity to meet with President Michelle Bachelet of Chile. Minister of State Tom Kitt attended her inauguration on 11 March 2006 in Valparaíso and had an opportunity to convey the best wishes of the Government to both President Bachelet and outgoing President Ricardo Lagos. In addition, the Taoiseach and Minister of State Noel Treacy attended the IV EU-Latin America and Caribbean Summit in Vienna on 11-12 May, in which President Bachelet also participated.

Emigrant Support Services.

105. **Mr. English** asked the Minister for Foreign Affairs the level of funding allocated to supporting groups working with Irish emigrants in the United Kingdom; and if he will make a statement on the matter. [19579/06]

Minister for Foreign Affairs (Mr. D. Ahern): The strong commitment of the Government to support our community abroad is reflected in the unprecedented level of funding secured for remigrant services. This year, €12 million is available for this purpose which represents an increase of 45% on 2005 and is twelve-times greater than the 1997 allocation.

The needs of the Irish community in Britain are a particular priority for the Government. In 2005, groups in Britain received grants from my Department amounting to €7.06 million. The very significant increase in funding and the rise in the number of grant recipients reflect, in the clearest possible way, the strength of the Government's firm and sustained commitment to our community in Britain.

While the primary emphasis of funding continues to be on supporting frontline welfare services, I am pleased that additional funding has also made it possible to support a number of capital projects as well as projects which support our community in Britain in their wish to express their Irish identity. With regard to funding this year, applications from groups in Britain are currently under consideration and I look forward to making an announcement in due course.

Nuclear Disarmament Initiative.

106. **Mr. Deasy** asked the Minister for Foreign Affairs the steps being taken to pursue the issue of nuclear disarmament by his Department; and if he will make a statement on the matter. [19570/06]

Minister for Foreign Affairs (Mr. D. Ahern): The only multilateral legally binding obligation in respect of nuclear disarmament is enshrined in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which came into existence following an initiative taken by the late Frank Aiken. His pioneering efforts were duly recognised when Ireland was invited in 1968 to be the first country to sign the Treaty after it had been negotiated. Since then, support for the Treaty has been our highest priority in the area of disarmament and non-proliferation.

Ireland is committed to the full implementation of the NPT and, in particular, believes that the 13 practical steps outlined in the Outcome Document of the 2000 NPT Review Conference set out a clear road by which the objective of nuclear disarmament can be achieved. Regrettably, the most recent such Conference, in May of last year, failed to build on this outcome and to agree any substantive recommendations or conclusions. The next scheduled Review Conference of the NPT will not take place until 2010. It will be preceded by a series of preparatory meetings beginning in 2007. Ireland will in the meantime continue to work with like-minded countries in identifying areas where implementation of the Treaty can be strengthened, including in the area of nuclear disarmament.

In Geneva last March, the Permanent Representative of Ireland to the Conference on Disarmament reiterated the Irish position with regard to the NPT and emphasised the need for greater transparency on the part of the Nuclear Weapons States in their respective nuclear disarmament processes. Ireland will also continue to

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work within the forum of the Conference of Disarmament to identify possible areas of convergence on the way forward on nuclear disarmament.

Ireland is a founding member of the New Agenda Coalition (NAC), a grouping that seeks to promote a new momentum into multilateral consideration of nuclear disarmament. Ireland, together with our partners in the NAC, submitted a resolution on the NPT to the First Committee of the United Nations General Assembly last October, which, *inter alia*, reaffirmed the outcome of the 2000 NPT Review Conference as the framework for the pursuit of nuclear disarmament and called for universalisation of the Treaty and the fulfilment by all NPT States Parties of their respective nuclear disarmament obligations. The resolution attracted widespread support.

Most recently, Ireland has committed itself to co-funding a seminar on NPT issues organised by the United Nations Institute for Disarmament Research (UNIDIR). The seminar is taking place in Geneva this week and will examine such issues as compliance, nuclear disarmament measures and possible ways to strengthen the NPT. Ireland also intends to participate in a seminar in Canada next September that will examine the issue of nuclear disarmament obligations, as set out in Article VI of the Treaty, with a view to identifying further ways to make progress on this vital question.

Diplomatic Representation.

107. **Dr. Twomey** asked the Minister for Foreign Affairs the number of Irish Embassies in place in South America; if an expansion of the network is planned. [19578/06]

158. **Ms B. Moynihan-Cronin** asked the Minister for Foreign Affairs when it is proposed to establish an Embassy in Chile as understood at the time of the visit of the former President of Chile, Mr Ricardo Lagos. [19707/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 107 and 158 together. There are currently two Irish Embassies in South America — in Argentina and Brazil. Our Embassy in Argentina is also accredited to Bolivia, Chile, Paraguay and Uruguay on a non-resident basis. In addition, the Irish Embassy in Mexico is accredited to a number of countries in South and Central America on a non-resident basis — Colombia, El Salvador, Peru and Venezuela.

The Government has appointed Honorary Consuls in Bolivia, Brazil, Chile, Colombia, Ecuador, Peru and Venezuela. In Central America, we maintain Honorary Consuls in El Salvador, Guatemala and Panama.

Ireland has a small diplomatic service and accordingly, as I believe the Deputies will

appreciate, any expansion of our resident diplomatic network must be approached on a phased basis, having regard to clear priorities. The opening of further resident Missions abroad, including in Chile, is considered by the Government on an ongoing basis

Overseas Development Aid.

108. **Mr. Crawford** asked the Minister for Foreign Affairs the level of humanitarian aid allocated to the Palestinian Authority in 2005; the current levels of aid; and if he will make a statement on the matter. [19558/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The core objective of Ireland's assistance to Palestine has been to alleviate the material consequences of the ongoing conflict by enhancing the capacity of Ireland's partners in Palestine to respond to the crisis and to begin, where possible, to meet the future development needs of the Palestinian people.

In 2005, Ireland delivered in excess of €4 million in humanitarian and development assistance to Palestine. Humanitarian assistance has been channelled through the United Nations Relief and Works Agency (UNRWA), which remains our key partner in the provision of basic services to the Palestinian people. In response to UNRWA's appeal for funding, Ireland provided early funding of €1.5 million to UNRWA in 2006. This was un-earmarked core funding which allows UNRWA to respond flexibly to the emerging challenges. Ireland will continue to respond to changing humanitarian needs in Palestine.

Our development funding has been focused on support for basic education, strengthening local government through local rural development programmes, and support for key United Nations' agencies. We also provide significant support for civil society organisations in Palestine which work to promote human rights and democratisation and to facilitate community rehabilitation.

The Government is extremely conscious of the need to continue assistance to Palestine in the current difficult political climate. Ireland's programme of assistance in 2006 will include continued support for partner UN Agencies, NGOs and Bethlehem University. We have made clear that we are determined to maintain the overall volume of our assistance to Palestine.

We do not believe that the Palestinian people should face the risk of a humanitarian crisis because of the reluctance of their new Government to respect the peace process. However, there is agreement among all the Member States that the EU cannot maintain its capacity-building support for the Hamas Government under the Oslo process, given that the Government has not committed to the conditions set out by the Quartet and the EU.

Following the meeting of the Quartet on 9 May, the EU is taking the lead in developing a temporary international mechanism to channel donor assistance directly to the Palestinian people. At its meeting on 15 May, the Council agreed that, as a matter of priority, the mechanism will aim to provide for basic needs, including health services. Ireland has been to the fore in the EU in arguing for the widest possible definition of the basic needs to be covered.

I can assure the Deputy that Ireland will, both nationally and in the multilateral framework, do all that is within our capacity to alleviate the suffering of the Palestinian people and to pursue our development interventions to the extent possible, while being cognisant of the wider political realities.

Decentralisation Programme.

109. **Mr. Kehoe** asked the Minister for Foreign Affairs if he has received notification regarding the sourcing of a premises to accommodate the decentralisation of Irish Aid; and if he will make a statement on the matter. [19583/06]

149. **Mr. Kenny** asked the Minister for Foreign Affairs the number of staff, working with Irish Aid, volunteering to decentralise; and if he will make a statement on the matter. [19577/06]

167. **Mr. Neville** asked the Minister for Foreign Affairs the timescale for the decentralisation of divisions within his Department; and if he will make a statement on the matter. [19573/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 109, 149 and 167 together.

Under the Government's decentralisation programme, the Development Cooperation Directorate of the Department of Foreign Affairs, currently based in Dublin, will decentralise to Limerick. This is scheduled to take place during the first half of 2007 and will involve the relocation to Limerick of 124 posts. The Office of Public Works has identified a suitable location on Henry Street in Limerick city centre and has advised my Department that lease terms have been agreed with the developer. The building is scheduled to be ready for occupation by June 2007.

Already, a total of 35 posts in the Directorate, including that of Director General, are filled by officers who have signalled their intention to decentralise to Limerick. Sixteen officers serving elsewhere in the Department, mostly abroad, have also expressed an interest in doing so. This total of 51 represents some 41% of the posts being transferred to Limerick. The aim is that, by the second half of 2006, most posts in the Directorate will be filled by staff who will decentralise to Limerick.

Question No. 110 answered with Question No. 75.

EU Constitution.

111. **Mr. Durkan** asked the Minister for Foreign Affairs his preferred options for the future development of the European Union with particular reference to the way in which it is intended to ratify the Constitution; the extent to which he has conveyed his opinion in this regard to his colleagues at EU level; and if he will make a statement on the matter. [19657/06]

154. **Mr. G. Murphy** asked the Minister for Foreign Affairs the most realistic timescale for the ratification of the EU Constitution; and if he will make a statement on the matter. [19535/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 111 and 154 together.

Following last year's French and Dutch referendum results, EU leaders initiated a period of reflection in order to allow time for national debates about the future of Europe. Next month's European Council is due to review this process. EU Foreign Ministers have already begun the task of preparing this review and will meet informally in Austria at the weekend. There will be a further discussion of the Constitution and the Future of Europe at the General Affairs and External Relations Council on 12 and 13 June. At this stage, it is clear that the time is not yet right for resolving the issues impeding the ratification of the Constitution and that it will be necessary to extend the period of reflection into next year. The Member States need to continue to work together to create conditions conducive to the Constitution's ultimate entry into force.

At this point, it is not feasible to set a firm timetable for the ratification of the Constitution. It is important to note, however, that a majority of Member States have now ratified the Constitution. On the 9 of May, Estonia became the 15th Member State to do so. Finland is expected to ratify in the near future.

While there are inevitably varying views about the European Union's future direction, Ireland continues to be a firm supporter of the European Constitution. We see the Constitution as the best-available blueprint for the further development of the Union. Its entry into force would create a more efficient and effective Union, capable of meeting the challenges of a rapidly changing world. I have outlined our position of support for the Constitution at every opportunity and will continue to do so. In the wake of the French and Dutch results, we have witnessed a lively debate about the Future of Europe, but no-one has put forward a convincing alternative to the Constitution.

Question No. 112 answered with Question No. 76.

113. **Mr. Gormley** asked the Minister for Foreign Affairs his views on the need to establish a convention for the future of Europe to draw up a new EU constitution following the rejection by France and the Netherlands; and if he will make a statement on the matter. [19737/06]

139. **Mr. Boyle** asked the Minister for Foreign Affairs his views on whether a new EU constitution should be put to EU member states on the same day by way of a Europe-wide referendum; and if he will make a statement on the matter. [19738/06]

222. **Mr. Durkan** asked the Minister for Foreign Affairs the extent of discussions taking place at EU level with the object of amending, ratifying or replacing the EU Constitution; and if he will make a statement on the matter. [20017/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 113, 139 and 222 together.

While the time is not yet right to complete the ratification of the EU Constitution, I can see no grounds at present for embarking on any renegotiation of what was agreed in 2004. There have been some proposals for selective implementation of the Constitution, but the widely-held view is that the Constitution, which has already been ratified by 15 Member States, needs to be kept intact.

Agreement on the Constitution was arrived at following a long and complex set of negotiations, beginning with the work of the Convention and concluding during Ireland's EU Presidency. It is unlikely that a new Convention, or a fresh Inter-Governmental negotiation, would produce a significantly different outcome acceptable to all Member States.

Member States must ratify EU Treaties in accordance with their own constitutional requirements and in a timeframe that suits their individual national circumstances. It remains our view that the Constitution can and should be brought into force once the conditions are right. We hope that significant progress in this direction will be possible in 2007 to coincide with the 50th anniversary of the signing of the Treaty of Rome.

Question No. 114 answered with Question No. 89.

Question No. 115 answered with Question No. 76.

Human Rights Issues.

116. **Mr. Deenihan** asked the Minister for Foreign Affairs if he will report on his most

recent contact with the US Administration with regard to the practice of rendition flights; and if he will make a statement on the matter. [19542/06]

Minister for Foreign Affairs (Mr. D. Ahern): My most recent contact with the US administration on the matter of extraordinary rendition took place on St Patrick's Day, during the Taoiseach's meeting with President Bush in the White House. As Deputies will be aware, on that occasion the Taoiseach raised with President Bush Ireland's well-known concerns with respect to this practice. The Taoiseach also raised the possibility of improving information sharing in relation to the passage of CIA flights through Irish airspace.

Contacts on this matter continue at official level. The US side have emphasised that the vast majority of CIA flights worldwide are in no way connected with extraordinary rendition, and reiterated their categorical assurances, as confirmed by Secretary of State Rice to me in December, that prisoners have not been transferred through Irish territory, nor would they be, without our permission.

Human Trafficking.

117. **Mr. Crowe** asked the Minister for Foreign Affairs if he will request further meetings with his counterparts from countries other than Poland, Latvia and Lithuania including, for example, Romania and Belarus to discuss tackling human trafficking and supporting the victims of human trafficking. [19651/06]

141. **Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs when the meetings he has requested between himself and his counterparts from Poland, Latvia and Lithuania are to take place; the proposals he will discuss with them relating to the need to tackle human trafficking and to support victims of human trafficking. [19649/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 117 and 141 together.

I met with the newly appointed Foreign Minister of Poland on Monday, 22 May. The Foreign Ministers of Lithuania and Latvia have also been invited to visit Ireland, and it is hoped that dates for these visits will be agreed in the coming weeks.

The invitations to the Ministers were issued in order to offer them the opportunity to meet with members of their communities in Ireland, to discuss bilateral relations and matters on the agenda of the European Union. The presence here of such large communities from these countries offers an excellent opportunity to strengthen our bilateral relations with them to our mutual benefit. In the light of the sizeable Polish com-

munity in Ireland, we agreed that there may be a need for an increase in exchanges between our respective Ministries of Justice and police forces to ensure that any problems arising are dealt with speedily.

I can confirm that among the many issues discussed with the Polish Foreign Minister, human trafficking within the European Union was raised. This is a subject to which the Government attaches high priority. Other issues included the Constitutional Treaty, the EU Services Directive, UN reform, the Middle East Peace Process and aspects of Polish migration to Ireland. Human trafficking is an issue of concern to all member States, and I have arranged to send a report of the discussion to my colleague, the Minister for Justice, Equality and Law Reform, as An Garda Síochána has responsibility for enforcing the law in this area.

Corruption Levels.

118. **Mr. Gogarty** asked the Minister for Foreign Affairs if his attention has been drawn to the concerns raised by a person (details supplied) in relation to the corruption of some African Governments and the inadvisability of giving money to such Governments; his plans to address this issue; and if he will make a statement on the matter. [19743/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I am aware of the concerns of the person referred to by the Deputy, particularly in relation to Ethiopia and Uganda. No Irish Aid funding goes directly to the Government of Ethiopia via direct or general budget support. International donors who previously provided funds for direct budget support in Ethiopia are redirecting those funds to a new multi-donor trust fund monitored by the UN. Ireland contributed significantly to the design of this new mechanism.

In the case of Uganda, Irish Aid redirected its funds from general budget support in 2002 to a ring-fenced mechanism, the Poverty Action Fund (PAF) supporting health, education, rural roads and agriculture.

Building good governance in the African countries assisted by Ireland, including tackling corruption, is a key priority of our aid programme. This includes assistance for building democratic systems of government that are underpinned by free and fair elections, strengthening the rule of law, enhancing respect for human rights, improving transparency and accountability through initiatives to enhance public financial management and building the capacity of civil society to influence and monitor public policy decisions.

Irish Aid gives the highest priority to ensuring that Irish tax-payers' money is spent efficiently and effectively for the benefit of the poor in all our programme countries.

UN Human Rights Council.

119. **Mr. Crawford** asked the Minister for Foreign Affairs the manner in which members will be elected to the new UN Human Rights Council; and if he will make a statement on the matter. [19531/06]

153. **Mr. P. Breen** asked the Minister for Foreign Affairs the safeguards in place to ensure that countries with a poor human rights record will not be able to take up positions on the new UN Human Rights Council; and if he will make a statement on the matter. [19532/06]

Minister for Foreign Affairs (Mr. D. Ahern): I propose to take Questions Nos. 119 and 153 together.

The elections to the new UN Human Rights Council took place on 9 May 2006. A total of 47 seats were contested, with each regional group being allocated a certain number.

The General Assembly Resolution establishing the Council included a number of provisions aimed at addressing concerns relating to the human rights records of its members. Whereas election to the former Commission on Human Rights was by a simple majority of States present and voting in the General Assembly, members of the Human Rights Council have to receive the support of an absolute majority of the General Assembly. In addition, States are elected by secret ballot.

Prospective members of the Council are also obliged to commit themselves to upholding the highest standards in the promotion and protection of human rights, and will be the first to be scrutinised under the new universal periodic review mechanism which will examine the extent to which international human rights standards are respected on the domestic level. Ireland, together with our EU partners, will seek to shape the periodic review mechanism so that it provides a credible and effective oversight process.

A mechanism has also been established to allow for the expulsion of a member of the Council if it is deemed by a two-thirds majority of the General Assembly to be responsible for gross and systematic violations of human rights. Ireland and our European Union partners have also undertaken not to vote for any State that is subject to Security Council sanctions for human rights related reasons.

I am confident that when the Human Rights Council meets for the first time on 19 June, it will represent a fresh start for the human rights machinery of the UN.

Common Foreign and Security Policy.

120. **Mr. Ring** asked the Minister for Foreign Affairs the position with regard to developments in the sphere of European common defence and

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security; and if he will make a statement on the matter. [19549/06]

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

The European Security and Defence Policy (ESDP) is an integral part of the Common Foreign and Security Policy (CFSP) and serves the Union's general objectives of peace and stability. These objectives and the provisions governing ESDP are set out in the Treaties of Amsterdam and of Nice, which were approved by referendum. In this context, the European Union is increasing its ability to contribute to both the civilian and military dimensions of crisis management.

It is important to distinguish between ESDP and the possibility of a common defence. Any move to a common defence would be for decision by the European Council acting unanimously and in accordance with Member States' constitutional requirements. At present, there are no proposals for such a move. In any event, Ireland's position is clear. The amendment to Article 29 of Bunreacht na hÉireann in October 2002 precludes Ireland from participating in a common defence. As a consequence, the Irish people would have to amend Bunreacht na hÉireann before Ireland could take part in a common defence.

The Union is continuing to develop its capabilities for crisis management under ESDP, both military and civilian. The objectives which it has set itself are clearly set out in the (military) Headline Goal 2010 and the Civilian Headline Goal 2008. There are eleven ESDP crisis management missions currently underway, nine of which are civilian and two of which are military. The civilian missions range from police and rule of law advisory and training missions, assistance to security sector reform, border monitoring missions and ceasefire monitoring missions. The two military missions are the peace stabilisation mission in Bosnia-Herzegovina (EUFOR Althea) and the EU support to the African Union's mission in Darfur, Sudan (AMIS).

In addition, the EU is due to launch a military crisis management mission in the DRC at the request of the UN to provide support for the UN Mission in the Democratic Republic of the Congo (MONUC) during the electoral period in the DRC. An EU Planning Team is also due to be deployed to Kosovo within the next month, in order to prepare for a possible rule of law advisory mission in that country.

Ireland participates in five of the ongoing eleven missions and has also offered up to ten military personnel for the forthcoming military crisis management mission in the Democratic Republic of the Congo.

Human Rights Issues.

121. **Ms Lynch** asked the Minister for Foreign

Affairs the position with respect to the ongoing difficulties being experienced by the Kurdish community in Turkey; if he is in receipt of submissions from Kurdish groups here seeking aid and assistance in this regard; if such offers of assistance have been made by the Government; and if he will make a statement on the matter. [19714/06]

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

I am very aware of the ongoing difficulties being experienced by the Kurdish community, including in relation to the escalation of violence in Southeast Turkey, particularly in recent weeks. This has led to frequent clashes between the security forces and armed groups and has resulted, tragically, in a substantial number of casualties, including mortalities. Very regrettably there have also been a number of civilian deaths. This has occurred since the resumption of violence by the PKK, an organisation which appears on the EU list of terrorist organisations.

The Government's concerns about the human rights situation in Turkey, including the situation of some 15 million people of Kurdish origin, are raised on a regular basis in our contacts with the Turkish Government and its representatives. Together with our EU partners, and the European Commission, we continue to monitor the situation closely, including in the context of the ongoing Turkey-EU accession negotiations.

In recent years Turkey has made significant progress in the adoption of wide-ranging political and legal reforms. Legislation has been enacted aimed at strengthening the cultural rights of all citizens, including those of Kurdish origin. In this context we welcome developments currently under way to provide broadcasting in the Kurdish language.

I am not aware of an approach for assistance from Kurdish groups based in Ireland. However, a London-based Kurdish group has recently been in contact with officials from my Department seeking support for a number of projects, including in relation to research, training, and public awareness. This request is currently under consideration.

Question No. 122 answered with Question No. 68.

Overseas Development Aid.

123. **Mr. Eamon Ryan** asked the Minister for Foreign Affairs his views on whether the AIDS epidemic is one of the most serious issues facing Africa; the views of the Government in relation to this issue; and if he will make a statement on the matter. [19744/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): HIV/AIDS continues to be the single biggest obstacle to reducing poverty and to attaining the Millennium Develop-

ment Goals (MDGs). Current statistics from the United Nations Joint Programme on AIDS (UNAIDS) indicate that in 2005 almost 40 million people were living with the HIV virus.

Sub-Saharan Africa continues to be the worst affected region in the world and is now home to over 25 million adults and children living with HIV. Over 3 million new infections occurred there in 2005, while the epidemic claimed the lives of over 2 million adults and children in the same year. Women outnumber men among people living with the disease. Women and girls make up almost 57% of adults living with HIV in Africa and 11 million children in this region have lost one or both parents to AIDS.

Ireland has a very strong commitment to addressing HIV/AIDS. It is a key priority for Irish Aid's policies and programmes. We were one of the first donors to develop a HIV/AIDS strategy which has served us well in guiding our response to this crisis. We have continually worked to ensure that the issue is high on the agenda of the EU and UN's Funds and Programmes.

At a global level, Ireland is supporting a number of multilateral organisations and initiatives, including UNAIDS, the Global Fund for HIV/AIDS, TB and Malaria, the International AIDS Vaccine Initiative and the International Partnership on Microbicides. The Government is also working with the Clinton Foundation to assist in the preparation of integrated HIV and AIDS treatment, care and prevention programmes. We are also supporting a regional HIV/AIDS programme for Southern and Eastern Africa. Our development programme is working to strengthen government capacity to respond to HIV/AIDS in all our Programme Countries and in South Africa. It is also supporting Non-Governmental and Faith-Based Organisations in their work to deliver home-based care and support children orphaned as a result of the pandemic.

I will ensure that the fight against HIV and AIDS and other communicable diseases will remain a top priority for the expanding aid programme. Following on the commitment given by the Taoiseach at the High Level Meeting at the United Nations last September to provide additional funding to tackle HIV/AIDS and other global communicable diseases, I have increased the budget for tackling these diseases to €100 million this year. We will use these additional funds to build on existing partnerships at international and regional level. We will also increase support to our bilateral country partners in Africa as they scale up to provide increased access to HIV prevention, treatment and care services.

Next month, I will accompany the Taoiseach to the review of the United Nations Declaration of Commitment on HIV/AIDS in New York. The presence of the Taoiseach at this event indicates the importance which the Government affords to

the global fight against HIV/AIDS and its determination to remain at the forefront of the international response.

Nuclear Disarmament Initiative.

124. **Mr. Noonan** asked the Minister for Foreign Affairs if he has communicated the concerns of Ireland regarding nuclear proliferation to those countries which have refused to become a signatory to the non-proliferation treaty; and if he will make a statement on the matter. [19572/06]

Minister for Foreign Affairs (Mr. D. Ahern): Ireland has a long-standing policy of support for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), going back to Frank Aiken's initiative almost fifty years ago, and attaches the utmost importance to its universalisation. India, Pakistan and Israel are the only three countries that have not acceded to the NPT.

At the NPT Review Conference in New York last May, I stated that it was a matter of serious concern that India, Israel and Pakistan continue to remain outside the NPT regime and I urged them to accede to the Treaty unconditionally and at an early date. Such a call has also been made in recent statements by the European Union.

In addition, Ireland, with our partners in the New Agenda Coalition, introduced a resolution on the NPT to the First Committee of the United Nations General Assembly last October. A paragraph in the resolution that urged India, Israel and Pakistan to accede to the Treaty was supported by 148 countries. Last December, when the issue was taken up in the Plenary of the General Assembly, some 158 UN Member States endorsed this call. Pakistan voted against that paragraph of the resolution at the First Committee but abstained during the Plenary while India and Israel voted against the resolution on both occasions.

Ireland will continue to avail of every opportunity nationally, within the EU, within the New Agenda Coalition (NAC) and at the United Nations to call for the adherence of these countries to the Treaty.

Question No. 125 answered with Question No. 75.

Question No. 126 answered with Question No. 89.

Diplomatic Representation.

127. **Mr. S. Ryan** asked the Minister for Foreign Affairs the contact as he has had with the recently elected Government of Bolivia; and if he will make a statement on the matter. [19710/06]

Minister for Foreign Affairs (Mr. D. Ahern): I have not personally had contacts with President Morales or with members of his Administration since his and the MAS party's successes in the

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presidential and legislative elections held in Bolivia in December 2005. Ireland's Ambassador to Argentina attended the inauguration of President Morales in La Paz on 22 January 2006 and conveyed to him the best wishes of the Government.

In addition, the Taoiseach and Minister for State Noel Treacy attended the IV EU-Latin America and Caribbean Summit in Vienna on 11-12 May, in which President Morales also participated.

Question No. 128 answered with Question No. 72.

European Council Meetings.

129. **Mr. Costello** asked the Minister for Foreign Affairs if he will report on the most recent EU Council of Ministers meeting; the contribution which Ireland made; and if he will make a statement on the matter. [19715/06]

Minister for Foreign Affairs (Mr. D. Ahern): Ireland was represented at the General Affairs and External Relations Council on 15 May by my colleagues Mr Noel Treacy, T.D. Minister for European Affairs and Mr Willie O'Dea T.D., Minister for Defence.

The Council had a preliminary discussion on the draft annotated agenda for the June European Council. This Council will focus on the Future of Europe. Ireland broadly welcomed the Presidency's approach to the Council. Draft conclusions have now been issued by the Presidency and these will form the basis of discussion by officials between now and the next GAERC on 12 June.

The external affairs agenda included discussions on issues relating to the European Security and Defence Policy and was therefore attended, as is normal practice, by Defence Ministers as well as Foreign Ministers. The joint session of Foreign and Defence Ministers adopted Conclusions on the issues of Civil Military coordination, Security Sector Reform in the Western Balkans and Emergency and Crisis Response. Ministers heard a presentation from the former French Foreign Minister and European Commissioner, Michel Barnier on options for further developing EU capabilities to respond to large-scale natural disasters. In addition, Defence Ministers also met separately to discuss a number of issues including the forthcoming EU military crisis management mission in the Democratic Republic of the Congo and the European Defence Agency.

The Council also held discussions on the Western Balkans, focussing in particular on Serbia and Montenegro as well as the recent political developments in Nepal and preparations for the EU-Russia Summit. A broad-ranging discussion took place on African issues and Conclusions were

adopted on Sudan, Uganda, the Democratic Republic of Congo and Côte d'Ivoire.

Over lunch, the Council discussed the Middle East Peace Process, Iraq and Iran. On Iraq, the Council warmly welcomed progress made towards forming a government of national unity and expressed readiness to engage actively with the new government in order to achieve a secure, prosperous and democratic Iraq. On the Middle East, Ministers adopted Conclusions committing the EU to a lead role in the creation of the Temporary International Mechanism to channel international assistance directly to the Palestinian people. The Council also called on Iran to cooperate fully with the IAEA and expressed full support for the UN Security Council's efforts. Ministers reaffirmed that the EU would be prepared to support Iran's development of a safe, sustainable and proliferation-proof civilian nuclear programme, if international concerns were fully addressed and confidence in Iran's intentions established. Over lunch, the Council discussed the Middle East Peace Process, Iraq and Iran. On Iraq, the Council warmly welcomed progress made towards forming a government of national unity and expressed readiness to engage actively with the new government in order to achieve a secure, prosperous and democratic Iraq. On the Middle East, Ministers adopted Conclusions committing the EU to a lead role in the creation of the Temporary International Mechanism to channel international assistance directly to the Palestinian people. The Council also called on Iran to cooperate fully with the IAEA and expressed full support for the UN Security Council's efforts. Ministers reaffirmed that the EU would be prepared to support Iran's development of a safe, sustainable and proliferation-proof civilian nuclear programme, if international concerns were fully addressed and confidence in Iran's intentions established.

Question No. 130 answered with Question No. 68.

Question No. 131 answered with Question No. 75.

Question No. 132 answered with Question No. 89.

State Airports.

133. **Mr. Sargent** asked the Minister for Foreign Affairs his views on the fact that many of the latest reports confirm that flights which have stopped in Shannon have also been used for rendition purposes; and his further views on whether this represents a breach of International law; and if he will make a statement on the matter. [19746/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Government is satisfied that it is fully in com-

pliance with its obligations under international law in regard to the issue of extraordinary renditions.

In relation to the landing at Shannon airport of aircraft alleged to have been used for extraordinary rendition purposes, I would point out that these allegations are based on the retrospective imposition of a pattern of movement on flight data some considerable time after the fact. They do not involve any claim of illegal activity on Irish territory. In this regard, as I have repeatedly stated in the House, the Government has received categorical and unambiguous assurances from the US authorities that prisoners have not been transferred through Irish territory, and would not be, without our permission.

Question No. 134 answered with Question No. 64.

International Agreements.

135. **Mr. S. Ryan** asked the Minister for Foreign Affairs Ireland's position in relation to the statement by the United States of America that it proposes to institute sanctions against the Government of Venezuela. [19709/06]

Minister for Foreign Affairs (Mr. D. Ahern): The decision by the US Government to impose sanctions banning sales of and licences for the export of their defence equipment and services to Venezuela is a bilateral issue between these two countries.

136. **Mr. Sherlock** asked the Minister for Foreign Affairs if, on foot of his undertaking given on 25 January 2006 that Irish signature and ratification of the 1990 United Nations International Convention on the Protection of all Migrant Workers and Members of their Families would be kept under review, the Government is in a position to indicate when it will sign and ratify the Convention. [19735/06]

Minister for Foreign Affairs (Mr. D. Ahern): As I have indicated to the House, most recently on 25 April 2006, the case for ratification of this Convention has been examined by my Department in conjunction with the Department of Enterprise, Trade and Employment, which has lead responsibility on the issue.

As previously indicated, the rights of migrant workers and their families are already protected under existing national legislation and under the Irish Constitution, as well as under EU law. In addition, the rights of migrant workers and their families are also addressed by Ireland's commitments under international human rights instruments to which the State is already a party. These international instruments include, for example, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

The Convention referred to in the Deputy's question was adopted by the UN General Assembly in December 1990, and it entered into force on 1 July 2003, following ratification by the requisite number of States (20). The Convention has been open for signature and ratification since December 1990. However, to date only 34 States have ratified it. No European Union Member State has as yet signed or ratified the Convention, nor has any indicated an intention to do so.

The position essentially is that, in order for Ireland to ratify the Convention, significant changes would have to be made across a wide range of existing legislation, including legislation addressing employment, social welfare provision, education, taxation and electoral law. These changes would also have implications for our EU commitments. The operation of the Common Travel Area between Ireland and the UK might also possibly be affected.

There are therefore no plans at present to sign or ratify the Convention, although the situation will continue to be kept under review.

Overseas Recruitment.

137. **Mr. Penrose** asked the Minister for Foreign Affairs the policy of Ireland in relation to the poaching of African health care workers by western governments from the national health service of such countries as Malawi and Zambia which have less than one health worker per thousand of population. [19705/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Many developing countries, especially in Africa, are experiencing an acute shortage of health workers. They have insufficient health workers to provide even the most basic services to their citizens.

There is clear evidence today that a low density of health workers results in poor health outcomes. Without a strong health workforce, advances in health care cannot reach and benefit the people who need them. Unless the situation is addressed in these countries, they have little prospect of controlling diseases such as HIV/AIDS or TB, or improving the health of women and children.

In Africa, the health worker shortage is a result of a number of factors, including insufficient investment in training of health workers, poor conditions of service and loss of health workers from AIDS. The problem is compounded by migration of health workers to western countries which need to recruit internationally to meet their own workforce shortage.

The Government is opposed to poaching of health workers by active recruitment measures in countries where this would undermine the provision of essential health services. We are responding in a way that takes account of the rights of health workers to travel and seek employment in other countries. Our main

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approach to address this issue is through good recruitment practices — managing international recruitment of health workers in a way that does not compound the workforce problem in the poorest countries.

The Government has already developed some measures for good recruitment practice. In 2001, the Department of Health and Children developed a document on Guidance for Best Practice on the Recruitment of Overseas Nurses and Midwives. This includes recruitment from non-EU countries.

On World Health Day this year, the 7th April, the Government joined with the EU Member States in expressing its commitment to act in solidarity with those developing countries hardest hit by shortages of nurses, doctors and other health workers. The Government will work with other States to develop an EU Action Plan which will include the development and implementation of an EU Code of Conduct for ethical recruitment of health workers.

Question No. 138 answered with Question No. 72.

Question No. 139 answered with Question No. 113.

Question No. 140 answered with Question No. 76.

Question No. 141 answered with Question No. 117.

Overseas Missions.

142. **Mr. Allen** asked the Minister for Foreign Affairs the position with regard to Irish participation in new EU battle group formations; the Irish commitment to be given to the Nordic battle group formation; and if he will make a statement on the matter. [19561/06]

Minister for Foreign Affairs (Mr. D. Ahern): The ambition of the EU to be able to respond quickly to emerging crises has, and continues to be, a key objective of the development of the European Security and Defence Policy (ESDP). An important aspect of ESDP is the development of a standby military rapid response capacity, in the form of Battlegroups. Almost all EU Member States have already made a commitment to contribute to a specific battlegroup formation. Apart from Ireland, the only countries which have not done so are Denmark, which is in a special position due to its opt-out in this area, and Malta. Ireland has indicated to its EU partners a positive disposition to taking part in battlegroups.

As I have previously reported to the House, a delegation consisting of representatives from the Departments of Defence and Foreign Affairs and the Defence Forces met with their Swedish

counterparts in Stockholm on 10 March to discuss possible participation by the Defence Forces in the Nordic battlegroup, which is due to be on standby during the first half of 2008. Our representatives outlined Ireland's position in relation to battlegroup participation and international peacekeeping generally and gave a presentation on the capabilities which Ireland could make available to a battlegroup.

This offer is still being formally considered by Sweden, which is the Framework Nation for the Nordic battlegroup, and its partners. However, I understand from my colleague the Minister for Defence, that the feedback from Sweden's consultations with its partners on the possibility of Irish participation in the Nordic battlegroup was positive and that discussions are intensifying at official level with a view to an early and positive conclusion. Any decision on a specific contribution to the Nordic, or any other, battlegroup would be subject to formal Government approval.

Nuclear Disarmament Initiative.

143. **Ms Enright** asked the Minister for Foreign Affairs the steps being taken to promote the updating of the nuclear non-proliferation treaty at international level; and if he will make a statement on the matter. [19571/06]

Minister for Foreign Affairs (Mr. D. Ahern): Ireland has a particularly close association with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which came into existence following an initiative taken by the late Frank Aiken. His pioneering efforts were duly recognised when Ireland was invited in 1968 to be the first country to sign the Treaty after it had been negotiated. Since then, support for the Treaty has been our highest priority in the area of disarmament and non-proliferation.

At the Review Conference last May, there were a number of specific proposals on actions that States Parties might take to meet the challenges confronting the Treaty. Regrettably, the Conference ended without agreement on substantive conclusions and recommendations on how to strengthen the non-proliferation regime.

The next scheduled Review Conference of the NPT will not take place until 2010. It will be preceded by a series of preparatory meetings beginning in 2007. Ireland will in the meantime continue to work with like-minded countries in identifying areas where implementation of the Treaty can be strengthened. I made clear, including in my address to the United Nations General Assembly last September, the Government's deep disappointment at this outcome. This was a missed opportunity for the international community to tackle some key threats to global peace and security and to agree an effective collective response. We are firmly of the view that the NPT is now more than ever of tremendous importance

to the achievement of international peace and security. Action to strengthen the Treaty, and ensure full respect for all its provisions, remains essential and we will spare no effort in pursuit of this objective.

Ireland is committed to the full implementation of the NPT and, in particular, believes that the 13 practical steps outlined in the Outcome Document of the 2000 NPT Review Conference set out a clear road by which the objective of nuclear disarmament can be achieved. In Geneva last March, the Permanent Representative of Ireland to the Conference on Disarmament reiterated the Irish position with regard to the NPT and emphasised the need for greater transparency on the part of the Nuclear Weapons States in their respective nuclear disarmament processes.

Most recently, we have committed ourselves to co-funding a seminar on NPT issues organised by the United Nations Institute for Disarmament Research (UNIDIR). The seminar is taking place in Geneva on 23-24 May and will examine such issues as compliance, nuclear disarmament measures and possible ways to strengthen the Treaty. We also intend to participate in a discussion of nuclear disarmament obligations, set out in Article VI of the Treaty, in a seminar organised by non-governmental organisations scheduled to take place in Canada next September.

Rapid Response Initiative.

144. **Mr. Deasy** asked the Minister for Foreign Affairs the progress with regard to the establishment of a voluntary humanitarian corps; and if he will make a statement on the matter. [19555/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The Rapid Response Initiative is designed to strengthen Ireland's operational response to humanitarian crises. In the context of the overwhelming public response to the Tsunami of December 2004, I believe that Ireland can and should do more to help in responding operationally to sudden-onset emergencies.

The Rapid Response Initiative will have three main components: the pre-positioning and transportation of humanitarian supplies to disaster areas; the availability of a roster of highly skilled and experienced individuals for deployment at short notice; and enhancing our support for international humanitarian response agencies and mechanisms.

With particular reference to the rapid response register, discussions in this regard have taken place over the last number of weeks with a number of United Nations agencies, including United Nations Volunteers (UNV), the World Food Programme, the UN Joint Logistics Centre (UNJLC), the Office of the UN High Commissioner for Refugees (UNHCR) and the Office for the Coordination of Humanitarian Affairs

(OCHA), as well as the International Committee of the Red Cross (ICRC).

These organisations all use, to varying degrees, stand-by arrangements within their own and other organisations to enable them to take on extra staff capacity in the event of a sudden onset humanitarian emergency. Ireland will seek to complement these arrangements with the provision of experts from our own roster. I am conscious that if the register is to be successful in the longer term, it will need to be carefully and professionally managed.

Our Rapid Response Register will comprise a range of experts of a profile typically required to meet surge requirements such as experts on logistics and transport, ICT, refugee camp management and engineering. They will have the flexibility to deploy quickly and the ability to work in the complex and demanding environment of humanitarian crises with UN agencies and NGOs. The profile of such experts is being developed on the basis of consultation with our key partner agencies and NGOs. Proposals on the recommended course of action with regard to the rapid response register will be brought forward shortly.

As part of the initiative, my Department is also, obviously, in close contact with Non-Governmental Organisations (NGOs) working in emergencies. I believe there is an important opportunity for this Rapid Response Initiative to enable an ever stronger collaboration between Government and NGOs in providing a distinctly Irish response to emergencies that includes the full range of assistance required — funding, experts and humanitarian supplies.

Question No. 145 answered with Question No. 75.

Question No. 146 answered with Question No. 64.

Question No. 147 answered with Question No. 60.

Question No. 148 answered with Question No. 63.

Question No. 149 answered with Question No. 109.

Question No. 150 answered with Question No. 60.

Greenhouse Gas Emissions.

151. **Mr. Cuffe** asked the Minister for Foreign Affairs if he has raised the question of the Kyoto Protocol and global warming in discussions with his counterparts from other countries; when and the context in which he raised these issues; his views on whether this is the biggest challenge facing humanity; and if he will make a statement on the matter. [19741/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol fall under the remit of my colleague Dick Roche T.D., Minister for the Environment and Local Government. However, I am happy to make a statement on the issue from the perspective of our development co-operation programme and the potential impact of climate change on developing countries.

I believe that climate change is probably the greatest environmental challenge facing humanity in the coming years. The Intergovernmental Panel on Climate Change's Fourth Assessment Report is due out next year, and we must await its findings to obtain the most up-to-date assessment of the risks posed by climate change.

Reducing greenhouse gas emissions is primarily the responsibility of developed countries. The challenge for developing countries is to adapt to these inevitable changes in climate. They will impact on human health, nutrition and food security as well as physical infrastructure. Poor countries and especially their poorest people, are most vulnerable to its effects. In this regard, sub-Saharan Africa is likely to suffer significantly.

The Least Developed Country Fund of the UNFCCC, to which Ireland was one of the first contributors, has financed the preparation of National Adaptation Programmes of Action in Least Developed Countries, and the process of their preparation has increased awareness of climate change amongst key officials.

Our approach to the challenge of climate change in developing countries will be outlined in the forthcoming White Paper on Development Co-operation. Our strategy will be to assist developing countries to prepare for, and adapt to, changing environmental conditions and to promote knowledge about the impact of climate change and its integration into all development planning.

At present, Ireland supports the UN Climate Change Capacity Development Programme, which builds the capacity of decision-makers in developing countries to plan for climate change.

Other examples of climate change actions we support, in collaboration with the Department of the Environment and Local Government include: €1.7 million each year starting in 2005 for the Least Developed Countries Fund, used to address the most urgent adaptation issues highlighted in National Adaptation Plans of Action; €500,000 a year from 2005 which we contribute to the Special Climate Change Fund to support adaptation activities in developing countries and to facilitate transfer of environmentally sound technologies; support for the participation of developing country representatives in the climate change negotiations and support for the Least Developed Countries Expert Group, which advises Least

Developed Countries on planning for climate change.

Official Engagements.

152. **Mr. Coveney** asked the Minister for Foreign Affairs if he will report on his recent visit to Japan; and if he will make a statement on the matter. [19543/06]

Minister for Foreign Affairs (Mr. D. Ahern): Accompanied by an official delegation, I made a working visit to Japan on 9 and 10 May. The key objectives for the visit were to take forward the Ireland-Japan bilateral agenda, including on political, economic and regulatory issues and to promote business links between the two countries. The visit also afforded a valuable opportunity for an exchange of views on the range of current international issues of interest to both countries.

The central element of the visit was my meeting and working dinner with Foreign Minister Aso. Minister Aso was accompanied by Junior Minister Yamanaka, who has responsibility for Europe. Our talks covered a wide range of issues, including political and economic relations, East Asian Regional issues, UN and current international issues. Next year will mark the 50th anniversary of the establishment of diplomatic relations between Ireland and Japan, and we agreed that both sides should work on proposals to mark this important occasion.

During our talks I briefed Minister Aso on recent developments in the Irish economy and the prospects for further developing the growing business links between Ireland and Japan. We both welcomed the progress being made towards finalisation of a bilateral Working Holiday Visa Programme, which will boost two-way youth exchange, and the re-introduction of the Intra-company transfer scheme to help facilitate Japanese business transfers. I raised the issue of market access to Japan for Irish beef and oysters.

On regional and international issues, we discussed Japan's relations with China, the Six-Party Talks process in the Korean peninsula, the Iran Nuclear issue, the proposed US-India Agreement on civilian nuclear technology and the situation in Burma/Myanmar. We also discussed UN issues. The opportunity to hear at first hand the Japanese viewpoint on current issues and challenges was most useful.

I also addressed the Japan Ireland Economic Association, where I met over 100 prominent business people and highlighted Ireland as a place to do business and the promotion of Irish Foreign Direct Investment into Japan. I availed of this occasion to make a presentation on behalf of the Taoiseach to Mr. Toshiro Shimoyama, former Chairman of Olympus Corporation, for his personal contribution to Japan-Ireland relations and for the investment in Ireland by Olympus, which has operated a life sciences facility in County Clare since 1982. A most useful meeting during

my visit was with 13 members of the Japanese Diet, including former Justice Minister Ms Moriyama, who is the founder of the Japan-Ireland Parliamentary Friendship League.

Question No. 153 answered with Question No. 119.

Question No. 154 answered with Question No. 111.

Question No. 155 answered with Question No. 75.

Question No. 156 answered with Question No. 85.

Question No. 157 answered with Question No. 73.

Question No. 158 answered with Question No. 107.

Democratisation Process.

159. **Ms Shortall** asked the Minister for Foreign Affairs if he will make a statement on the significance of the boycotting by the main opposition parties of the elections in the Democratic Republic of Congo on the grounds of lack of progress in relation to demilitarisation and the requirements of adequate voter registration procedures. [19703/06]

Minister for Foreign Affairs (Mr. D. Ahern): Presidential and parliamentary elections are now scheduled to take place in the Democratic Republic of the Congo (DRC) on 30 July 2006. These will be the first multi-party elections in the DRC since it gained independence in 1960. A total of 33 candidates will contest the presidency, while some 260 political parties and over 9,300 candidates will compete for the 500 legislative seats in the new parliament. Over 25 million people out of an estimated potential electorate of 28 million have registered to vote.

Successfully conducted elections are absolutely critical to the consolidation of peace and security in the DRC and in the Great Lakes region as a whole. The General Affairs and External Relations Council, at its meeting in Brussels on 15 May 2006, welcomed the decision to proceed with the elections on 30 July and reiterated the importance of as inclusive an electoral process as possible, as the best guarantee of future political stability. The Council also made clear that, in its estimation, the conditions have now been created to enable all those who wish to participate fully in the election to do so.

In this light, it is disappointing that the Union Pour la Démocratie et le Progrès Social (UDPS) and its leader, Etienne Tshisekedi, have decided not to participate in the elections. It is essential that all parties in the DRC should respect the ver-

dict of the Congolese people, when delivered on 30 July, and work together subsequently to further national reconciliation and build a more stable and prosperous country. Greater progress in both disarming any remaining unlawful militias in eastern DRC and the building of properly integrated national army and police forces will, in particular, continue to be major priorities for the newly elected President and Government.

The international community, including Ireland and its EU partners, is investing heavily in ensuring that the forthcoming elections are successful, given the major organisational challenge that they represent for a country the size of western Europe with extremely poor basic infrastructure and ongoing security problems. The EU and its Member States are contributing some €235 million towards the overall cost of the elections, which are estimated at well over \$300 million. Ireland is allocating some €1.3 million in funding support for the electoral process, including €800,000 to support the role of the South African Independent Electoral Commission in the organisation of the elections. The European Commission has also decided in principle to deploy a 250-strong electoral observation mission, provided security conditions permit. The EU is also deploying, at UN request, the EUFOR RDC mission to provide support, if required, to the UN MONUC peace-keeping mission during the electoral period. The Government has decided to provide up to ten Permanent Defence Force personnel to serve with the EUFOR mission, in addition to the three Irish military personnel already serving with MONUC.

Nuclear Plants.

160. **Ms O'Sullivan** asked the Minister for Foreign Affairs his views on recent media reports that Prime Minister Blair has endorsed a new generation of nuclear power plants in the United Kingdom; if he and his Department have expressed their reaction and concern to the British Government; if the possible locations of new power plants has been divulged; and if he will make a statement on the matter. [19728/06]

Minister for Foreign Affairs (Mr. D. Ahern): As the House will be aware, the Government are strongly opposed to nuclear power. We consider that the industry carries serious environmental, health and safety risks. Our position is informed by our experience of Sellafield, where there is a long history of low safety standards.

The proposal for a new generation of nuclear power plants in the United Kingdom is being considered in the context of the British Government's energy review, which is expected to be published in mid-year. We are aware also of Prime Minister Blair's recent comments on the matter. My colleague the Minister for the Environment, Heritage and Local Government, Dick Roche, T.D. has made a contribution to the UK

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energy review in which the strong concerns of the Government were outlined clearly.

While no decision has been made as to where any new nuclear power plants might be built, I addressed this matter at a recent meeting with the Secretary of State for Northern Ireland, Mr. Peter Hain. I reiterated our opposition to nuclear power, and I stressed that the Irish Government would be completely opposed to the building of any nuclear plants on the island of Ireland. The Northern Secretary acknowledged that there was no support, North or South, for the siting of a nuclear reactor on the island of Ireland.

Both Minister Roche and I will be attending a summit meeting of the British Irish Council in London on 2 June. While the main topic of the summit will be Climate Change, we also intend to raise the issue of cooperation on nuclear safety and emergency planning.

Question No. 161 answered with Question No. 85.

Question No. 162 answered with Question No. 66.

Northern Ireland Issues.

163. **Mr. Gilmore** asked the Minister for Foreign Affairs further to his interview in a newspaper (details supplied) 9 May 2006 if he will clarify his views on IRA criminality; and if he will make a statement on the matter. [19723/06]

Minister for Foreign Affairs (Mr. D. Ahern): My position on the IRA is widely-known and consistent. The IRA campaign caused needless death, helped to perpetuate partition and severely damaged the economies of northern and border counties of our island. It was conducted against the will of the Irish people.

In the interview to which the Deputy refers, I made clear that the available security advice indicated that the IRA was no longer a security threat to the State and that it was committed to the political path. This concurs with the latest report of the Independent Monitoring Commission in which it reiterated “its absolutely clear view” that the IRA leadership had committed itself to following a peaceful path. It confirmed that “the IRA leadership continues to work to ensure full compliance” with its statement of 25 July 2005. The report also indicated that there had been a complete absence of terrorist or violent activity on the part of the IRA in the period under review. Although there were indications that some IRA members might still be involved in crime, the IMC drew a clear distinction between individuals and the organisation itself. The IMC reported its view that the IRA leadership “continues to seek to stop criminal activity by their members and to prevent them from engaging in it”. Criminality by members of para-

military groups will continue to be tackled robustly and without hesitation in this jurisdiction by An Garda Síochána and the Criminal Assets Bureau.

164. **Mr. Howlin** asked the Minister for Foreign Affairs his views on the most recent report of the Independent Monitoring Commission; his further views on the fact that while IRA paramilitary activity has decreased in recent months, loyalist paramilitaries are still engaged in serious crime and murder; the latest efforts the Government has made to address loyalist paramilitarism; and if he will make a statement on the matter. [19726/06]

Minister for Foreign Affairs (Mr. D. Ahern): I welcome the findings of the Independent Monitoring Commission in its 10th Report that there has been a continuing downward trend in the level of paramilitary violence, as well as its positive overall assessment in relation to the Provisional IRA. Particularly welcome is the confirmation that there has been a complete absence of terrorist or violent activity on the part of the IRA in this period, with the IMC not aware of any “terrorist, paramilitary or violent activity sanctioned by the leadership”. It also reiterates its “absolutely clear view” that the IRA leadership has committed itself to following a peaceful path and that “the IRA leadership continues to work to ensure full compliance” with its statement of July 25th. While overall levels of violence were the lowest for any six month period since the IMC began its monitoring, the violent activities of the loyalist paramilitary groups and dissident republican groups continue to cause real concern. With regard to overall levels of violence, loyalists were responsible for 95% of the casualties of shootings and 76% of the assaults. Most cases of exiling were also carried out by loyalist paramilitaries. The two Governments have been absolutely clear on the need for loyalist paramilitary groups to move away definitively from violence and criminality and to engage with the Independent International Commission on Decommissioning with a view to putting arms beyond use.

At the last meeting of the British Irish Intergovernmental Conference on 2 May, we again called on all those with influence in this regard to use it to this end. At that meeting, we also discussed the need to support those representatives of the loyalist community who were genuinely committed to positive transformation and leaving paramilitarism behind. We agreed that the Governments had a duty to reach out to all deprived communities in Northern Ireland. In this regard, I welcomed the recent package of measures announced by the British Government to address social and economic deprivation affecting loyalist communities, while also stressing that

the allocation of resources should continue to be made on the basis of objective need.

Question No. 165 answered with Question No. 62.

Question No. 166 answered with Question No. 83.

Question No. 167 answered with Question No. 109.

Overseas Missions.

168. **Mr. Timmins** asked the Minister for Foreign Affairs if he has received a request for Irish troops to participate in a UN mission to Darfur in the Sudan; and if he will make a statement on the matter. [19447/06]

Minister for Foreign Affairs (Mr. D. Ahern): As the Deputy may be aware, on 16 May the UN Security Council adopted resolution 1679, which paves the way for a UN force in Darfur and for the transition of the present UN-authorized African Union Mission in Sudan (AMIS) to UN command. Three Irish military officers are currently serving with the EU support team to AMIS.

The UN Secretary-General has stated that he intends to dispatch, as quickly as possible, a joint UN/AU Technical Assessment Team to Darfur, and is in consultation with the Government of National Unity of Sudan towards that end. While the UN Department of Peacekeeping Operations cannot finalise its plans until the Technical Assessment Team reports back, it has been engaged for some time in planning and identifying the military capabilities that may be required, and has commenced consultations with member states, including Ireland, to accelerate the sourcing of these capabilities. A request for Irish participation has not yet, however, been received.

If a request were received from the UN, it would be considered in the first instance by my colleague the Minister for Defence, who would make a recommendation to the Government, taking account, inter alia, of the numbers of Permanent Defence Force personnel available for overseas service at that time. There are currently 765 troops serving overseas, of which 733 are serving in UN-led or UN-authorized missions, out of a total of 850 maintained under the UN Standby Arrangements System (UNSAS). The remainder are serving in representational and staff posts, and in monitoring missions.

Members of the Permanent Defence Force are currently serving overseas in seven UN missions, in Liberia (current total 422), Côte d'Ivoire, Western Sahara, the Democratic Republic of the Congo, Lebanon, and the Middle East, as well as in multi-national forces authorized by the Secur-

ity Council in Kosovo (213), Bosnia and Herzegovina (60) and Afghanistan (7).

As indicated by the Minister for Defence in a speech on 4 May, the UN Secretary-General has written to the Taoiseach requesting that Ireland consider postponing the withdrawal of its troops from the UN Mission in Liberia (UNMIL) for a period of at least six months beyond the planned withdrawal date of November 2006, because of the importance of the Quick Reaction Force (QRF) of which our troops form the chief component, and of the difficulty of finding a suitable replacement.

The request from Secretary-General Annan received the most serious consideration and I can confirm that the Taoiseach has replied indicating that the Government will give positive consideration to extending the presence of our troops in Liberia to May 2007. In his reply, the Taoiseach also assured the Secretary-General that Ireland remains committed to Peace Support Operations under a UN flag, including in Africa.

Foreign Conflicts.

169. **Ms B. Moynihan-Cronin** asked the Minister for Foreign Affairs the position in relation to the recognition of the independence of the Sahara-Arab Democratic Republic as envisaged by UN Resolutions in 1974 and subsequent years; if the Government has changed its position; and if he will make a statement on the matter. [19708/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Government has consistently supported the right of the Saharawi people to self-determination. Ireland played a prominent role in seeking a solution to the Western Sahara issue during its term on the UN Security Council, and remains closely engaged with the issue. There has been no change in the position of the Government as regards recognition. Successive Governments have taken the view that a Saharan state that meets the internationally recognised criteria for recognition has not yet come into being. The question of recognition by Ireland does not therefore arise. In addition, any announcement of recognition in these circumstances would pre-judge the outcome of an exercise of self-determination. It could undermine the UN efforts to bring about a solution, which the Government strongly supports.

Community Development.

170. **Mr. O'Shea** asked the Taoiseach the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the National Development Plan by his Department; and if he will make a statement on the matter. [19914/06]

The Taoiseach: My Department does not fund any projects under the RAPID programme.

Health Services.

171. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals in regard to a public private partnership for the provision of radiotherapy services on the grounds of Waterford Regional Hospital (details supplied); and if she will make a statement on the matter. [19775/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Government's plan is for a national network of radiation oncology services to be put in place by 2011. The network will consist of four large centres in Dublin, Cork and Galway and two integrated satellite centres at Waterford Regional Hospital and Limerick Regional Hospital, conditional on their conformity to certain quality assurance arrangements.

The Health Service Executive in association with the National Development Finance Agency and my Department is currently developing the output specifications for the delivery of this network through a public private partnership. My Department has requested the Parliamentary Affairs Division of the Executive to advise the Deputy in relation to progress on the provision of radiotherapy at Waterford Regional Hospital.

Proposed Legislation.

172. **Mr. Wall** asked the Tánaiste and Minister for Health and Children her views on correspondence (details supplied); the action or meetings her Department has had or proposes to have in regard to addressing the matter; the number of meetings she or her officials have had with the group; and if she will make a statement on the matter. [20058/06]

173. **Mr. Wall** asked the Tánaiste and Minister for Health and Children her views in regard to correspondence (details supplied); the action or meetings her Department has had or proposes in regard to addressing the matter; the meetings with the group that she or her officials have had; the action or proposed action of such meetings; and if she will make a statement on the matter. [20059/06]

181. **Mr. Wall** asked the Tánaiste and Minister for Health and Children her views on correspondence (details attached); the action she is taking to address the matter; the meetings she or her Department have had with the group; the results of such meetings; and if she will make a statement on the matter. [19935/06]

187. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if she has received correspondence from a group (details supplied)

in Dublin 2; her plans to address the issue at an early date; and if she will make a statement on the matter. [20027/06]

189. **Ms Harkin** asked the Tánaiste and Minister for Health and Children when the proposed Insurance Bill for persons infected with HIV or hepatitis C through provision of contaminated blood or blood products by the State will be enacted. [20036/06]

191. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children when the legislation for the insurance scheme for persons infected with hepatitis C or HIV through provision of contaminated blood or blood products by the State will be published; and if she will make a statement on the matter. [20041/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 172, 173, 181, 187, 189 and 191 together.

I wish to assure the Deputies that I am committed to ensuring that an insurance scheme for persons infected with Hepatitis C and HIV through the administration of blood and blood products within the State is established on a statutory basis as soon as possible. The legislation is included as a priority in the Government's Legislative Programme for the current session and it is my firm intention that the enabling legislation will be enacted before the summer recess.

The process of drafting the legislation, which is both complex and innovative, is almost complete. As soon as I receive the final agreed text from my legal advisors I will submit it to the Government for approval and will publish it as soon as Government approval is received.

My officials have worked closely on the provisions of the insurance scheme with the groups representing persons infected with Hepatitis C & HIV, and I have also met the groups on this and other matters. In relation to the enquiries from the Deputies regarding further meetings, I will set a date to meet the representative groups as soon as I have the final text of the legislation.

Youth Services.

174. **Mr. Crowe** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that the future of six community based youth projects in Donegal comprising of approximately 4,000 young people and up to 1,000 adult volunteers, is at serious risk due to the lack of mainstream funding; and the time-frame for the roll-out of the Youth Act 2001 in Donegal and the other Border counties. [19778/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): The Youth Act 2001 is a matter for my colleague, the Minister for Education and Science. Clarification was sought

from the Deputy's office and I understand that the various projects referred to in the question have been in receipt of funding from a number of different organisations/bodies including the Health Service Executive. As such 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 in respect of the funding supplied by the HSE.

National Treatment Purchase Fund.

175. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kerry who is currently awaiting an appointment for treatment under the treatment abroad scheme can expect a response from the Health Service Executive. [19779/06]

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.

Services for People with Disabilities.

176. **Mr. Aylward** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the long delay in having children who have been diagnosed with autism spectrum disorder assessed by the autism team in the south eastern Health Service Executive area where the services are inadequate for people with the disorder; and if she will make a statement on the matter. [19780/06]

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.

Mental Health Services.

177. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that there is a great need for the provision of psychiatrists and psychologists in prisons here due to the high number of young males currently in prisons here and the fact that when they are released there has been no rehabilitation carried out; and if she will make a statement on the matter. [19781/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Central Mental Hospital (CMH), Dundrum, Co Dublin provides a forensic service for the entire country. The CMH, as national forensic psychiatric hospital, admits patients from the criminal justice system (mainly from prisons) and from the psychiatric services under the provisions of the Mental Treatment Act, 1945. In addition to in-patient care, the hospital provides a consultative assessment service for hospitals throughout the country and for the criminal justice system. The service is funded and administered by the Health Service Executive.

The CMH admits approximately 80 involuntary patients per year, the majority from the prison system. This constitutes 0.7 per cent of all committals to prison (11,620 per annum). In addition to in-patient services based at the CMH, consultant-led liaison services and outpatient clinics are provided on a regular basis to prisons in Dublin and the midlands.

Additional forensic psychiatric posts were approved for the CMH in recent years with a view to providing in-reach services within the prisons so that only those with severe mental illness and in need of appropriate hospital care would be transferred to the CMH. The number of Consultant Forensic Psychiatric posts in the CMH has increased from 2 to 5 since 2002.

The provision of in-reach services to the prisons by the CMH has facilitated patient access to services at local level for those in prison custody. These services now employ 20 staff to provide this service (5 x Social Workers, 7 x Occupational Therapists, 3 x Psychologists and 5 x Forensic Community Psychiatric Nurses).

The HSE works in collaboration with the prison authorities in Cork where a consultant forensic psychiatrist is available to prisoners and in July of this year a new consultant psychiatrist will be appointed with dedicated sessions to meet the mental health needs of prisoners at Limerick.

For prisoners in Mountjoy, Cloverhill and Wheatfield prisons who have a history of addiction, the HSE also makes available the specialist services of consultant psychiatrists with a special interest in substance misuse.

Consultancy Contracts.

178. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if she will furnish a reply to Parliamentary Question No. 389 of 25 January 2006; the reason for the delay; and if she will make a statement on the matter. [19793/06]

Tánaiste and Minister for Health and Children (Ms Harney): The information, requested in Question 389 of 25 January 2006, relates to a range of service areas over an extended period. My Department is finalising the collation of the information requested by the Deputy with a view

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to furnishing a reply to the Deputy as soon as possible.

National Development Plan.

179. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the National Development Plan by her Department; and if she will make a statement on the matter. [19915/06]

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 Service Reform.

180. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the number of redundancies that occurred within the Health Service Executive system as a result of the changes from the health board system to the Health Service Executive; the cost to her Department or Exchequer as a result of the redundancies; the positions held within the health board by those made redundant; and if she will make a statement on the matter. [19934/06]

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 these are matters for the Executive under the Health Act 2004, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have them investigated and to have a reply issued directly to the Deputy.

Question No. 181 answered with Question No. 172.

National Treatment Purchase Fund.

182. **Mr. Wall** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Carlow will receive an appointment for an operation under the national treatment purchase scheme or in a public sector hospital; and if she will make a statement on the matter. [19936/06]

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.

183. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will increase the level of funding being made available to a service (details supplied) in County Kilkenny in view of the financial pressure the service is now under; the amount of funding allocated to the project over the past four years; and if she will make a statement on the matter. [19937/06]

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.

Hospital Services.

184. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the reason for the delay in arranging an appointment with the ENT team at Waterford Regional Hospital in the name of a person (details supplied) in County Kilkenny; and if she will expedite a response. [19938/06]

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.

185. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children the progress to date in providing an extension to a health centre (details supplied) in County Kilkenny; if the land is available; if planning permission has been granted; if the funds are available; and if she will make a statement on the matter. [19996/06]

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.

186. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that there is a waiting list of four months for an eye test in County Mayo; the reason for same; and if she will make a statement on the matter. [19997/06]

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.

Question No. 187 answered with Question No. 172.

Nursing Home Subventions.

188. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to streamline and make more patient-friendly the procedures surrounding private nursing home subventions and enhanced subventions; and if she will make a statement on the matter. [20035/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Nursing Home (Subvention) Regulations 1993 are administered by the Health Service Executive. There are currently three rates of subvention payable, i.e. €114.30, €152.40 and €190.50 for the three levels of dependency which are medium, high and maximum. There are no plans to increase the subvention rates at present. Additional funding of €20 million was provided for the administration of the Nursing Home Subvention Scheme in 2006, bringing the total available budget to €161 million. The €20 million is to support more basic nursing home subventions and reduce waiting lists for enhanced subventions: it is also to bring more consistency to subventions support throughout the country. The recently published Health (Nursing Homes) (Amendment) Bill 2006 is designed to ensure that the existing subvention scheme for private nursing home care is grounded in primary legislation and to help the HSE to implement the scheme on a standardised basis across the country. The Report of the Long-Term Care Working Group discussed issues relating to the future policy direction of long term care for older people and it is presently being considered by the Government.

Any future scheme relating to long term care should be as straightforward as possible and avoid unnecessary complexities.

Question No. 189 answered with Question No. 172.

Health Service Allowances.

190. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Clare was refused the disabled persons grant; and if she will make a statement on the matter. [20040/06]

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.

Question No. 191 answered with Question No. 172.

Anti-Poverty Strategy.

192. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that for all the major fatal diseases, the incidence of premature death among the lower socio-economic groups was far higher than those of the higher-economic groups; and the action she will take in relation to the national health policy. [20044/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy will be aware that the National Health Strategy 'Quality and Fairness: A Health System for You' and various reports of the Chief Medical Officer, have underlined the links between poverty and ill health, which exist both in an Irish context and internationally.

The National Anti-Poverty Strategy (NAPS) encompasses key elements of the Government's response to the problems of poverty and social exclusion. The Government's 2002 Review of the NAPS Building an Inclusive Society included for the first time targets to reduce health inequalities. These targets are being addressed through a range of policy measures and actions set out in the National Health Strategy and associated strategies. Because of the wide range of factors, commonly referred to as the social determinants of health, which affect health status and health inequalities, the National Health Strategy recognises the need for a greater focus on multi-sectoral work and co-ordinated work across Government Departments.

The National Action Plan against Poverty and Social Exclusion for 2003-2005 and an Implemen-

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tation and Update Report on the Plan published in June 2005 by the Office for Social Inclusion in the Department of Social and Family Affairs, outline some of the policy measures and actions being taken across government departments, including the Department of Health and Children, to improve the position of lower socio economic groups and others at risk of social exclusion. The Department is currently working closely with the Office for Social Inclusion in the development of the National Action Plan against Poverty and Social Exclusion 2006-2008.

As part of the restructuring of the Department in the context of the health reform programme, a Social Inclusion Unit was established in October 2005 which has brought together aspects of the Department's co-ordination work on health inequalities and its remit in relation to a number of vulnerable groups. This is facilitating a focused and co-ordinated approach to social inclusion and health inequality issues.

Medical Cards.

193. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if the spouse of a person (details supplied) will be included on their medical card in November 2006; and if she will give maximum support on this matter. [20045/06]

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.

194. **Mr. J. O'Keefe** asked the Tánaiste and Minister for Health and Children the estimated number of cases here of women suffering from osteitis pubis; the services available by way of support for such women; if there are consultants with a specialised knowledge of this condition; and if there is anybody within her Department or at Health Service Executive level available to advise women suffering from this condition on the support services available. [20046/06]

Tánaiste and Minister for Health and Children (Ms Harney): Osteitis Pubis is an inflammatory condition often causing pain of the pubic bones of the pelvis. There are a number of causes which give rise to this condition, including sports related injury or overuse, pelvic trauma or surgery and other inflammatory joint conditions. In view of the varied causes of this condition, and that many

mild cases go unreported, reliable data on its frequency are not available.

My Department has requested the Parliamentary Affairs Division of the Health Service Executive to arrange to have the particular issues raised by the Deputy examined, and to have a reply issued directly to him.

195. **Mr. Ardagh** asked the Tánaiste and Minister for Health and Children if there is progress on the provision of occupational therapy services to a person (details supplied) in Dublin 8 following the matters outlined in correspondence attached. [20047/06]

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.

Special Educational Needs.

196. **Mr. Howlin** asked the Tánaiste and Minister for Health and Children the plans being put in place for young adults with autism in a school (details supplied) in County Wexford, who are now over 18 years of age, to continue with their education; and if she will make a statement on the matter. [20048/06]

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.

Accident and Emergency Services.

197. **Mr. Sherlock** asked the Tánaiste and Minister for Health and Children if the accident and emergency services at Mallow General Hospital, Mallow, County Cork are among the 35 designated units within the health services. [20060/06]

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 a reply issued directly to the Deputy.

198. **Mr. Sherlock** asked the Tánaiste and Minister for Health and Children the expenditure incurred to date within the accident and emergency department at Cork University Hospital, Wilton, Cork; and the proposal for future expenditure. [20061/06]

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 a reply issued directly to the Deputy.

Health Services.

199. **Mr. Sherlock** asked the Tánaiste and Minister for Health and Children her views on whether without a 24 hour acute medical, surgical, accident and emergency consultant cover at Mallow General Hospital, some patients would be up to two hours from acute trauma or medical care which is unacceptable by international standards. [20062/06]

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.

Garda Stations.

200. **Caoimhghín Ó Caoláin** asked the Minister for Finance if a new site has been found for the Garda station in Buncrana, County Donegal. [19783/06]

Minister of State at the Department of Finance (Mr. Parlon): A brief of requirements for the proposed new Garda Station in Buncrana was received from the Department of Justice, Equality and Law Reform on 29th March, 2006. An Architectural Report is being prepared to determine if the brief of requirements can be accommodated on a portion of the decentralisation site for the Department of Social and Family Affairs. This report is virtually completed.

201. **Caoimhghín Ó Caoláin** asked the Minister for Finance if he will ensure that the residents of lower Main Street, Buncrana, County Donegal will retain their right of way when the Garda station is sold. [19784/06]

Minister of State at the Department of Finance (Mr. Parlon): I have been informed by the Com-

missioners of Public Works that there are no plans, at present, to sell the existing Garda Station in Buncrana.

Currently, no "right of way" exists on the State owned property at Buncrana Garda Station. The Commissioners understand that a local arrangement was given, by the local Garda Síochána, from time to time as a "gesture of goodwill" to the local residents.

Environmental Policy.

202. **Mr. Kenny** asked the Minister for Finance further to Parliamentary Question No. 235 of 16 May 2006 the range and nature of possible environmental impacts he refers to in the event of removing weeds from the lake in question; and if he will make a statement on the matter. [19798/06]

Minister of State at the Department of Finance (Mr. Parlon): Since no work is currently planned in the lake the environmental constraints if any that would affect the removal of weeds have not been assessed. However, experience has shown that removal of vegetation in the course of maintenance work is becoming increasingly environmentally sensitive and such work is only undertaken to the extent that is considered essential.

Community Development.

203. **Mr. O'Shea** asked the Minister for Finance the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the national development plan by his Department; and if he will make a statement on the matter. [19916/06]

Minister for Finance (Mr. Cowen): As the Deputy will appreciate, in view of my Department's functions, funding for RAPID is not provided through my Department's Vote.

National Development Plan.

204. **Ms Harkin** asked the Minister for Finance the profile, actual expenditure, and expenditure versus profile in the Border midlands western region in the national development plan to date in 2006. [20050/06]

205. **Ms Harkin** asked the Minister for Finance the amounts of extra expenditure above that committed in the national development plan spent in the Border midlands western region during the lifetime of the current NDP. [20051/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 204 and 205 together.

The most recent expenditure data on the National Development Plan relates to the period to the end of December 2005. This data is set out in Tables 1 and 2. Data for first six months of

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2006 will be available at the Autumn 2006 meetings of the Operational Programme Monitoring Committees.

The National Development Plan (NDP) provides an indicative expenditure profile for each of the seven Operational Programmes for the Border, Midland and Western (BMW) and Southern and Eastern (S&E) Regions for each year 2000 to 2006. These Operational Programmes are: Economic and Social Infrastructure, Employment and Human Resources Development, Productive Sector, Border, Midlands and

Western, Southern and Eastern, Technical Assistance and the Peace Programme.

The profiles for spending under each Operational Programme were set in 2000 when the Programmes were being prepared and to ensure consistency of reporting, have remained at that level.

Table 1 sets out the indicative total expenditure profiles and the estimated total expenditure incurred under each Operational Programme in the Border, Midland and Western (BMW) Region for the period January 2000 to December 2005.

Table 1 — Total Profiled and Estimated Expenditure in BMW Region
January 2000 to end December 2005

Operational Programme	Original Profile	Estimated Expenditure	Expenditure versus Profile
	€m	€m	%
Economic and Social Infrastructure	5,863	5,435	92
Employment & Human Resources Development	3,653	3,449	94
Productive Sector	2,663	786	29
Border, Midlands & Western Regional	3,519	2,273	64
PEACE II & Technical Assistance	146	109	74
Total Expenditure	15,844	12,052	76

Profiles and Expenditure data includes all NDP sources of funding; Exchequer, EU and Private.

I wish to point out that expenditure for the Productive Sector Operational Programme is lower, achieving 29% in the BMW region. There are a number of reasons for this including:

The slowdown in economic activity in the early years of the Programme meant that businesses were not in a position to put forward investment plans to avail of funding;

The ability of industry in the BMW region to absorb funding for Research and Development projects. Also, Research and Development

projects usually have a long lead in time between inception and funding requests.

The nature and extent of Third Level infrastructure in place in the BMW region. While there is one University and a number of Institutes of Technology, the ability of the region to carry out Research and Development projects is constrained.

There were delays in getting State Aid clearance resulting in the late start to funding some schemes.

The Exchequer profile and estimated Exchequer expenditure incurred under each operational programme in the BMW Region for the period January 2000 to December 2005 is set out in Table 2.

Table 2 — Profiled and Estimated Exchequer Expenditure in BMW Region
January 2000 to end December 2005

Operational Programme	Original Profile	Estimated Expenditure	Expenditure versus Profile
	€m	€m	%
Economic and Social Infrastructure	4,054	4,570	113
Employment & Human Resources Development	3,654	3,495	96
Productive Sector	1,741	600	34
Border, Midlands & Western Regional	2,566	1,920	75
PEACE II & Technical Assistance	146	109	74
Total Expenditure	12,161	10,694	88

It can be seen by the data presented in Table 2 that the Exchequer contribution to the BMW Region under the Economic and Social Infrastructure Operational Programme (ESIOP) has exceeded its original target by €516 million to the end of 2005.

However, a complete picture of extra expenditure in the region, over that committed in the lifetime of the NDP, will not be available until the full year expenditure data for 2006 are analysed and reported at the Spring 2007 meetings of the Operational Programme Monitoring Committees.

206. **Ms Harkin** asked the Minister for Finance the profile, actual expenditure and expenditure versus profile in the southern and eastern region in the national development plan to date in 2006. [20052/06]

207. **Ms Harkin** asked the Minister for Finance the amounts of extra expenditure above that committed in the National Development Plan spent in the southern and eastern region during the lifetime of the current NDP. [20053/06]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 206 and 207 together.

The most recent expenditure data on the National Development Plan relates to the period to the end of December 2005. This data is set out in Tables 1 and 2. Data for the first six months of 2006 will be available at the Autumn 2006 meetings of the Operational Programme Monitoring Committees.

The National Development Plan (NDP) provides an indicative expenditure profile for each of the seven Operational Programmes for the Border, Midland and Western (BMW) and Southern and Eastern (S&E) Regions for each year 2000 to 2006. These Operational Programmes are: Economic and Social Infrastructure, Employment and Human Resources Development, Productive Sector, Border, Midlands and Western, Southern and Eastern, Technical Assistance and the Peace Programme.

The profiles for spending under each Operational Programme were set in 2000 when the Programmes were being prepared and to ensure consistency of reporting, have remained at that level.

Table 1 sets out the indicative total expenditure profiles and the estimated total expenditure incurred under each Operational Programme in the Southern and Eastern (S&E) Region for the period January 2000 to December 2005.

Table 1 — Total Profiled and Estimated Expenditure in S&E Region

January 2000 to end December 2005

Operational Programme	Original Profile	Estimated Expenditure	Expenditure versus Profile
	€m	€m	%
Economic and Social Infrastructure	16,078	18,266	113
Employment & Human Resources Development	8,568	8,755	102
Productive Sector	4,627	2,405	52
Southern and Eastern Regional	4,694	3,376	72
Technical Assistance	7	6	85
Total	33,967	32,808	96

Profiles and Expenditure data includes all NDP sources of funding; Exchequer, EU and Private.

The Exchequer profile and estimated Exchequer expenditure incurred under each

operational programme in the S&E Region for the period January 2000 to December 2005 is set out in Table 2.

Table 2 — Profiled and Estimated Exchequer Expenditure in S&E Region

January 2000 to end December 2005

Operational Programme	Original Profile	Estimated Expenditure	Expenditure versus Profile
	€m	€m	%
Economic and Social Infrastructure	10,639	14,434	135
Employment & Human Resources Development	8,568	8,490	99
Productive Sector	3,133	2,072	66
Southern and Eastern Regional	3,388	2,987	88
Technical Assistance	7	7	100
Total	25,735	27,990	108

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The data presented in Table 2 shows that the Exchequer contribution to the S&E Region under the NDP has exceeded its original target by €2.25 billion to the end of 2005.

However, a complete picture of extra expenditure in the region, over that committed in the lifetime of the NDP, will not be available until the full year expenditure data for 2006 are analysed and reported at the Spring 2007 meetings of the Operational Programme Monitoring Committees.

Alternative Energy Projects.

208. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources the reason the renewable energy grants allocated by his Department for home heating projects do not cover wheat burning stoves; if he will expand the remit of the scheme to allow grants for wheat burners; and if he will make a statement on the matter. [19773/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): One of the drivers of the Greener Homes scheme is to demonstrate to the consumer that wood fuels can be considered as a realistic alternative to oil and gas in terms of convenience and comfort which has resulted in this focus on wood energy. The wood heating technologies currently eligible under the scheme are those that burn wood pellets or wood chips and meet all relevant EU standards in relation to performance and emissions.

In the case of grain burning boilers and stoves there are additional factors which would need to be taken into consideration including types of specific air pollutants and levels of emission from individual crops.

Community Development.

209. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the National Development Plan by his Department; and if he will make a statement on the matter. [19917/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Deputy will be aware that small-scale proposals from communities under the RAPID Programme are responded to through a range of dedicated RAPID funds, which resource projects such as playground developments, small-scale housing estate enhancements, small-scale community health initiatives, equality for women measures and traffic safety measures. My Department has not had any involvement to date in such funding.

Larger scale local proposals under the RAPID Programme are responded to through Govern-

ment prioritisation of RAPID areas in the use of mainstream departmental resources and in the allocation of funds such as Dormant Accounts. In the former case, projects which are prioritised under the RAPID Programme and which are the subject of applications under NDP schemes administered by my Department would be eligible for any funding for such schemes provided within my Department's budget.

While to date no RAPID projects have been funded under programmes administered by my Department or by its agencies a significant amount of investment has taken place and/or is planned under communications infrastructure, seafood development, fishery harbour infrastructure and coast protection programmes in RAPID designated areas.

Finally, the 2006 Estimate for my Department provides an allocation of €1m, from the Dormant Accounts Fund, for the purpose of supporting programmes and projects tackling social and economic disadvantage. This funding will be allocated by my Department under the Youth Disadvantage Initiatives Measure in respect of IT initiatives for disadvantaged young people. My Department is currently progressing the terms of this scheme.

Fisheries Protection.

210. **Mr. Stagg** asked the Minister for Communications, Marine and Natural Resources the number of licences issued for the capture of salmon in Dublin Bay in 2005; the number of recorded salmon killed in 2005 by these methods in the stated area; the number of salmon recorded as caught and tagged by anglers on the River Liffey in 2005; and if he will make a statement on the matter. [19931/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): I would refer the Deputy to my answer to his question No. 231 of 22 February 2006.

Electricity Generation.

211. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if he has received correspondence from a person (details supplied) in County Dublin; if he intends to respond to same; and if he will make a statement on the matter. [19985/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I can confirm to the Deputy that I have received the correspondence in question concerning East/West electricity interconnection. It is my policy to respond to all correspondence as soon as possible. A key provision of the Energy (Miscellaneous Provisions) Bill proposes to remove a legislative constraint to facilitate regu-

lated electricity interconnection not owned by Electricity Supply Board. Such an interconnection would not be part of the transmission system other than for the purpose of charges for use of the transmission system. The Bill further provides that the construction of an interconnector requires an authorisation granted by the Commission for Energy Regulation (CER). The CER may, with my consent, secure the construction of the interconnector by specified means, including by competitive tender, by authorisation granted without a prior competitive tender, or directly by requesting the transmission system operator as part of its development plan. Additionally, the Bill provides that an interconnector operator shall offer access to the interconnector on the basis of published non-discriminatory terms under the oversight and approval of the CER. A dispute appeals mechanism is also provided for.

Fishing Vessel Licences.

212. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources when a person (details supplied) in County Kerry will have their application for a polyvalent licence dealt with. [19986/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The Licensing Authority for Sea-Fishing Boats has informed me that they received an application for a Sea Fishing Boat Licence from the person named on 3 May 2006. It is the practice of the Authority to issue a licence offer subject to conditions within 15 working days of receipt of an application which means the licence offer will be issued today at the latest.

Energy Resources.

213. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources the degree of dependence for electricity generation on oil, gas, nuclear or various forms of renewables in each of the EU States in the context of a pan-European electricity grid; the extent to which each country is redefining its energy policy; if the availability of adequate power here will be affected by future developments in Europe with particular reference to economic and environmental needs; and if he will make a statement on the matter. [20012/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The information sought by the Deputy in relation to each of the EU Member States is published by the EU Commission in a document entitled Energy and Transport in Figures 2005 and is available from the EU Commission's website. Energy policy across all EU countries is developed taking account of domestic and local influencing factors

and is a matter for individual decision by the countries themselves. At an EU-wide level, the development of the EU Energy Green Paper is very much focussed on security of supply and long-term sustainability, taking account of rising import dependence and the need to invest in infrastructure. As an island nation on the periphery of Europe, Ireland has an acute interest in these aspects of energy policy. In the longer term, enhanced interconnection with other EU markets will deliver improved security of supply and greater consumer choice. In this context the development of the All-island Energy market and the development of interconnection both North/South and East/West with the UK are important steps in this regard.

Alternative Energy Projects.

214. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if all wind farm projects in respect of which planning permission and business plans have been submitted and are in order are likely to be included in the current round of approvals announced by his Department in respect of renewable energy; if he has taken into account in the determination of his energy plans the availability of various forms of renewable energy, seeking or awaiting approval and funding; when he expects all such projects to be regularised; if he intends to issue instructions to the Regulator in accordance with legislation; and if he will make a statement on the matter. [20013/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): On the first of this month I launched the next market support mechanism for renewables known as the Renewable Energy Feed In Tariff (REFIT). This new mechanism is a change from the previous programme in that it is a fixed feed in tariff mechanism rather than competitive tendering. REFIT will support the construction of at least a further 400 megawatts of new renewable energy powered electricity generating plant by 2010. Applicants in REFIT must have planning permission and a grid connection offer for their projects and they will be able to contract with any licensed electricity supplier up to the notified fixed prices. The full terms and conditions of REFIT are available on my Departments website, www.dcmnr.ie. The processing of applications for grid connections is a matter for the appropriate grid operator and the Commission for Energy Regulation (CER). I have no statutory function in that process.

Energy Resources.

215. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources further to Question No. 179 of 29 March 2006, if the information requested has been made avail-

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able in respect of electricity generation at the plant at Tynagh, County Galway; [20055/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I refer the Deputy to my reply of 29 March 2006 and subsequent correspondence from my Department of 6 April 2006. My Department checked all records in relation to conditions, costs and other issues relating to the generation, supply or purchase of electricity from the Tynagh Energy plant in County Galway. The completed check disclosed no communication from the Commission for Energy Regulation (CER) with me in the matter.

Energy Market Regulation.

216. **Mr. Durkan** asked the Minister for Communications, Marine and Natural Resources if in the context of recent investigations by the European Commission into alleged competition abuses in the electricity and gas sectors, there are implications for the energy industry here; and if he will make a statement on the matter. [20056/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Pending the completion of the European Commission investigations in question it is premature to comment on possible implications, if any, of the outcome of these investigations for the Irish energy industry. A key priority identified by the European Commission is the achievement of a properly functioning internal market for gas and electricity for the benefit of all citizens. Strong competition in energy markets is essential in view of Europe's growing dependency on energy supplies from third countries, rising fuel costs and consolidation among energy companies. Ireland is participating fully in discussions at EU level on a refocused energy policy both to protect our national interests and to ensure market competitiveness is maximised. In this context, Ireland supports the approach being adopted by the Commission and the investigations initiated into alleged competition abuses in the electricity and gas sectors.

Question No. 217 answered with Question No. 75.

Question No. 218 answered with Question No. 68.

Community Development.

219. **Mr. O'Shea** asked the Minister for Foreign Affairs the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the national development plan by his Department; and if he will make a statement on the matter. [19918/06]

Minister for Foreign Affairs (Mr. D. Ahern): The RAPID (Revitalising Areas through Planning, Investment and Development) programme is a focused initiative by Government to front-load National Development Plan funding and improve the delivery of services in the most disadvantaged areas in the country. As no proposals from the areas in question have fallen within the remit of the Department of Foreign Affairs, there have been no funding implications for my Department.

Foreign Conflicts.

220. **Caoimhghín Ó Caoláin** asked the Minister for Foreign Affairs if it remains the Government's position, as published in the travel advice section of his Department's website on 3 May 2006, that travel to Afghanistan should be avoided; and if he will make a statement on the matter. [19994/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Department of Foreign Affairs provides travel advice to Irish citizens. This reflects a considered assessment of the risks involved for our citizens travelling to individual countries. The current advice is at www.foreignaffairs.gov.ie/services/traveladvice. As stated there, Irish citizens are advised against all non-essential travel to Kabul, and against all travel to other parts of Afghanistan.

Asylum Applications.

221. **Mr. M. Higgins** asked the Minister for Foreign Affairs if he has received a request under section 11 of the Refugee Act 1996, as amended, from a person or body connected with decision making on asylum applications to make inquiries or to furnish information as to the situation in Afghanistan in terms of security, stability of governance and respect for human rights, both generally and with regard to particular parts of the country and sections of the population; and if so, the information furnished in response. [19995/06]

Minister for Foreign Affairs (Mr. D. Ahern): The Department does not have any record of a request to the Minister for Foreign Affairs regarding Afghanistan under section 11 of the Refugee Act 1996, as amended.

Question No. 222 answered with Question No. 113.

EU Integration.

223. **Mr. Durkan** asked the Minister for Foreign Affairs if in the context of discussions he has had with his EU colleagues or applicant countries, there has appeared an indication of renationalisation in terms of the future commit-

ment of the European concept; and if he will make a statement on the matter. [20018/06]

Minister for Foreign Affairs (Mr. D. Ahern): It is true to say that the referendum results in France and the Netherlands have given rise to a degree of uncertainty about the future direction of the European Union. As always, there are those who are fundamentally opposed to the very principle of European integration. From my discussions with EU Ministerial colleagues, however, I have found no evidence of any loss of confidence in the European Union. Indeed, there continues to be a widely-held belief that the challenges facing Europe are best confronted through concerted action under the auspices of the European Union.

What we need to do is to find ways of making the Union function more effectively and deliver better results for our citizens. European policies such as the CAP, the Structural Funds and the Internal Market, to name but a few, have served Ireland particularly well. The idea of renationalising such conspicuously successful policies lacks credibility and holds no attraction for Ireland or for the other Member States.

Question No. 224 answered with Question No. 89.

Question No. 225 answered with Question No. 80.

Foreign Conflicts.

226. **Mr. Durkan** asked the Minister for Foreign Affairs if he and the international community can report progress on matters in Sierra Leone; and if he will make a statement on the matter. [20021/06]

Minister for Foreign Affairs (Mr. D. Ahern): Since the civil war ended in 2002, significant progress in the restoration of peace and security has been made in Sierra Leone. Overall, the situation is now stable with presidential and parliamentary elections planned for 2007. The Government of Sierra Leone still faces real challenges in addressing the root causes of the conflict, such as poverty, weak governance and corruption. The political situations in Guinea, Liberia and Côte d'Ivoire are also fragile and have the potential to adversely affect the development of Sierra Leone.

In January 2006, the UN Integrated Office in Sierra Leone (UNIOSIL) was established to assist the Government to develop and implement a strategy to address the root causes of conflict and to seek to make progress towards the Millennium Development Goals. UNIOSIL is also working to build capacity within the National Electoral Commission with a view to the elections in 2007, and is supporting work on the security sector. The withdrawal of the UN Mission in Sierra Leone (UNAMSIL) in December 2005

was a key test as the army and police force of Sierra Leone assumed responsibility for security in the country. The overall situation has been calm since then.

The Special Court for Sierra Leone (SCSL) was established in 2002 to bring to trial 'those who bear greatest responsibility' for war crimes and crimes against humanity committed in Sierra Leone after 30 November 1996. Ireland has been a strong supporter of the Court since its establishment in 2002 and has contributed nearly €1.5 million to it. This includes €600,000 for 2006. The SCSL has indicted eleven persons associated with all of the civil war factions and ten of these are in the Court's custody. Former president of Liberia, Charles Taylor, was indicted for his support of rebels in Sierra Leone.

In February 2005 an Irish office, accredited from the Embassy in Abuja, was opened to oversee programmes funded in both Sierra Leone and Liberia. It is staffed by a development specialist.

Minister of State for Development and Human Rights, Conor Lenihan TD, attended the Sierra Leone Investment Forum in Freetown on 28-31 March 2006. Since 2000, Ireland has allocated approximately €18 million to Sierra Leone, including almost €3.7 million to date in 2006. This funding has been allocated to activities with a focus on emergency and recovery and has been channelled through NGO partners, UN agencies and to the Sierra Leone Special Court. The programme is currently moving beyond short term initiatives to responding to medium and longer-term recovery needs, in line with the country's Poverty Reduction Strategy Paper (PRSP) and in the context of transition and peace consolidation.

Human Rights Issues.

227. **Mr. Durkan** asked the Minister for Foreign Affairs the extent to which the international community is satisfied in regard to the restoration of peace and observation of human rights in Nigeria; and if he will make a statement on the matter. [20022/06]

Minister for Foreign Affairs (Mr. D. Ahern): The EU welcomed the peaceful conduct of the last elections in Nigeria, held in 2003, and expressed confidence in the Nigerian Government's commitment to continue improving the quality of democracy and accountability in Nigeria. The next elections are due in 2007.

During the first week of May 2006, the Nigerian National Assembly debated the recommendations of the Conference on Political Reform. An amendment seeking to extend the period of time a person could hold presidential office was defeated. President Obasanjo has accepted the National Assembly's decision and stated that his party will prepare for next year's election on the basis of the constitution.

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As part of the reform process being pursued by the current government, a census of population was conducted in April. The data collected in the previous census, in 1991, was widely held to be inaccurate and skewed to favour some regions over others. Preliminary results are expected in June.

Following the return to civilian rule in 1999, a Human Rights Violations Investigation Panel, known as the Oputa Panel, was set up to investigate all gross human rights violations from 1966 until 1999. The Panel concluded its hearings in 2001 and published its 30,000 page report in May 2002. The Government has also established the National Action Plan for Human Rights Steering Committee and Coordinating Committee to assess, report on and make recommendations in relation to human rights in Nigeria.

Since 1999, Nigeria has played a leadership role in advancing the cause of peace both regionally in West Africa and in Africa as a whole. Most recently, President Obasanjo had a close personal involvement in the successful conclusion of the Darfur Peace talks which were hosted by his government in Abuja.

The Movement for the Emancipation of the Niger Delta (MEND) has claimed responsibility for serious incidents in the Niger Delta, including car bomb attacks against security forces and the kidnapping of expatriate oil workers. Federal and State authorities are seeking to address the problems of the Niger Delta through putting in place a long-term development plan for the region. On 18 April, President Obasanjo inaugurated the Presidential Committee on Socio-Economic Development of the Niger Delta which brings together a panel of high level officials to recommend to him specific projects for rapid development of the region in the near future. The President promised that thousands of new jobs will be created in the oil industry, the military and the police, and that a US\$1.8 billion motorway will be built. The campaign waged by MEND has contributed to a reduction of at least 20 per cent in Nigerian oil production since the start of the year.

Question No. 228 answered with Question No. 82.

Overseas Development Aid.

229. **Mr. Durkan** asked the Minister for Foreign Affairs the degree to which international aid and support is achieving its objectives in Chad; and if he will make a statement on the matter. [20024/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The humanitarian situation in eastern Chad, where 350,000 people are dependent on the assistance of aid agencies, is a source of ongoing concern. Approximately 200,000 refugees from the Darfur region of

Sudan, which borders Chad, are living in eastern Chad since 2003. Host communities in this region are themselves highly vulnerable to humanitarian crisis. The refugee population is also vulnerable to skirmishes which are ongoing on the Chad-Sudan border.

Insecurity is a major problem along the 1,000 kilometre desert border between Chad and Sudan, which have very strained relations due to the destabilising effects of the Darfur conflict. Jan Egeland, the UN's Emergency Relief Coordinator, has warned that unless the security situation improves drastically, aid agencies will be forced to withdraw.

To date in 2006, Ireland has provided funding of €750,000 towards the UN Consolidated Appeal for Chad. This has included €500,000 to UNHCR, the Office of the UN High Commissioner for Refugees, for assistance to Sudanese refugees in Chad and a further €250,000 to UNOCHA, the Office for the Coordination of Humanitarian Affairs, for its activities in Chad designed to assist with early warning, planning and preparation for emergency relief. This support recognises the regional vulnerabilities which have arisen due to the spill-over of the crisis in Darfur into neighbouring countries. We hope that in time and with widespread local support and effective implementation, the signing of the Darfur Peace Agreement will bring with it peace and security to the region. I can assure the Deputy that, in the interim, I continue to closely monitor the humanitarian situation in Chad and surrounding countries.

Foreign Conflicts.

230. **Mr. Durkan** asked the Minister for Foreign Affairs the degree to which stability is being restored in Liberia; and if he will make a statement on the matter. [20025/06]

Minister for Foreign Affairs (Mr. D. Ahern): Liberia has made remarkable progress since the Comprehensive Peace Agreement of August 2003. The parliamentary and presidential elections held in October 2005 marked the return of democracy to the country after 14 years of civil war. However, like other countries in the Mano River region, Liberia's stability remains fragile and could be adversely affected by political developments in neighbouring Sierra Leone, Guinea or Côte d'Ivoire.

Minister of State for Development and Human Rights, Conor Lenihan T.D, met with President Ellen Johnson-Sirleaf in Monrovia on 30 March 2006. President Johnson-Sirleaf has pledged to root out corruption, a key destabilising factor in Liberia, and indicated her full support for the Governance Economic Management Assistance Programme (GEMAP). Under this programme, international assistance is offered in monitoring key ministries and state organs, including all state expenditure for the next three years.

The UN mission in Liberia (UNMIL) plays a crucial role in ensuring the security and stability of Liberia. Ireland has participated in UNMIL since November 2003, contributing two-thirds of a Quick Reaction Force (QRF), the other third being provided by Sweden. The Irish contingent comprises a motorized infantry battalion of some 426 personnel, together with a small number of additional personnel deployed at Force Headquarters. The UN Secretary-General has written to the Taoiseach requesting that Ireland consider postponing the withdrawal of its troops from the UN Mission in Liberia (UNMIL) for a period of at least six months beyond the planned withdrawal date of November 2006. The Taoiseach has replied indicating that the Government will give positive consideration to extending the presence of our troops in Liberia to May 2007.

In 2005, Ireland provided some €2.5 million in funding for projects in areas such as health care, education, the prevention of sexual exploitation and abuse, disarmament, demobilisation, reintegration and rehabilitation projects for ex-soldiers, and electoral assistance. Support to Liberia in 2006 continues to focus on basic recovery programmes reflecting the substantial humanitarian and recovery needs. Funding to date in 2006 is €4 million.

The arrest and trial of the former president of Liberia, Charles Taylor, will also contribute to the long-term stability of Sierra Leone. On 29 March, Taylor was arrested by Nigerian border guards while trying to flee from exile in Nigeria. He was immediately transferred by air to Liberia and onwards to Freetown, Sierra Leone where he was given into the custody of the Special Court for Sierra Leone (SCSL) by Irish members of UNMIL, in line with their mandate. On 3 April he appeared before the Court and entered a not guilty plea in response to the 11 charges against him. The Court has requested that the trial be held in the Netherlands amidst concerns about the regional instability Taylor's presence in Freetown could cause. The trial will take place in any case under the jurisdiction of the SCSL. In 2005-2006, Ireland has provided nearly €1.5 million in support to the SCSL.

Question No. 231 answered with Question No. 80.

Community Development.

232. **Mr. O'Shea** asked the Minister for Arts, Sport and Tourism the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the National Development Plan by his Department; and if he will make a statement on the matter. [19919/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): There is no specific funding available through my Department for distribution

under the RAPID programme, which is the responsibility of the Department of Community, Rural and Gaeltacht Affairs.

Areas targeted under the RAPID programme are, however, prioritised for investment and development under the national lottery-funded Sport Capital Programme, which is administered by my Department. This programme allocates funding to sporting and community organisations at local, regional and national level throughout the country towards the provision of sport and recreational facilities, and one of its stated objectives is the prioritisation of the needs of disadvantaged areas in the provision of facilities.

Applications located in RAPID areas are given higher priority in the assessment process, provided that they meet the basic eligibility criteria for the programme as highlighted in the guidelines, terms and conditions of the programme. Those applications from RAPID areas that are also endorsed by their local Area Implementation Team (AIT) receive the highest priority.

Since the formation of my Department, the amounts allocated under the Sports Capital Programme to projects located in RAPID areas are set out in the table below.

Sports Capital Programme	Funding allocated	No of Projects
	€ million	
2003	7.6	71
2004	10.5	100
2005	10.15	87
Total	28.25	258

In addition, since 2004 those projects allocated grants in RAPID areas that are also endorsed by their AIT have been allocated additional 'top-up' funding by my colleague the Minister for Community, Rural and Gaeltacht Affairs, Eamon Ó Cuív. To date, this top-up funding has amounted to more than €4.5 million.

Applications for funding under the 2006 Sports Capital 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. A total of 1,338 applications for projects costing €670 million and seeking funding of €312 million were received. All of these applications, including those located in RAPID areas, are currently being evaluated against the programme's detailed 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.

Finally, under the Local Authority Swimming Pool Programme, which is also administered by my Department, the funding allocated to swimming pool projects located in RAPID areas since

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the formation of my Department is set out in the table below.

Project	Allocation
	€
Ballymun, Dublin	3,809,214
Churchfield, Cork City	3,809,214
Clondalkin, Dublin	3,809,214
Clonmel, County Tipperary	1,641,934
Drogheda, County Louth	3,809,214
Finglas, Dublin	3,809,214
Jobstown, Dublin	3,809,214
Longford, County Longford	3,809,214
Tralee Aquadome, County Kerry	86,400
Tralee Sports Centre, County Kerry	3,809,214
Tuam, County Galway	3,809,214
Youghal, County Cork	3,809,214
Total allocated to date	39,820,474

233. **Mr. O'Shea** asked the Minister for Enterprise, Trade and Employment the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the National Development Plan by his Department; and if he will make a statement on the matter. [19920/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): It has not been possible in the time available to compile the information requested by the Deputy. I shall communicate the information to the Deputy when it comes available.

Employment Support Services.

234. **Ms Harkin** asked the Minister for Enterprise, Trade and Employment if the planned support unit in Enterprise Ireland would replace in part or in full the role of the county enterprise board; and if he will make a statement on the matter. [19943/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): One of the main recommendations of the 2004 Fitzpatrick's Report was that the County and City Enterprise Boards (CEBs) should be integrated into the mainstream enterprise development system by establishing a CEB Central Co-ordination Unit within Enterprise Ireland. This recommendation was subsequently endorsed by the Enterprise Strategy Group and approved by Government in 2005.

The role of the new Unit will be to provide a range of strategic, administrative, financial and technical supports to the CEBs with the ultimate objectives of enhancing the effectiveness, efficiency and impact of the CEBs on the development of micro-enterprises in Ireland and

of contributing to a greater level of consistency and best practice across the CEB network as a whole. The Unit will not replace in part or in full the role of the County Enterprise Boards.

Social Welfare Benefits.

235. **Mr. P. Breen** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Clare was refused rent supplement; and if he will make a statement on the matter. [19777/06]

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.

The Health Service Executive has advised that it has no record of a formal application for rent supplement from the person concerned. The person concerned should submit an application for rent supplement to the community welfare officer in her area so that the Executive can make a formal decision on the matter.

Social Welfare Code.

236. **Mr. Stanton** asked the Minister for Social and Family Affairs the action that he has taken as a result of the report from the Irish Nutrition and Dietetic Institute on the cost of healthy eating and specialised diets here which he received in January 2006; and if he will make a statement on the matter. [20009/06]

Minister for Social and Family Affairs (Mr. Brennan): The report referred to by the deputy is the Examination of the Cost of Healthy Eating and Specialised Diets undertaken on behalf of my Department by the Irish Nutrition and Dietetic Institute (INDI) which was published in January 2006.

The report is the most comprehensive review of specialised diets and foods costs that has been carried out in Ireland in the past decade. It has brought an up to date focus on the varying costs of healthy foods and also contains proposals for specialised diets based on the latest dietary and medical views. In undertaking this study, INDI designed an example of a nutritionally balanced, healthy eating diet and also examples of various specialised diets. A survey was carried out to find out the cost of those diets at a range of shop types. The report examined the special diets prescribed in legislation for which assistance is available through the diet supplement scheme and considered the appropriate level of assistance required to cater for any additional costs involved in providing for necessary special diets, relative to the cost of a normal healthy eating diet.

The study recommended, following its detailed research, a new framework for classifying the various diets under which the former prescribed diets would fall into one of four categories:

- Gluten Free Diet
- Low Lactose Milk Free Diet
- High Protein High Calorie Diet
- Liquidised Altered Consistency Diet.

My Department has now finalised a revised diet supplemented scheme, and regulations came into operation on 3 April 2006 that give effect to the findings and recommendations of the study. The level of diet supplement payable is based on the cost of food in convenience stores (i.e. the highest cost) in recognition of the fact that some people will not be in a position to do their shopping at the cheapest shops due to age or lack of transport.

As with previous Diet Supplement arrangements, any person who is receiving a social welfare or health service executive payment, who has been prescribed a special diet as a result of a specified medical condition, and who is unable to provide for his or her food needs from within his or her own resources, may qualify for a diet supplement under the supplementary welfare allowance scheme. The amount of supplement payable depends on which category of diet has been prescribed by the applicant's medical advisor, as well as the income of the individual and his/her dependents.

State Property.

237. **Mr. Noonan** asked the Minister for Transport if he has given consent to the Shannon Foynes Port Authority for the sale of a portion of Limerick docks; if he will provide assurances that Limerick docks will remain operational and that a viable service will be provided to existing port users; the reason a tunnel rather than a bridge is being constructed downstream from the docks if the dockland is to closed; and if he will make a statement on the matter. [19930/06]

Minister of State at the Department of Transport (Mr. Gallagher): Shannon Foynes port is a State-owned company established under the Harbours Act 1996. The Act provides that the principal objects of the company include the provision of such facilities, services and lands in its harbour for ships, goods and passengers, as it considers necessary. The company is required to take all proper measures for the management, control, operation and development of its harbour. Decisions regarding the use of the land within the port estate are primarily a matter for the port company and its board.

On 15 March last, Shannon Foynes Port Company announced that it is conducting a strategic review of its property portfolio, which could result in a major expansion and upgrade of its

facilities in the Shannon Estuary at a cost of over €100 million. The company has recently sought expressions of interest with regard to the Limerick Docklands and is seeking tenders for two sites within the docklands. There are currently six different port installations in the Shannon Estuary that fall within the jurisdiction of Shannon Foynes Port Company. The company projects significant increases in its volume of trade over the coming years and states that investment in new modern facilities that can handle bigger ships is required to accommodate this growth in trade.

The Government's Ports Policy Statement published in January 2005 outlines that the disposal of non-core assets is a potential source of funding for new port developments. Whatever the conclusions of the strategic review, the company has said it will continue to work in partnership with other stakeholders in the region, including the company's customers that are currently using the Limerick docks.

Regarding the road being constructed downstream from the docks, the overall responsibility for the planning, design and implementation of National Road Projects is a matter for the NRA and the relevant local authority.

Rail Network.

238. **Ms O. Mitchell** asked the Minister for Transport the date on which he received a report from Irish Rail on the western rail corridor; when he will reach a decision in relation to this project; the amount of funding he will allocate to this project; and if he will make a statement on the matter. [19788/06]

Minister for Transport (Mr. Cullen): Transport 21 provides for the reinstatement of the Western Rail Corridor on a phased basis, with the Ennis to Athenry section to be completed in 2008, the Athenry to Tuam sections to be completed in 2011 and the Tuam to Claremorris section to be completed in 2014.

Iarnród Éireann has submitted proposals to my Department relating to Phase 1 (the reopening of the Ennis to Athenry section) on 21 February 2006 and Phase 2 (re-opening of the Athenry to Tuam section) on 26 March 2006. These are currently being examined and I expect to make a decision in the matter shortly.

Road Openings.

239. **Ms O. Mitchell** asked the Minister for Transport if his attention has been drawn to the exact date in which the Dublin Port tunnel will be opened; and if he will make a statement on the matter. [19789/06]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects, including the Dublin Port

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Tunnel, is a matter for the National Roads Authority (NRA) and the local authorities concerned, in this case, Dublin City Council.

I understand that the civil engineering work within the tunnels has now been largely completed and that the main focus of work has shifted to the installation of the mechanical and electrical systems which make up the safety and control features of the project. I understand from Dublin City Council and the NRA that the main construction and installation work in the Tunnel is expected to be completed in June, with the Tunnel opening to traffic in September. However, the exact opening date will be contingent on satisfactory completion of the testing and commissioning of the tunnels' operational and safety features, including the training of operational and emergency staff.

Community Development.

240. **Mr. O'Shea** asked the Minister for Transport the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the National Development Plan by his Department; and if he will make a statement on the matter. [19922/06]

Minister for Transport (Mr. Cullen): There is no specific separate funding allocated to transport projects under the RAPID Programme. They form part of the National Development Plan, and the question of additional funding is dealt with in the context of overall National Development Plan funding.

Rail Network.

241. **Ms O. Mitchell** asked the Minister for Transport if the Irish Rail freight facility at North Esk remain connected to the rail system after development works related to the reopening of the Midleton line; and if he will make a statement on the matter. [19941/06]

Minister for Transport (Mr. Cullen): I am informed by Iarnród Éireann that the works planned on the Cork-Midleton line will have no impact on the North Esk freight facility and the freight yard will remain connected to the rail system.

School Transport.

242. **Caoimhghín Ó Caoláin** asked the Minister for Transport the public service vehicle standards that currently apply to the school bus fleet; if those standards are deemed adequate; the means by which they are enforced; and if he will make a statement on the matter. [20067/06]

Minister for Transport (Mr. Cullen): An extensive range of requirements must be satisfied to

use a bus (including a school bus) in a public place, with the vehicle, the driver and the operator each subject to regulation. In the case of the vehicle, it must meet the requirements specified in a series of regulations relating to the construction, equipment and use of vehicles. Safety standards applied under these regulations relate to, among others, brakes, steering, tyres, suspension, lighting, doors, emergency exits, access to exits and maximum passenger accommodation. Regulations made last December extended the requirement for speed limiters to be fitted to every bus first registered since October 2001. Single deck buses are subject to maximum speed limits of 80 km/h, with double deck buses subject to a maximum speed limit of 65 km/h. Buses engaged on private hire are licensed by the Garda Síochána. Buses over one year old are subject annually to comprehensive roadworthiness testing by testers authorised by city and county councils. Enforcement of road traffic law is a matter for the Garda Síochána.

An independent review is currently being carried out within Bus Éireann of the arrangements and systems in place for the management, operation and maintenance of the fleet, both owned and contracted by Bus Éireann, to ensure ongoing safety and roadworthiness. I have requested that the review be completed as soon as possible. Separately, I have requested the Chief Executive designate of the proposed Road Safety Authority to undertake a fundamental review of the arrangements for the compulsory periodic roadworthiness testing of goods vehicles and buses.

Road Traffic Offences.

243. **Ms O. Mitchell** asked the Minister for Transport the number of applications which his Department has received from drivers seeking the removal of penalty points from their licence in situations whereby an application is made by a Chief Superintendent to have the points removed; if all such applications were granted; if not, the reason therefor; the main categories or circumstances of errors for which the points have been removed; and if he will make a statement on the matter. [20069/06]

Minister for Transport (Mr. Cullen): The information requested by the Deputy is not readily available and will be forwarded to the Deputy when it is available.

Community Development.

244. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the national development plan by his Department; and if he will make a statement on the matter. [19923/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department, with the support of Pobal, has overall responsibility for the co-ordination of the RAPID programme. It is a matter for each Department to report on progress of RAPID projects that fall to them to implement.

As I have set out in this House previously, the RAPID programme is not something that is additional to the NDP. What the programme seeks to achieve is the prioritisation of action in the 45 designated areas. The idea is that RAPID areas are considered for investment before non-RAPID areas and therefore favoured by prioritising and concentrating investment.

The RAPID programme fulfils the commitment given under Framework III of the Programme for Prosperity and Fairness to tackle the spatial concentration of disadvantage in the 25 most deprived communities in the State. The original list of 25 urban areas was later expanded to include an additional 20 provincial urban centres.

The Deputy will also be aware that the National Development Plan (NDP) is an economic programme that sets out the Government's broad strategic response to the State's economic and social development needs for the seven-year period ending December 2006.

The NDP does not set out specific project commitments. The RAPID programme is not mentioned in the NDP. Accordingly, all spending on the RAPID Programme, details of which I have given to the House — in particular my reply to question number 59 on 21 March 2006 — comes within the category sought by the Deputy.

In overall terms, at this stage, commitments of €349.6m have been entered into by Departments and reported to POBAL. These commitments are by Departments to projects proposed by individual RAPID Area Implementation Teams. In addition, some €32m has been committed to RAPID areas under the Dormant Account Fund.

Grant Payments.

245. **Mr. Naughten** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Louth has not been issued with a top up payment under the single farm payment from the national envelope as per a letter of 15 April 2005 from her Department; and if she will make a statement on the matter. [19791/06]

Minister for Agriculture and Food (Mary Coughlan): All eligible farmers who experienced depopulation due to the Foot and Mouth outbreak in 2001 on the Cooley peninsula have been granted Force Majeure and have had the reference year 2002 excluded from the calculation of their Single Farm Payment. These farmers will also receive the National Envelope top-up on the number of ewes on which ewe premium was paid during the reference period. The person named is

an eligible farmer as outlined above and is due payment of the top-up. An enhancement is required to the Single Payment Scheme payment system to enable these top-up payments. This development is ongoing and payments will issue on completion of same.

Alternative Energy Projects.

246. **Mr. Naughten** asked the Minister for Agriculture and Food further to Parliamentary Question No. 391 of 3 May 2006 her proposals, in the context of a review of the energy crops scheme, to make the scheme more attractive for farmers; and if she will make a statement on the matter. [19796/06]

Minister for Agriculture and Food (Mary Coughlan): Article 92 of Council Regulation (EC) 1782/2003 of 29 September 2003 provides for a review of the Energy Crops Scheme. By 31 December 2006, the Commission shall submit a report to the Council on the implementation of the Scheme, accompanied, where appropriate, by proposals taking into account the implementation of the EU biofuels initiative. As part of this process, I will be seeking to have the Scheme made more attractive for farmers.

Grant Payments.

247. **Mr. Naughten** asked the Minister for Agriculture and Food further to Parliamentary Question No. 239 of 17 May 2006, if there is anything in the regulations prohibiting the payment of a national top-up; and if she will make a statement on the matter. [19828/06]

Minister for Agriculture and Food (Mary Coughlan): Member States may only grant State aid where authorized to do so by the EU. The Council Regulation governing the restructuring aid does not provide such authority.

248. **Mr. Naughten** asked the Minister for Agriculture and Food if her Department charges interest on outstanding repayments due to her Department; the interest rate charged in such circumstances; and if she will make a statement on the matter. [19829/06]

249. **Mr. Naughten** asked the Minister for Agriculture and Food if her Department applies interest on outstanding payments due to farmers, where there has been an underpayment caused by a departmental error; the interest rate charged in such circumstances; and if she will make a statement on the matter. [19830/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 248 and 249 together.

In the exercise of its functions as an agency for the payment of EU funds, my Department is bound by rules laid down at EU level. The EU

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regulations dealing with schemes funded by the EAGGF Guarantee Fund require member states to charge interest at a rate determined in accordance with national legislation. These EU regulations are directly applicable and binding in their entirety in all member states. The rate of interest currently provided for in national legislation is 3%. Systems either are in place, or are being in put in place to comply with these requirements in relevant schemes. The question of interest does not arise in the case of an overpayment resulting from a Departmental error, and interest can be avoided altogether through the prompt payment of the relevant debts. No provision is made in the relevant regulations for the payment of interest by the paying agency. In addition, my Department fully applies the provisions of the Prompt Payments of Accounts Act 1997, as amended by the European Communities (Late Payment in Commercial Transactions) Regulations 2002.

Community Development.

250. **Mr. O'Shea** asked the Minister for Agriculture and Food the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the national development plan by her Department; and if she will make a statement on the matter. [19924/06]

Minister for Agriculture and Food (Mary Coughlan): My Department has not incurred expenditure under the RAPID programme.

Grant Payments.

251. **Mr. Naughten** asked the Minister for Agriculture and Food the number of applications awaiting approval on a county basis under farm pollution grant schemes; the number of applications submitted on a county basis since the announcement of the new farm waste management grants; and if she will make a statement on the matter. [19957/06]

Minister for Agriculture and Food (Mary Coughlan): The information requested by the Deputy is available in respect of each Department local office only. The following table sets out the up-to-date position in regard to the number of applications received and approvals issued under the new Farm Waste Management Scheme. As the issue of Department approval to proceed with works under the Scheme involves, in most cases, an on-farm visit by a Department inspector, the costing of the proposed investment and verification of the eligibility of the application, approval normally issues some weeks after the receipt of a valid application.

Office	Applications Received	Approvals Issued
Ballina	22	4
Carlow	16	5
Castlebar	32	0
Cavan East	68	16
Cavan West	32	2
Clare North	67	7
Clare South	75	13
Claremorris	85	7
Clonakilty	93	29
Cork City	70	38
Donegal North	83	25
Donegal South	71	9
Galway West	9	0
Loughrea	42	12
Galway South	31	9
Kerry North	104	70
Kerry South	63	23
Kildare/Dublin	14	7
Kilkenny/Waterford	77	33
Kilkenny North	122	17
Laois	66	25
Leitrim	47	5
Limerick	138	25
Longford	42	14
Louth/Monaghan East	56	18
Mallow	72	33
Meath	60	7
Monaghan North	77	13
Offaly	47	19
Roscommon North	40	7
Roscommon South	43	10
Sligo	33	12
Tipperary North	63	17
Tipperary South	78	19
Tuam	117	20
Waterford West	36	24
Westmeath	42	23
Wexford	40	10
Wicklow	26	2
Total	2,299	629

Bovine Disease Controls.

252. **Mr. Naughten** asked the Minister for Agriculture and Food the number of herd numbers in use in each county; the corresponding figure for the year 2000; and if she will make a statement on the matter. [19958/06]

Minister for Agriculture and Food (Mary Coughlan): The number of herd numbers registered for the purposes of the TB and Brucellosis

Eradication Schemes on a county basis at present and in 2000 is set out in the table below. The reduction in the number of herd numbers between 2000 and 2006 reflects the gradual decline in the number of farmers during this period.

County	13/5/2006	31/12/2000
Carlow	1,448	1,576
Cavan	5,169	5,464
Clare	6,391	6,748
Cork	12,829	13,743
Donegal	5,862	6,629
Dublin	445	559
Galway	12,592	13,819
Kerry	7,289	7,876
Kildare	2,046	2,258
Kilkenny	3,326	3,536
Laois	3,015	3,141
Leitrim	3,341	3,640
Limerick	5,907	6,374
Longford	2,538	2,730
Louth	1,272	1,424
Mayo	10,674	11,746
Meath	4,029	4,346
Monaghan	4,383	4,520
Offaly	3,291	3,436
Roscommon	5,887	6,436
Sligo	4,000	4,390
Tipperary	7,087	7,648
Waterford	2,372	2,577
Westmeath	3,135	3,352
Wexford	3,315	3,669
Wicklow	1,748	1,905
Totals	123,391	133,542

253. **Mr. Naughten** asked the Minister for Agriculture and Food the funds collected under the disease levy and dairy inspection levy in 2005; and if she will make a statement on the matter. [19959/06]

Minister for Agriculture and Food (Mary Coughlan): Bovine disease levies are collected under the Bovine Disease (Levies) Act, 1979 and are specifically intended to ensure that farmers share the cost of compensation under the TB and Brucellosis Schemes. Revenue from bovine disease levies in 2005 amounted to €11.39m but this is expected to fall to approximately €10m this year. Expenditure on compensation to farmers under the Disease Eradication schemes amounted to €21.37m in 2005 when total Exchequer expenditure on these schemes was €53.33m. The Dairy Inspection Levy is payable under the Milk (Miscellaneous Provisions) Act 1979 and levied on the basis of every litre of milk

acquired for manufacturing purposes. The amount of the fee is €0.001 per litre and last year some €5,083,959.30 was collected.

Grant Payments.

254. **Mr. P. Breen** asked the Minister for Agriculture and Food if she will accept a late application for an allocation of payment entitlements for the 2005 national reserve from a person (details supplied) in County Clare due to special circumstances; and if she will make a statement on the matter. [19982/06]

Minister for Agriculture and Food (Mary Coughlan): The Department sought applications for the 2005 National Reserve in December 2004. The closing date for receipt of completed applications was extended to 16 May 2005 to coincide with the closing date for the 2005 Single Payment Scheme applications. The National Reserve Scheme was widely advertised at that time. If the person named has extenuating circumstances that prevented him from submitting a timely application for an allocation under the 2005 National Reserve, such details should be submitted to my Department for consideration.

255. **Mr. Naughten** asked the Minister for Agriculture and Food when she will issue a decision to a person (details supplied) in County Longford under the national reserve; and if she will make a statement on the matter. [19983/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application to the 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 Regulations governing the Single Payment Scheme provide that the Member State must ensure that an allocation from the National Reserve to an applicant who has already benefited under other measures associated with the Single Payment Scheme (for example, Force Majeure/New Entrant during the reference period) does not result in double benefit to the applicant. In such circumstances the applicant will benefit from the measure that is most beneficial. The person named has already benefited from another measure i.e. Force Majeure during the reference period and therefore his National Reserve application will now be assessed to establish whether the provisions precluding double benefit should be applied. Following this examination the person named will be notified of the outcome and should he be dissatisfied with

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my Department's decision, he has the opportunity to appeal this decision to the Independent Payment Appeals Committee. An appeals application form is available from any of my Department's offices or on the Department website at *www.agriculture.gov.ie*.

256. **Mr. Naughten** asked the Minister for Agriculture and Food the reason a successful applicant under *force majeure* cannot gain a single farm payment allocation under the national reserve; and if she will make a statement on the matter. [19984/06]

Minister for Agriculture and Food (Mary Coughlan): In general, the Single Payment established for farmers is based on the three-year average number of animals (hectares in the case of Arable Aid) that attracted premium payments in the years 2000, 2001 and 2002. The Regulations governing the Single Payment Scheme provide that the Member State must ensure that an allocation from the National Reserve to an applicant who has already benefited under other measures associated with the Single Payment Scheme (Force Majeure/New Entrant during the reference period) does not result in double benefit to the applicant. For example, a farmer may already have had the years 2000 and 2001 omitted from his Single Payment calculation on the grounds that he commenced farming in 2002. His Single Payment is based on the total premium payment in respect of the year 2002 only. The same farmer may also have purchased Suckler Cow Quota in respect of the 2002 scheme year and applied to the National Reserve under category B(ii). In such a case the full benefit of the premium arising from the investment in Suckler Cow quota is already fully reflected in the Single Payment established for that farmer under the New Entrant measure. An allocation from the National Reserve in respect of the investment in Suckler Cow Quota would therefore result in double benefit. Each case where an applicant to the National Reserve has already benefited from the other measures (Force Majeure/New Entrant) and is also accepted under the National Reserve, will have to be examined to see which measure is the most beneficial. In such circumstances the applicant will benefit from the measure that is most beneficial.

Prison Medical Service.

257. **Dr. Cowley** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that there is a great need for the provision of psychiatrists and psychologists in prisons here due to the high number of young males currently in prisons here and the fact that when they are released there has been no rehabilitation carried out. [19782/06]

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(Mr. McDowell): Where a prisoner is assessed as having a specific health related problem, steps are taken to provide assistance to address such problems while in prison. All prisoners have access to a range of therapeutic services, including psychiatric and psychology services. Referral to any particular service is on the basis of assessed need. While every effort is made within the resources available to address identified problems within prison, this obviously requires the active cooperation of the prisoner involved. The Irish Prison Service is currently in the process of recruiting extra psychologists to work in the prison system, including involvement in the rehabilitation of young male prisoners.

Community Development.

258. **Mr. O'Shea** asked the Minister for Justice, Equality and Law Reform the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the national development plan by his Department; and if he will make a statement on the matter. [19925/06]

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(Mr. McDowell): The RAPID (Revitalising Areas by Planning, Investment and Development) programme targets the most concentrated areas of disadvantage in the State by ensuring that priority attention is given to these areas by Government Departments and State Agencies dealing with disadvantage and local development in the widest sense.

The RAPID programme designated 45 areas for priority investment and frontloading of funding under the National Development Plan 2000-2006 (NDP). The Department of Justice, Equality and Law Reform and the Garda Síochána are represented on the RAPID National Monitoring Committee. At a local level the Garda Síochána and the Probation and Welfare Service are represented on RAPID Area Implementation Teams and facilitate the co-ordinated and service integrated delivery of the RAPID programme.

In November 2005 the Garda Síochána held a seminar for all the Garda representatives on Area Implementation Teams with the aim of further developing and enhancing the role and participation of Gardaí in the RAPID programme. In line with the Government policing priorities for 2006, which are contained in the Garda Síochána Policing Plan 2006, the Garda Commissioner has agreed to review local policing arrangements in communities in the RAPID programme areas where local residents are seeking to have issues such as persistent vandalism, low and high level intimidation and other anti-social behaviour more effectively addressed. In addition, the Garda Síochána have implemented proposals received through the RAPID programme.

My Department decides on approving funding for RAPID proposals within the context of existing allocations across Votes under my Department's remit. Particular priority is given to RAPID proposals which fall within the functional areas financed by the National Development Plan (NDP). Information on the funding provided by my Department under the RAPID programme is as follows: Equal Opportunities Childcare Programme 2000-2006 under the NDP and the National Childcare Investment Programme 2006-2010. Responsibility for the Equal Opportunities Childcare Programme (EOCP) 2000-2006 (which is part of the NDP) and the National Childcare Investment Programme (NCIP) 2006-2010 has been assigned, from 1 April 2006, to the Department of Health and Children as part of the establishment of the new Office of the Minister for Children under the Minister for Children, Mr. Brian Lenihan, T.D.

Although the EOCP is not solely focused on RAPID areas it has contributed significantly to the provision of child care in RAPID areas. I understand from enquiries made with Pobal, which administers the grants on the Government's behalf, that funding committed up to the end of March 2006 under the EOCP includes the provision of almost €112 million of funding to child care services operating in RAPID areas (of which almost €35 million is in respect of proposals submitted under the RAPID programme). The total amount includes a mix of projects which came forward in the first instance under RAPID area regeneration plans, and projects which applied directly for funding to the EOCP and which are located in RAPID areas. The allocations under the EOCP include support for the development of new child care places and support towards the staffing costs of services. Allocations have also been made under the EOCP to organisations which support the promotion of quality in Irish child care, which would positively impact on many services located in RAPID areas.

With regard to the NCIP (which is not part of the NDP), I understand that one capital grant, to the value of €100,000, has been approved in a RAPID area up to the end of March 2006. Funding of €3.3 million, under the NDP, has been allocated by my Department under Phase 1 of the Equality for Women measure to 18 projects located in or adjacent to RAPID areas. Phase II of the measure specifically targets economically disadvantaged women in RAPID areas. In March 2005 I approved grants amounting to €7 million to fund the development of 58 projects located in RAPID areas throughout the country which support equality for women.

Since the commencement of the RAPID programme funding of €2.834 million has been allocated by my Department through the Probation and Welfare Service in respect of proposals submitted under the RAPID programme in respect of five Probation and Welfare Service projects. In

addition, my Department, in conjunction with the Department of Community, Rural and Gaeltacht Affairs co-funded the provision of capital items for Probation and Welfare Service projects in RAPID areas to the amount of €60,000 in 2004 and €123,000 in 2005.

Garda youth diversion projects are community based, multi-agency crime prevention initiatives which seek to divert young people from becoming involved (or further involved) in anti-social and/or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve prospects of employability. My Department currently funds 64 Garda youth diversion projects and 7 mainstreamed Local Drugs Task Force projects. The funding allocation for the projects for 2006 is €6.6 million. It is my intention to expand the scheme to 100 Garda youth diversion projects nationwide by the end of 2007. I have received from the Garda Commissioner a short-list of ten proposals for consideration, which I hope to have established before the end of June this year. Seven of the ten proposals to establish new projects are for RAPID areas. A total of 51 of the projects currently operating are located in 32 of the 45 RAPID areas. Expenditure on the projects in 2005 in RAPID areas amounted to almost €4 million (of which €1.323 million was NDP funded). Expenditure to date in 2005 is €2.5 million (of which €940,000 is NDP funded). In addition, in 2005 my Department, in conjunction with the Department of Community, Rural and Gaeltacht Affairs, co-funded to the amount of €199,000 the provision of capital items (such as community buses and IT equipment) for Garda youth diversion projects in RAPID areas.

I launched the Community Based CCTV Scheme last year in response to a demonstrated demand from local communities across Ireland for the provision of CCTV systems. The purpose of the Scheme is to support local communities who wish to install and maintain CCTV security systems in their area, with the aim of increasing public safety and reducing the risk of anti-social and criminal activity. Under this Scheme, communities could apply for grant aid funding of up to €100,000 from the Department to install a CCTV system in their area. In addition, the Department of Community, Rural and Gaeltacht Affairs gave a commitment to provide successful applicants from RAPID areas with a further grant to a maximum of €100,000 subject to the total grant aid from both Departments not exceeding €200,000 or 100% of the capital costs of the project, whichever is the lesser.

The Community Based CCTV Scheme offered two stages or options that were designed to meet the requirements of communities in both of these situations. Stage 1 offered pre-development supports and possible funding for organisations/groups who were not yet ready to develop their proposals fully or utilise funds. The stage 2 pro-

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cess offered a direct application process to access funds to those organisations who could demonstrate an ability to develop and deliver a CCTV programme immediately.

Over €1 million in grant aid has already been allocated by my Department to 37 communities under the Scheme, of which over €900,000 has been allocated to 30 RAPID areas under both the stage 1 pre-development (18) and stage 2 operational (12) application process. Many of these areas could see their CCTV systems in operation before the end of the year.

I plan to make a further call for proposals under the Scheme in the coming months.

Visa Applications.

259. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for a holiday visa by a person (details supplied); and if he will make a statement on the matter. [19939/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Visa Office on 25 April 2006. I am pleased to inform the Deputy that the visa application in question was approved on 22 May 2006.

Liquor Licensing Laws.

260. **Ms Harkin** asked the Minister for Justice, Equality and Law Reform if there are plans in place to introduce new types of alcohol licences within the lifetime of this Government. [19945/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government Legislation Programme provides for publication of the Sale of Alcohol Bill later this year. This Bill will repeal the Licensing Acts 1833 to 2004, as well as the Registration of Clubs Acts 1904 to 2004, and replace them with provisions more suited to modern conditions. The Bill will have regard to the reform recommendations of the Commission on Liquor Licensing and will update and streamline provisions relating to the licensing of different categories of licensed premises.

Disability Support Service.

261. **Ms Harkin** asked the Minister for Justice, Equality and Law Reform the timetable for the introduction of the innovation fund for disability related projects; and if he will make a statement on the matter. [19946/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The closing date for submitting applications under Phase II of the Enhancing Disability Services Project Funding for 2007-2008 is 14 July 2006. The appraisal of the project pro-

posals will be undertaken by Pobal on behalf of my Department and it is expected that Pobal will make their recommendations to the Enhancing Disability Services Expert Group by November of this year. I hope to be in a position to make an announcement about the projects which will be funded by the end of the year. This provisional timetable is of course subject to change depending on the number of applications submitted for funding.

Registration of Title.

262. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform when applications for a person (details supplied) in County Clare will be processed; and if he will make a statement on the matter. [19999/06]

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 applications 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.

Citizenship Applications.

263. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the need for the completion of the application for naturalisation of a person (details supplied) in County Cork; if his attention has been further drawn to the difficulties which will be created for them travelling and studying abroad if their application for naturalisation is not completed now; and if he will have the matter investigated and as an exceptional measure ensure that there is no further delay in the completion of this application. [20063/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation by the person referred to by the Deputy was received in the Citizenship Section of my Department in August 2005. It has been assigned reference no. 68/3030/05. Officials in Citizenship Section are currently processing applications received in the first quarter of 2004 and, at the present time, there are just over 6,000 applications awaiting processing before that of the person in question. I will give consideration to the matters raised by the Deputy and will respond to him directly.

Road Traffic Offences.

264. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform the procedures which will allow a motorist who feels they have

been wrongly awarded penalty points on the roadside to subsequently appeal to the local Garda chief superintendent to have these points removed from their licence; and if he will make a statement on the matter. [20064/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that penalty points are not awarded on the roadside. Where a person is issued with a fixed charge notice for a penalty point offence, the notice sets out the amount of the fixed charge and the penalty points applicable to the offence. The person has an option to pay the fixed charge and as part of the payment process completes a declaration that he/she is aware of the contents of the notice. Where a payment is made An Garda Síochána notifies the Minister for Transport who is responsible for the endorsement of penalty points on the entry in the licence record relating to the person. Where the person named in the notice opts not to pay the fixed charge then a prosecution is taken and where a person is convicted the Courts Service is responsible for notifying the Minister for Transport, as in all cases the decision of the District Court may be appealed.

I am further informed that an individual may write to the Garda Síochána Fixed Charge Processing Office at 89-94 Capel Street, Dublin 1 and request the removal of penalty points where: the individual named on the notification from An Garda Síochána to the Minister for Transport was not the person who committed the offence; the alleged offence had no legal status; two notifications from An Garda Síochána to the Minister for Transport issued in respect of the same offence; and the individual named on the notification from An Garda Síochána to the Minister for Transport was admitted to the Juvenile Diversion Programme (Part 4 of the Children Act 2001) for the alleged offence.

Disability Support Service.

265. **Mr. Ardagh** asked the Minister for Justice, Equality and Law Reform if there are proposals to extend the age for parents of disabled children to be able to take parental leave after the child is 17 and above, to facilitate persons (details supplied) in Dublin 12. [20065/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The situation of parents of children with disabilities was considered in the context of the review of the Parental Leave Act 1998 conducted by a Working Group chaired by my Department. The Working Group, which comprised the social partners, relevant Government Departments and the Equality Authority, recommended raising the age of eligibility in respect of a child with a disability to 16 years in its Report published in 2002. Section 2 (2)(c) of the Parental Leave (Amendment) Act 2006, which was enacted on 18 May 2006, implements a commit-

ment made in Sustaining Progress to increase the age limit to 16 years in the case of a child with a disability in accordance with the recommendation of the Working Group.

Vocational Education Committees.

266. **Mr. Bruton** asked the Minister for Education and Science if she has received a report from FÁS on the special programme for return to education implemented in conjunction with the vocational educational committee for persons emerging from community employment schemes; if her attention has been drawn to the fact that cutbacks have been implemented in the number of days available for the education package from three days to two days; the reason this has occurred; and if she will make a statement on the matter. [19797/06]

Minister of State at the Department of Education and Science (Miss de Valera): Participants on the Community Employment Scheme operated by FÁS can be released half-time from their work experience programmes to avail themselves of intensive literacy tuition organised by the Vocational Education Committees under the Return to Education Initiative. This arrangement enables them to combine work experience and 10 hours per week literacy tuition. Each VEC, subject to its budget, decides the nature and extent of the further education service to be provided in its area.

In relation to the issue raised the following explanation was received by my Department from the Irish Vocational Education Association (IVEA), the representative body for the 33 VECs in Ireland. The FÁS/VEC Return to Education Initiative has been delivered in VECs over the past five years. The course has been successful in achieving its overall objective of providing literacy support. Nationally however, there has been some variation in the organisational arrangements of the Return to Education Initiative programme. As a result, IVEA, on behalf of its member VECs, and FÁS undertook a review of current practices in order to explore and improve on areas of concern. These discussions concluded in a new interim agreement in September 2005.

The current Return to Education Initiative programme schedules 200 hours that can be delivered in a flexible manner by the provider. At the conclusion of the 200-hour programme, providers may request additional hours where it is felt that students require further support, which will be provided in agreement with FÁS. Therefore providers now have the opportunity, in certain situations to have in excess of the original 270 hours, which is a significant improvement.

IVEA and FÁS agree that these new proposals provide a greater flexibility in the delivery of the Return to Education Initiative. IVEA views this agreement as increasing, rather than decreasing, support to those who have specific needs around

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basic education. However, this is an interim agreement between FÁS and IVEA, it will be subject to change and development according to regular monitoring and evaluation.

School Accommodation.

267. **Mr. Ferris** asked the Minister for Education and Science if he will make a statement on the future of a school (details supplied) in County Kerry. [19774/06]

Minister for Education and Science (Ms Hanafin): In recent years a new planning model was introduced for educational infrastructure to ensure that, in future, school provision is decided after a transparent consultation process. In this regard, trustees, parents, sponsors of prospective schools and all interested parties from a locality have the opportunity to have their voices heard in the process.

A draft area development plan for North Kerry, up to 2011, was published by my Department in April 2006. The Commission on School Accommodation is currently engaged in a public consultation process to which all interested parties can make submissions. The closing date for receipt of submissions relating to the North Kerry Plan is 24 May 2006. All of these submissions are considered by the Commission and are also published for public information. This process will culminate in the publication of a Final Area Development Plan which will provide a blueprint for educational provision in the area for the next decade, against which all capital funding decisions including the application for capital investment in the school referred to, will be made over the coming years.

Disadvantaged Status.

268. **Mr. P. Breen** asked the Minister for Education and Science the reason an application for DEIS by a school (details supplied) in County Clare has been excluded by her Department; and if she will make a statement on the matter. [19776/06]

Minister for Education and Science (Ms Hanafin): I wish to assure the Deputy that no school has been told that they are going to lose any of the resources that they have been receiving under existing schemes for tackling disadvantage as a result of the introduction of the new DEIS initiative. On the contrary, the new School Support Programme is aimed at providing even more extra resources for the most disadvantaged schools in the country. Schools that did not qualify for the new programme will keep the extra resources they are getting under existing schemes for the 2006/07 school year and after that they

will continue to get support in line with the level of disadvantage among their pupils.

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 for schools in Clare. It is precisely with this goal in mind that DEIS was designed. For example, 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 ensuring that others continue to get support in line with the level of disadvantage among their pupils.

I can assure the Deputy that there is no reason for schools 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.

A review mechanism has been put in place to address the concerns of schools that did not qualify for inclusion in the School Support Programme but regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the Programme. This mechanism 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 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.

Consultancy Contracts.

269. **Mr. Naughten** asked the Minister for Education and Science if she will furnish a reply to Parliamentary Question No. 1292 of 25 January 2006; the reason for the delay; and if she will make a statement on the matter. [19794/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy has now been finalised and is set out in the tabular statement below. This provides a full listing of all contracts in the years concerned together with the relevant details. The information in respect of 2006 is based on financial provision for the respective projects. Because of the scope and detailed nature of the information sought, it was necessary to undertake a comprehensive trawl of all units of my Department. A considerable amount of cross-checking and co-ordination was also necessary. The overall process took longer than anticipated and the delay involved is regretted.

Year 1997

Consultants, Experts, Advisers	Purpose	Cost	Reports	Implemented
Anne Colgan	Interview Board (Asst Chief Inspector)	£ 363	N/A	N/A
C.D.U. Crumlin	Database for Chemicals in Schools	6,003	N/A	N/A
Commission on Points System	Examination of Points System	108,709	Yes	Partial
Coopers & Lybrand	Review of Financial Guidelines, Accounting & Auditing Practices in Primary & Voluntary Secondary Schools	22,796	Yes	Yes
Dermot Rochford	Review of functions and administrative staffing/organisational structures in amalgamating vocational education committees	10,229	Yes	Yes
Dr. Maurice Bric	Humanities and Social Sciences Research: A Case for a Research Council	4,500	Yes	Yes
Formscan	Exams Branch: Scanning of markings	5,510	N/A	N/A
Hay Management	Preparation of Competency Model for Director, National Centre for Technology in Education	1,815	Yes	Yes
M.S. Breathnach	Facilitator — Amalgamation of VEC's	13,416	N/A	N/A
Noel Recruitment	Organisation of Recruitment of Employee Assistance Officers for the Employee Assistance Scheme	19,791	N/A	N/A
Oliver Freaney	Accountancy Services	27,300	N/A	N/A
Quest Computing	Leaving Cert Applied Validation Programme Post — Primary Teachers Personnel System	10,527	N/A	N/A
The Learning Organisation	Schools IT 2000 Project	14,228	Yes	Yes
Thomas McCarthy	Facilitation Deed of Trust	920	N/A	N/A
West Dublin Education Centre	Report on the future development of Primary Education in Mallow	2,929	Yes	Yes
	Total	249,036		

Note: The totals for 1997-2000 inclusive are given in Irish Puntis £.

[Ms Hanafin.]

Year 1998

Consultant, Experts, Advisers	Purpose	Cost	Reports	Implemented
Ad-hoc Advisory Group	Report on Task Force on the Supply of Technicians	£ 254,640	Yes	Yes
ARCLINE	Archival Work — EDP & An Gúm	26,620	Yes	Yes
CIRCA Group	Implementation of Public Services Mngt Act, 1997	20,631	Yes	Yes
Dermot Morris	Interview Boards — Psychologists	1,000	N/A	N/A
Dermot Rochford	KVEC Amalgamation	9,190	Yes	Yes
Dr. Peter Renshaw	Irish Academy for the Performing Arts	4,115	N/A	N/A
Dr. Séamus Ó hUallacháin	Expenditure Review of Institiúid Teangeolaíochta Éireann	2,500	Yes	In Liquidation
Frank Bannister	Year 2000 Seminar	1,200	N/A	N/A
Frank Pignatelli	Schools Points Based System of Priority	23,782.60	Yes	Yes
McBains Cooper	Health & Safety Manual	9,925	No	No
NUI — Maynooth	Adult Education — Green Paper	34,000	Yes	N/A
Oliver Freaney & Co.	Accountancy Services	54,600	N/A	N/A
PA Consulting Group	Monitoring of Progress in achieving Year 2000 & EURO Compliance by Public Bodies under the aegis of the Department	19,612	N/A	N/A
Price Waterhouse	Value for Money Assignment	6,504	Yes	Yes
Prospectus	Business Planning Process	6,045	Yes	Yes
Sean Nolan	Irish Academy for the Performing Arts	2,500	Yes	Yes
Sequel Technology	Conversion Consultancy — Year 2000	102,598	N/A	N/A
Software Paths	Extraction of data from ORACLE database	908	N/A	N/A
Sunglen Consulting	Monitoring of Progress in achieving Year 2000 Compliance by Public Bodies under the aegis of the Department	8,555	N/A	N/A
WRC Social & Economic Consultants	Women's Education Initiative	20,100	Yes	N/A
	Total	609,025.60		

Year 1999

Consultants, Experts, Advisers	Purpose	Cost	Report	Implemented
ARCLINE	Archival Records — EDP & An Gúm	£ 70,210	Yes	Yes
Building Design Partnership Ltd	Report on Provision of Electrical Supply to Specialist	3,700	N/A	N/A
Deloitte & Touche	Organisational Review of the Department	25,477	Yes	Partially
Economics Dept € UCDC	To assess both quantitatively and qualitatively the social and economic contribution of the proposals contained in the Department of Education & Science's initial outline of priority needs for the National Development Plan and Community Support Framework for the period 2000-2006	4,750	Yes	N/A
Ernst & Young	Review of Structures in the Building Unit	10,605	Yes	Yes
Hay Management	Interview — Psychologists	2,904	No	No
Oliver Freaney & Co.	Accountancy Services	54,599	N/A	N/A
Prospectus	Business Planning — Review of Special Education Unit	69,824	Yes	Yes
WRC Social & Economic Consultants	Review of VTOS	17,480	Yes	Partially
WRC Social & Economic Consultants	Women's Education Initiative	20,100	Yes	N/A
	Total	279,649		

[Ms Hanafin.]

Year 2000

Consultants, Experts, Advisers	Purpose	Cost	Report	Implemented
		£		
C. Sheffield	Employee Assistance Service Review	4,090	Yes	N/A
CRC, Trinity College	Evaluation of Early School Leavers Initiative	52,810.89	Yes	Yes
CRC, Trinity College	Preparation of National Youth Work Development Plan	54,300	Yes	Yes
Crowleys — DFK	ESF verification report	70,654.81	Yes	Yes
Deloitte & Touche	Organisational review	35,214	Yes	Yes
Dennehy Associates	PR Consultancy	19,360	N/A	N/A
Dermot Rochford	Review of the Pilot Employee Assistance Scheme	8,894	N/A	N/A
Dermot Rochford	Staffing resource and organisational needs of NOAI, HETAC and FETAC	14,336.08	Yes	Yes
Dermot Rochford	Staffing needs of admin office in Tourism College, Killybegs	4,089.90	Yes	Yes
Eileen Costello	Consultancy — Inventory System	1,625	Yes	Project Specific
ERC, St. Pat's Drumcondra	Research on 8-15 Early School Leaver Initiative	111,117	Yes	Yes
Ernst & Young	Review of Work in the Building Unit DES	15,137	Yes	Yes
Eustace Patterson Ltd	Review of Gaisce	15,157	Yes	Partially
Farrell Grant Sparks	Report on Tralee IT under Section 20 of RTC Act 1992	32,017.18	Yes	Partially
Farrell Grant Sparks	PPP Project Launch	18,297.79	No	N/A
Farrell Grant Sparks/ A & L Goodbody	Pilot PPP Education Projects (Five PPP Schools and Cork School of Music)	103,665.99	Yes	Yes
Inishowen Technology	School information and communication technology	15,695	N/A	N/A
Lesley Dee	Orchard Cope Foundation	5,075	Yes	No
Noel Lindsay	Saving & loan fund for adult & continuing education	2,000	Yes	No
NUI — Maynooth	Adult Education — Green & White Papers	35,000	Yes	Yes
Oliver Freaney & Co	3rd Level Finance accountancy	19,950	Yes	Yes
Philip Lee Solicitors	Consultancy — Vet School	2,934.25	Yes	Project Specific
Prospectus	Business Planning and Partnership in DES	17,949	Yes	Yes
Prospectus	Review of Special Education	26,645	Yes	Yes
Prospectus	Staff survey on internal communications	23,262	Yes	Yes
Séamus Ó hUallacháin	Interim Review of Institutes of Technology	1,100	N/A	N/A
Sean Cromien	Review of Department of Education operations & structures	16500	Yes	Ongoing
Todd Architects	Masterplan — Portlaoise	59,508	Yes	Yes
Tony Bromwell	Review of Safety Procedures in Lisnagry, Co.Limerick	3,534	Yes	Yes
WRC Social & Economic Consultants	Review of VTOS	11,654	Yes	Yes
WRC Social & Economic Consultants	Women's Education Initiative	20,100	Yes	N/A
WRC Social & Economic Consultants	Improving Effectiveness of VTOS	29,140	Yes	Partially
	Total	850,812.89		

Note: The totals for 2001-2006 inclusive are given in Euro €

Year 2001

Consultants, Experts, Advisers	Purpose	Total Cost	Report	Implemented
Anne Colgan	DES Task Force on Autism	€10,000.00	Yes	Yes
Conor Galvin/ Bryn Holmes	Research Consultancy on ICT Usage in Schools	5,078.95	Yes	Yes
Deloitte & Touche	Business Analysis & Development of the Financial Management Function	88,854.00	Yes	Yes
Deloitte & Touche	Specification and selection of FMS System	42,418.00	Yes	Yes
Deloitte & Touche /A & L Goodbody	Pilot PPP Education Projects (National Maritime College)	336,480.00	Yes	Yes
Dennehy Associates	PR Consultancy	126,338.94	N/A	N/A
Dermot Rochford	VEC staffing study	85,982.85	Yes	Yes
Dominic McCann	Investigation for Personnel Unit (DES)	2,618.75	N/A	N/A
Educational Research Centre	Evaluation of the sole use of the answer questions in Apprentice Tests	47,989.78	Yes	Ongoing
Elizabeth Waters	Lifelong Learning Consultation	13,500.00	Yes	N/A
Eustace Patterson Ltd	Contribution to study of FIT	8,853.71	Yes	Partially
Farrell Grant Sparks	Financial advice re: European Investment Bank refinancing of PP Projects	63,000.00	Yes	Yes
Farrell Grant Sparks / A & L Goodbody	Report on the Strategic Development Site for education & health purposes	120,625.12	Yes	Yes
Farrell Grant Sparks / A & L Goodbody	Five PPP Schools & Cork School of Music	164,537.10	Yes	Yes
Gartner Group	Research Advisory Services	33,065.13	N/A	N/A
Institute of Leisure & Amenities (ILAM)	PE Halls	1,061.74	N/A	N/A
Jonathan Williams	Editing of reports	886.73	N/A	N/A
Jordan Akustik	Cork School of Music	7,102.91	Yes	N/A
Kevin Leonard	Management Consultancy NEPS Administration	5,325.64	Yes	Yes
McCann Fitzgerald	Seminar on Public Procurement	4,207.38	No	N/A
McIver Consulting	Review of PLC Sector	88,722.00	Yes	Ongoing
Michael Collins and Associates	Architectural advice	32,886.22	No	No
National Women's Council	Technical support for education equality initiative	106,072.15	N/A	N/A
Niall Fitsimons & Co.	Site Report on St. Finbarr's, Farranferris	5,561.45	Yes	Project Specific
Price Waterhouse Coopers	Review of financial guidelines	11,995.03	Yes	Yes
Prospectus	Internal Customer Action Plan and Business Planning	7,618.43	Yes	N/A
Seán Ó Fiachra	OECD INES network C — developing a new governing structure for ERC	10,270.89	N/A	N/A
Tony Bromwell	Review of Safety Procedures in Lisnagry, Co. Limerick	2,441.71	Yes	Yes
WRC Social & Economic Consultants	Women's Education Initiative	10,801.98	Yes	N/A
WRC Social & Economic Consultants	Independent assessment of the young people's facilities and services fund	29,010.98	Yes	Yes
	Total	1,473,307.57		

[Ms Hanafin.]

Year 2002

Consultants, Experts, Advisers	Purpose	Total Cost €	Report	Implemented
A & L Goodbody	PPP Projects	3,840.79	N/A	N/A
AHEAD	Review of disability needs in further education	38,000.00	Yes	Yes
Áine Hyland	Preparation of Eurydice Dossier	3,174.00	Yes	N/A
Anne Tuffy	Report on European Schools	7,180.86	Yes	N/A
Cynthia Deane	Educational Disadvantage Forum	5,050.00	Yes	Yes
Deloitte & Touche / A & L Goodbody	Pilot PPP Education Project (National Maritime College)	98,500.00	Yes	Yes
Deloitte & Touche	Verification Programme for ESF-aided Programmes 2000-2001 VEC sector	21,454.51	Yes	Yes
Dennehy Associates	PR Consultancy	38,443.65	N/A	N/A
Dermot Rochford	Study of VEC staffing structure & job evaluation of librarian (St Catherine's)	4,830.00	Yes	Yes
Dominic McCanny	Investigation for Personnel Unit DES	523.75	Yes	N/A
Eustace Patterson Ltd	Contribution to study of FIT	7,682.00	Yes	Partially
Helen Leonard	Survey to evaluate pay of library staff in St. Catherine's	3,807.36	Yes	Yes
Irish Project Supervisors Ltd	Report: Health & Safety Spec & Risk Assessment for window cleaning	3,810.05	Yes	Yes
John Coolahan	Preparation of Eurydice Dossier	8,583.00	Yes	N/A
John Coolahan	OECD Report on Teachers	6,300.00	Yes	Yes
Mazars Consulting	Corepay support	22,997.18	N/A	N/A
Mazars McIver	Assessment of staffing requirement of National Adult Learning Council	4,695.00	Yes	Ongoing
McIver Consulting	Review of PLC sector	48,164.00	Yes	Ongoing
National Women's Council	Technical support for education equality initiative	87,000.00	Yes	N/A
Occupational Health Consultants	Asbestos lecture	751.73	N/A	N/A
Professor Iseult McCarthy	Art Teachers Diploma Review	7,503.82	N/A	N/A
Professor Thomas Mitchell	Work for the Irish Academy for the Performing Arts	3,900.00	N/A	N/A
Project Management Limited	Pilot Schools Inventory Project	1,092,749.00	Yes	N/A
Sean Glenane	OECD INES Project	2,933.14	N/A	N/A
University Limerick (Frank McGourty)	Research on Laboratory Design & Equipment	104,055.00	Yes	N/A
Vivian Cassells	Report on European Schools	7,180.86	No	N/A
	Total	1,633,109.70		

Year 2003

Consultants, Experts, Advisers	Purpose	Total Cost €	Report	Implemented
Accenture	Advice & Assistance in the implementation of a Financial Mngt System	99,950.00	No	No
Ashby Food Safety Associates Ltd	Tendering process for light restaurant equipment	1,452.00	N/A	N/A
Bruce Shaw Safety Management	Health & Safety Revised Procedures	2,178.00	Yes	Yes
Cooney Carey	Study of schools' transitional difficulties following phasing out of CE Schemes	37,401.00	No	No
Datanet Ltd	Feasibility Study on Providing Broadband Connectivity to Schools	78,794.74	Yes	Yes
Deloitte & Touche / A & L Goodbody	Pilot PPP Education Project (National Maritime College)	60,218.00	Yes	Yes
Dr. Jane Pillinger	For Work on Equality/Diversity booklet	2,904.00	Yes	Guidelines
Dr. Joe McHugh	Reports on Cork Northside centre for Higher Education	6,348.69	Yes	Project Specific
Dr. Maevé Martin	Desk study on Montessori teacher qualifications	6,300.00	Yes	Ongoing
Eoghan Boyle	Europe at School	833.05	No	N/A
Fitzpatrick Associates	Impact Assessment of EU Youth Programme	58,322.00	Yes	Yes
Giant Accountancy Services	Reading Recovery Study	850.00	Yes	Yes
Indecon Consultants	Interim evaluation of Socrates Programme	96,300.00	Yes	N/A
IPA	Providing quality service/ Implementation of devolved control	13,705.00	N/A	N/A
Iseult Mc Carthy	Europe at School	819.35	No	N/A
JJ Dwyer & Associates	Review of Partnership in the Department	9,740.50	Yes	Yes
John Coolahan	Compilation of National Dossier for Eurydice	8,583.00	Yes	N/A
Josephine O'Donnell	Provision of Career Guidance Services to the European Schools	760.00	No	N/A
Karen Bacon	Provision of Career Guidance Services to the European Schools	190.00	No	N/A
Mazars McIvor	Assessment of staffing requirement of National Adult Learning Council	42,253.00	Yes	No
Michael Collins and Associates	Architectural advice	28,059.97	N/A	N/A
OECD	Review of Higher Education in Ireland	100,000.00	Yes	Yes
Precision Marketing Information Ltd	Census of schools — set up and data capture costs	6,087.51	N/A	N/A
Precision Marketing Information Ltd	Reports from census	9,666.69	Yes	N/A
Price Waterhouse Cooper	Audit of enrolments and release time scheme in primary schools	57,000.00	Yes	N/A
Talbot Associates Ltd	Review of supply teacher scheme	114,300.00	Yes	No
Valerie Considine	Accountant in DES	650.00	N/A	N/A
	Total	843,666.50		

[Ms Hanafin.]

Year 2004

Consultants, Experts, Advisers	Purpose	Total Cost	Report	Implemented
		€	Yes	N/A
Advanced Organisation & Management Development.	Colloquium on Higher Education	7,275.13	Yes	N/A
Ashby Food Safety Associates Ltd	Catering Services Audit	2,178.00	N/A	N/A
Butler Group	Evaluation of Project Proposal	22,136.21	Yes	N/A
Butler Group UK	Pinum Subscription Service	11,676.56	Yes	N/A
C. Moore & Associates Ltd	Advice re expenditure review initiative on school buildings	2,400.00	Yes	N/A
Cahill's Sport Emporium	Preparation of speech material	900.00	N/A	N/A
Carr Communications	Facilitation at official function	1,900.00	Yes	Yes
Carr Communications	Advice, support & assistance for Your Education System (Y.E.S.) process	114,578.31	Yes	N/A
Clare Cunningham, Rockfinch Ltd	Council of Europe Report — Language Educ. Policy Country Profile	5,232.00	Yes	Yes
Cloncar Consulting International	Election of Teaching Council Members	7,250.00	N/A	N/A
Coady Partnership Architects	Department of Education & Science Furniture Review	49,542.39	Yes	Yes
Cynthia Deane — Options Consulting	Preparation of Strategy Statement for NEPS	10,011.30	N/A	N/A
Datanet Ltd	Assistance to Schools Broadband Steering Group	252,855.00	Yes	Yes
Dundalk Institute of Technology	Review of the operation of the 2004 Schools Building Programme	17,500.00	Yes	Ongoing
Expert Report OECD Study	Attracting, Developing and Retaining Effective Teachers	18,725.60	N/A	N/A
Farrell Grant Sparks / A & L Goodbody	Consultancy Services to achieve contractual and financial close to Cork School of Music PPP Project	114,950.00	Yes	Ongoing
Farrell Grant Sparks / A & L Goodbody	Value for money assessment for Cork School of Music revised output spec.	95,000.00	Yes	Yes
Gartner	Evaluation of Project Proposal	49,178.03	Yes	No
Gearóid Ó Riain	Contracted as External person by the Joint Working Group for the Traveller Education Strategy to assist in drafting the strategy	30,000.00	Yes	In progress
IPA	Providing quality service/ Implementation of devolved control	12,705.00	N/A	N/A
John Coolahan	Eurydice Dossier	5,151.60	Yes	N/A
John Coolahan	OECD Report	6,994.90	Yes	N/A
Mazars	Finance Unit support	7,461.40	N/A	N/A
McIver Consultants/Steering Committee	Re-expenditure of ICT Undergraduate Skills Programme	35,438.75	Yes	N/A
MRBI	Qualitative Depths	8,712.00	Yes	Yes
MRBI	Postal Survey	10,073.25	N/A	N/A
MRBI	Customer Service Survey	10,073.25	N/A	N/A
Polaris Human Resources	Review of Gender Mainstreaming in DES	11,090.33	Yes	Yes
Precision Marketing Information Ltd	Reports from Census	4,635.51	N/A	N/A
Softex	Consultancy on Quality Customer Service (QCS) targets	2,420.00	N/A	N/A
Torlach Ó Connor	European Year of Education through Sport	5,000.00	Yes	Yes
Valarie Considine	Accountant in DES	48,425.00	N/A	N/A
	Total	981,469.52		

Year 2005

Consultants, Experts, Advisers	Purpose	Total Cost €	Report	Implemented
A & L Goodbody	Youth Information Provision Review	57,626.25	Yes	N/A
Advanced Organisation & Management Development	Colloquium on Higher Education	1,936.00	Yes	N/A
AMAS	Advice & Guidelines on writing for the web on a restricted website	19,979.04	Yes	Yes
Archives Consultancy Services Ltd	Record Management Workshops	4,840.00	N/A	N/A
Barrister-at-Law	Barrister to advise Department	63,305.00	N/A	N/A
Brid McGrath	Report on the development of a library service in NEPS	6,175.00	N/A	N/A
Caroline Hussey	Adjudication Panel of Courses	3,500.00	No	N/A
Clare Cunningham, Rockfinch Ltd	Council of Europe Report — Language Educ. Policy Country Profile	6,684.00	Yes	Yes
Cloncar Consulting International	Election of Teaching Council Members	14,211.94	N/A	N/A
Columb Collins	Adjudication Panel of Courses	5,260.78	No	N/A
Cynthia Deane — Options Consulting	Preparation of Strategy Statement for NEPS	12,219.13	N/A	N/A
Cynthia Deane — Options Consulting	Contracted by the statutory Educational Disadvantage Committee to assist in preparation of its final report	13,600.00	Yes	Yes
Datanet Ltd	Support & Advice to Schools Broadband Steering Group	107,769.00	Yes	Yes
Denis Healy	Adjudication Panel of Courses	7,382.64	No	N/A
Dr. Richard Boyle	External Quality Assessor — Expenditure review Initiative	2,904.00	Yes	Yes
Dundalk Institute of Technology	Review of Primary/Post Primary Schools Building Programme 2004	17,500.00	Yes	N/A
Farrell Grant Sparks / A & L Goodbody	Consultancy Service to achieve contractual and financial close to Cork School of Music PPP Project	447,700.00	Yes	N/A
Insight Statistical Consulting Ltd	Survey Analysis for Primary Inspectorate	6,050.00	Yes	N/A
Insight Statistical Consulting Ltd	Evaluation of the Impact of ICT on Teaching and Learning in First and Second Level Schools	19,211.98	Yes	Ongoing
John Coolahan	UNESCO 11EP Study Visit	310.00	No	N/A

[Ms Hanafin.]

Year 2005— continued

Consultants, Experts, Advisers	Purpose	Total Cost	Report	Implemented
		€		
John Hayden	Adjudication Panel of Courses	4,266.90	No	N/A
Knowledge Works	Technical Writers to produce Section 15 Reference Manuals	4,840.00	N/A	N/A
Laurence Ó Ciaráin	NEPS/School Protocol in Grievance Cases	1,650.00	N/A	N/A
Mazars	Finance Unit Support	4,065.00	Yes	Ongoing
Michael Beirne BL	Local Inquiry under Section 105 of VEC Act 1930	20,033.29	Yes	Yes
McCann Fitzgerald Solicitors	Form of Building Contract for use on Design & Build projects	21,175.00	Yes	Yes
McIver Consultants	Funding Review of the Youth Sector	71,683.76	Draft Stage	N/A
McIver Consultants	Market Research for report of Expenditure Review of ICT Undergraduate Skills Programme	35,438.75	Yes	Yes
MORI Ireland	Customer Survey on behalf of the DES Inspectorate	10,317.67	Yes	Yes
Price Waterhouse Cooper	Examination of the application of state funding to MIE for the purpose of Teacher Education and related activities	84,700.00	Yes	Yes
Theta Eta Advisors Ltd	DES Accounting Review	4,598.00	N/A	N/A
Torlach O'Connor	Future Objectives National Report	10,400.00	Yes	N/A
Torlach O'Connor	Local Inquiry under Section 105 of VEC Act 1930	23,208.76	Yes	Yes
Valarie Considine	Accountant in DES	105,300.00	See 2006	N/A
	Total	1,219,841.89		

Year 2006

Consultants, Experts, Advisers	Proposed Consultancies	Total Cost	Report	Implemented
A & L Goodbody, Solicitors	Youth Information Provision Review	€ 6,503.75	Draft Stage	N/A
Barrister-at-Law	Barrister to advise Department	69,473.00	N/A	N/A
Insight Statistical Consulting Ltd	Evaluation of ICT Uses in Schools	38,424.00	Yes	Ongoing
Mazars	CorePay Payroll System	6,000.00	Yes	Ongoing
McIver Consultants	Funding Review of the Youth Sector	17,342.00	Draft Stage	N/A
Not Known yet	Expenditure re: Survivors of Institutional Abuse	10,000.00		
Not Known yet	Adjudication of Panel for Registration of Courses	20,000.00		
Not Known yet	Review of Bus Éireann Overhead Charges	20,000.00		
Not Known yet	Children Detention Schools	21,000.00		
Not Known yet	Website architecture/Records Management	50,000.00		
Not Known yet	CEO for proposed centre for Autism	37,500.00		
Not Known yet	Psychological Consultancy in Specialised Areas	40,000.00		
Not Known yet	Programme Evaluation	200,000.00		
Not Known yet	Males into Primary Teaching	75,000.00		
Not Known yet	Employee Assistance Service for teachers	Not Known yet		
Not Known yet	Local Inquiry under Section 105 of VEC Act	Not Known yet		
Valarie Considine	Employment of an Accountant	120,000.00	N/A	N/A
	Total	731,242.75		

270. **Mr. Kenny** asked the Minister for Education and Science the name of the company awarded and the contract price agreed by her Department in regard to the translation of a report (details supplied); and if she will make a statement on the matter. [19799/06]

Minister for Education and Science (Ms Hanafin): The contract for the translation of the Harris report — Irish in Primary Schools: Long-term National trends in Achievement was awarded to Europus Teoranta, An Cheathrú Rua, Co. na Gaillimhe. The contract price agreed was €160.00 per 1000 words. The total estimated cost for translating the report which contains 80778 words in total and including VAT at 21% will amount to €15,638.62.

Community Development.

271. **Mr. O'Shea** asked the Minister for Education and Science the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the national development plan by her Department; and if she will make a statement on the matter. [19926/06]

Minister for Education and Science (Ms Hanafin): The RAPID programme is designed to harness the opportunities and resources of the national development plan through the front loading and prioritisation of investment in the 45 disadvantaged communities (25 urban areas and 20 provincial towns) identified in the programme.

In accordance with the aims of the RAPID programme, my Department endeavours, where possible, to frontload resources to support proposals relating to RAPID areas.

While my Department's response to the RAPID programme is co-ordinated by the Regional Offices Service, which acts as a point of contact between the RAPID Area Implementation Teams and my Department, any expenditure on proposals relating to RAPID are incorporated into the existing budgets of the Department. As a consequence, it is not always possible to identify the exact spend on RAPID to date.

However, my Department's new action plan for educational inclusion — DEIS (Delivering Equality of Opportunity in Schools) aims to ensure that the educational needs of children and young people, from pre-school to completion of upper second-level education (3 to 18 years) from disadvantaged communities are prioritised and effectively addressed. The new plan will involve an annual investment of some additional €40m on full implementation in 640 primary schools, comprising of 320 urban/town schools and 320 rural schools, and 200 second-level schools.

These will be included in a new School Support Programme (SSP). The SSP will bring together,

and build upon, a number of existing interventions for schools and school clusters/ communities with a concentrated level of educational disadvantage. A substantial number of schools selected for the programme are either in, or serving, RAPID communities.

School Staffing.

272. **Ms O'Sullivan** asked the Minister for Education and Science the percentage of post-primary teachers who are in promotional posts; the breakdown of those percentages according to age-bracket, gender and type of school; and if she will make a statement on the matter. [19932/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is being compiled at present. I will arrange for the information to be forwarded directly to the Deputy.

273. **Mr. Connaughton** asked the Minister for Education and Science if her attention has been drawn to the fact that from the 1 September 2006 a school (details supplied) in County Galway will lose a teacher despite the fact that on that day, this school will begin usage of their four newly constructed classrooms and that it will be reduced to a three teacher school; if her attention has further been drawn to the fact that the pupil intake at the school this year indicates that a teacher will be made available again in September 2007; and if she will make a statement on the matter. [19973/06]

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 76 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 and 2 Mainstream Class Teachers.

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 on Thursday 25th May 2006. The Board of Management will be notified of the outcome of the appeal as soon as possible thereafter.

The Appeal Board operates independently 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.

School Accommodation.

274. **Mr. Connaughton** asked the Minister for Education and Science the reason members of the staff of her building unit at Tullamore, County Offaly will not meet the board of management and parents representatives of a school (details supplied) in County Galway, in view of the fact that there is overcrowding in the school; and if she will make a statement on the matter. [19974/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension to provide additional classroom and ancillary accommodation has been received from the school. The project, as will all other applications for school development work, is assessed in accordance with the prioritisation criteria for large scale building projects which, as the Deputy will be aware, was published following consultation with the Education Partners.

My Department is currently examining enrolment and demographic trends in the area in order to determine the longterm projected staffing figure on which the the school's long term accommodation needs will be based. When this examination is complete a decision will be taken on how best to meet the school's longterm needs and any building project required will be progressed in the context of the School Building and Modernisation Programme 2006 — 2010.

My officials have recently received a request for a meeting from the Board of Management. Upon completion of the aforementioned assessment process my Department will be in further contact with the school authorities in relation to their application and their request for a meeting.

I would also like to take this opportunity to advise the Deputy that this school also applied under the Additional Accommodation Scheme 2006. The school authority were notified in March 2006 that my Department was prepared to approve the rental of two mainstream classrooms as the school authority were using their General Purpose room to accommodate these classes. The Form of Acceptance from the school is currently awaited in my Department.

Higher Education Grants.

275. **Mr. Ardagh** asked the Minister for Education and Science if a person (details supplied)

in Dublin 12 will receive funding for the second and subsequent years for a course. [19975/06]

Minister for Education and Science (Ms Hanafin): My Department funds three means tested maintenance grant schemes for third level education students in respect of attendance on approved courses in approved third level institutions and one grant scheme in respect of Post Leaving Certificate courses (a) The Higher Education Grants Scheme; (b) The Vocational Education Committees' Scholarship Scheme; (c) The Third Level Maintenance Grants Scheme For Trainees; (d) Maintenance Grants Scheme For Students attending Post Leaving Certificate (PLC) Courses.

The decision on eligibility for third level 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. It appears that no such advice or instruction has, to date, been sought in the case of the student, referred to by the Deputy.

Officials of my Department have contacted both City and County Dublin VEC and they have no record of receiving an application from the candidate in question. The candidate should therefore apply to the relevant awarding body in the first instance.

If an individual applicant considers that he/she has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, he/she may appeal to the relevant Local Authority or VEC.

Where an individual applicant has had an appeal turned down, in writing, by the relevant Local Authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his case, a letter outlining the position may be sent to my Department. Alternatively, as already indicated, the Local Authority or VEC may, itself, in exceptional circumstances, seek clarification on issues from my Department.

However, it is not open to me, or my Department, to depart from the terms of the maintenance grants schemes in individual cases.

Apart from the funding provided through the Student Support Maintenance Grant Schemes, financial assistance is also available from my Department through the Student Assistance Fund. The objective of the Fund is to assist students, in a sensitive and compassionate manner, who might otherwise, due to their financial circumstances, be unable to continue their third level studies. Further information on this fund is available from the Student Access Officer at the College being attended.

Special Educational Needs.

276. **Mr. Howlin** asked the Minister for Education and Science the plans which are being put in place for young adults with autism currently in

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a school (details supplied) in County Wexford who are now over 18 years of age to continue with their education; and if she will make a statement on the matter. [19976/06]

Minister for Education and Science (Ms Hanafin): I wish to advise the Deputy that the Health Service Executive (HSE) has direct responsibility for provision for young adults over eighteen years of age with special needs. The Deputy will be aware that part 2 of the Disability Act 2005 provides a statute-based right to an assessment of disability-related health, personal social service and education needs.

My Department is unaware of any specific issue relating to the matter raised by the Deputy. However, my officials will make early contact with the school concerned to clarify the matter.

School Transport.

277. **Mr. McGuinness** asked the Minister for Education and Science if she will ensure that school bus transport is provided for persons (details supplied) in County Kilkenny; the reason the service was discontinued in each case; if she will expedite a response; and if she will make a statement on the matter. [19987/06]

Minister of State at the Department of Education and Science (Miss de Valera): Bus Éireann, which operates the School Transport Service on behalf of my Department, has advised that a number of pupils attending the school referred to in the details supplied were availing of concessionary transport.

I should point out that concessionary transport is not guaranteed. Pupils availing of such transport may only do so if spare seats are available on school buses and this is determined on a term-to-term basis by reference to those who are fully eligible for transport under the terms of the school transport scheme.

The introduction of one-for-one seating arrangements on school transport services does not necessarily mean that concessionary transport will be discontinued. However, parents of pupils should check in advance of the school year to ascertain the position regarding the availability of concessionary transport on school buses.

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.

Schools Building Projects.

278. **Mr. McGuinness** asked the Minister for Education and Science the status of an application for an extension to a school (details

supplied) in County Kilkenny; if she will expedite the application. [19988/06]

Minister for Education and Science (Ms Hanafin): The School Planning Section of my Department is in receipt of an application for major capital works from the management authority of the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale projects and has been assigned a Band 2 rating. Progress on the proposed works is being considered in the context of the School Building and Modernisation Programme from 2006 onwards.

279. **Mr. P. Breen** asked the Minister for Education and Science further to Parliamentary Question No. 494 of 4 April 2006, if a decision has been reached regarding an application for a resource room for a school (details supplied) in County Clare; and if she will make a statement on the matter. [19990/06]

Minister for Education and Science (Ms Hanafin): The Deputy will be pleased to learn that the school referred to has been allocated funding under the Permanent Accommodation Scheme 2006 to provide a resource room at the school. This is in addition to the funding already approved under the Scheme for the provision of an additional mainstream classroom.

School Staffing.

280. **Dr. Cowley** asked the Minister for Education and Science the reason a school (details supplied) in County Mayo is to lose the equivalent of two teachers and many other essential school activities due to the withdrawal of funding; her views on whether this is a severe blow to this school which is in a deprived area; the reason same is happening; and if she will make a statement on the matter. [19991/06]

Minister for Education and Science (Ms Hanafin): I want to state emphatically that no school has been told that they are going to lose any of the resources that they have been receiving under existing schemes for tackling disadvantage as a result of the introduction of the new DEIS initiative. On the contrary, the new School Support Programme is aimed at providing even more extra resources for the most disadvantaged schools in the country.

Schools that did not qualify for the new programme will keep the extra resources they are getting under existing schemes for the 2006/07 school year and after that they will continue to get support in line with the level of disadvantage among their pupils.

The new DEIS programme will be of huge benefit to schools in Mayo. 4 urban/town primary schools, 59 rural primary schools and 6 second level schools in Mayo have been invited to benefit from all the resources available from the new

programme. Indeed, nearly 20% of all the rural schools invited to benefit from the new programme nationally are in Mayo.

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 for Mayo schools.

It is precisely with this goal in mind that DEIS was designed. For example, 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 ensuring that others continue to get support in line with the level of disadvantage among their pupils.

I can assure the Deputy that there is no reason for schools 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 in Mayo has been told that they will lose any resources as a result of DEIS.

A review mechanism has been put in place to address the concerns of schools that did not qualify for inclusion in the School Support Programme but regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the Programme. This mechanism 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 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.

Schools Building Projects.

281. **Mr. Sargent** asked the Minister for Education and Science the progress which has been made with regard to establishing primary and secondary level schools in Donabate, County Dublin; if a date for commencement of construction has been set; and if she will make a statement on the matter. [19992/06]

Minister for Education and Science (Ms Hanafin): A new 1,000 pupil post primary school is being provided for Donabate. This will be delivered by way of a Public Private Partnership.

Site issues and the management model for the new school are currently being worked on in my Department. When these matters have been finalised, the school will be included in a PPP bundle for delivery.

The project has already been assigned a Band 1 Priority rating under the published prioritisation criteria for large scale building projects. This is the highest band rating possible which is a clear

indication of the priority which my Department attaches to this project.

With regard to primary provision, an application for a new school building for Donabate Portrane Educate Together National School is being processed. Given its location, this project also attracts a band 1 priority rating. Progress on the project is currently being considered in the context of the School Building and Modernisation Programme from 2006 onwards.

Grant Payments.

282. **Mr. Durkan** asked the Minister for Education and Science when field trip grant will be awarded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20015/06]

Minister for Education and Science (Ms Hanafin): My Department contacted Kildare County Council, the awarding body in this case, and was advised that they are awaiting documentation from the college before they can finalise their decision regarding eligibility for funding in respect of a field trip. The candidate will be advised of the outcome of the decision by Kildare County Council as soon as it is reached.

Pupil-Teacher Ratio.

283. **Mr. F. McGrath** asked the Minister for Education and Science when the reports on pupil-teacher ratio, the task force on physical sciences and the task force on discipline will be implemented. [20032/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that since the McGuinness report was published, significant improvements have been made in the actual pupil teacher ratio at post primary. The ratio has fallen from 15.1:1 in the 1999/00 school year to 13.4:1 in the 2004/05 school year. The reduction in the pupil teacher ratio since 1997 was achieved through the creation of almost 1,800 new posts and the retention of over 2,000 posts that would otherwise have been lost due to falling enrolments.

Significant progress has also been made in the whole area of the physical sciences, since the Task Force on the Physical Sciences reported. A new science curriculum has been introduced at primary level and a revised syllabus in Junior Certificate Science was introduced in 2003 and will be examined for the first time in June 2006. Revised syllabi in Leaving Certificate Physics, Chemistry and Biology have also been introduced and examined within the last five years. Work on the revision of the two remaining Leaving Certificate subjects — Agricultural Science and Physics and Chemistry (combined) — is well advanced. The introduction of each of the revised syllabi has been supported by comprehensive in-service programmes for teachers. Additional equipment grants have been provided to schools, and labora-

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ories continue to be refurbished as part of the ongoing school building programme. A review of mathematics at post-primary level is also being undertaken by the National Council for Curriculum and Assessment (NCCA).

In launching "School Matters" the final Report of the Task Force on Student Behaviour in Second Level Schools, on the 14th March, I outlined a package of measures to tackle student behaviour issues. In my view, implementation of the report must be approached in a prioritised and carefully structured way. The measures I have announced include: a review of existing legislation; the putting in place of a Behaviour Support Team; the establishment of up to 30 behaviour support classrooms on a trial basis; appropriate and focused expansion of the Junior Certificate Schools Programme; and a review of existing alternative provision, from which a comprehensive plan for out of school provision will be prepared.

The report's recommendations require action and engagement from a wide range of participants in our education system. For my part, as Minister, I have given a clear statement of my commitment to sustained and considered action in dealing with the issue of student behaviour.

School Transport.

284. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science the number and age profile of the school bus fleet in each county; and if she will make a statement on the matter. [20068/06]

Minister of State at the Department of Education and Science (Miss de Valera): The number and age profile of the school bus fleet is not available on a county basis. The number of vehicles operating under the school transport scheme is over 3,300, including taxis. The average age of the Bus Éireann school bus fleet is 15.1 years. The average age of the entire school bus fleet, including contractors' vehicles, is 11 years.

Commemorative Events.

285. **Aengus Ó Snodaigh** asked the Minister for Defence if, as part of the commemorative activities leading up to the 100th anniversary of the 1916 Rising, he will make available from the commemoration budget financial support for the making of the feature film currently being produced on James Connolly, which deals particularly with Connolly's role in the 1916 Rising and will be the first feature film dealing specifically with one of the leaders of the Rising; and if he will make a statement on the matter. [19787/06]

Minister for Defence (Mr. O'Dea): As the Deputy is aware, the Government has entered into an all-party consultation process in the Oireachtas with regard to an appropriate commemorative programme for the centenary of the Easter Rising. I intend to convene the next meeting of the consultation group shortly. The Group will be invited to reflect on a broad range of possibilities, which could include a special framework to provide official support for initiatives in diverse sectors with specific relevance to the period of the Rising. Before responding on any particular project, I would like the Group to address the appropriate time frame, scale and scope of such a programme. However, without prejudice to the deliberations of the all-party group, I welcome the initiative to make a film of the life of James Connolly and I have no doubt that such a film could assist in developing an enhanced understanding of his achievements and times.

Community Development.

286. **Mr. O'Shea** asked the Minister for Defence the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the national development plan by his Department; and if he will make a statement on the matter. [19927/06]

Minister for Defence (Mr. O'Dea): No expenditure is made by my Department under the RAPID programme.

287. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the additional funding spent in the targeted areas of disadvantage in the State under the RAPID programme on projects not outlined in the national development plan by his Department; and if he will make a statement on the matter. [19928/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The information as sought in the Question is not available in my Department. However, details of funding approved or paid to projects under the RAPID programme by my Department, which include expenditure both under the National Development Plan and additional to the Plan, are set out in the following table. A number of other RAPID projects are also under active consideration by my Department or local authorities, as appropriate. My Department has also met the salary costs of the local co-ordinators for each RAPID area. A total of €9.796m has been expended to date in this regard. In addition to RAPID projects, public agencies, including local authorities, are already providing a wide range of services in all RAPID areas.

RAPID Area (Strand I)	Project No.	Subject	Report / Position
Cork — Blackpool/The Glen/ Mayfield	CKBG008	Waste & Recycling-Bring Facilities	Approved for grant assistance under the Waste Management Capital Grants Scheme — total allocation (incl. CKFG053) of €107,000.
Cork — Blackpool/The Glen/ Mayfield	CKBG011 CKFG 17 CKKC16c CKTM 28	Estate Management Mediation Service	Combined funding of €42,500 approved for projects.
Cork — Blackpool / The Glen / Mayfield	CKBG017	Provision of Kurzweil Machine	Combined total grant aid of €5,631 for Optical Scanning facilities in Central Library, Mayfield Library and Tory Top Library.
Cork — Blackpool/The Glen/Mayfield	CKFG018	Glen Regeneration Phase 2 & 3	€18.2 million approved for phase 1. Work complete in phase 1. Phase 2 — contractors on site.
Cork — Blackpool/The Glen/Mayfield	CKBG035	Environmental Enhancement — Cushing Road / Place	Approval to proceed to tender, February 2006. Budget Cost €7.7m
Cork — Fairhill/Gurranebraher/Farranree	CKFG051	Civic Amenity Site — northside	Funding of €365,000 approved for a site in Blackpool to service north Cork City area, under the Waste Management Capital Grants Scheme.
Cork — Fairhill/Gurranebraher/Farranree	CKFG053	Improved availability of Bring Site	Approved for grant assistance under the Waste Management Capital Grants Scheme — total allocation (incl. CKFG 08) of €107,000.
Cork — Fairhill/Gurranebraher/Farranree	CKFG055	Farranree Housing Project for the Elderly	€6,757,213 paid. Additional €219,350 approved for communal facility grant.
Cork — Knocknaheeny/ Churchfield	CKKC007c	Cork CC Area Housing Office	Office fully staffed and opened for business 02/10/02 — approved funding of €177,763 paid
Cork — Knocknaheeny/ Churchfield	CKKC018d	Knocknaheeny Regeneration Plan	Funding of €2.05 million provided under Remedial works scheme for window/door replacement in Blocks A, B and C. Approval of tender for Block D issued June 2005 at a cost of €21m.
Cork — Knocknaheeny/ Churchfield	CKKC019d	Knocknaheeny Regeneration Block D	Centre is completed. The approved budget (April 2006) is €600,000 (awaiting final accounts.)
Cork — Togher/ Mahon	CKTM004	Togher Community Services Centre	Funding of €65,047 approved.
Ballymun	DUBBALSOC/01	Social Supports Initiative	Approved as part of 6 house scheme Avila Park Phase iv. The Community Centre is part of an overall scheme to provide additional housing at Avila Park. Approved budget €530,922.
Finglas	DUBFING011	Traveller Community Centre at Avila Park	D/EHLG is currently funding redevelopment work to a number of flat complexes in the inner city involving part demolition, new build and regeneration. Overall cost €150m (2003 prices). €73m expended to December 2005.
Northeast Inner City	DUBNEIC001	Improvements flat complexes	Demolition works approved at an estimated cost of €764,000.
South West Inner City (Canals)	DUBSW027	Supporting the Regeneration process in St. Michael's Estate	Demolition works approved at an estimated cost of €670,000.
South West Inner City (Canals)	DUBSW028	Supporting the Regeneration process in Fatima Mansions	

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RAPID Area (Strand I)	Project No.	Subject	Report / Position
Dún Laoghaire/Rathdown	DRDUNL034	Redevelop the housing stock at Laurel Avenue	Funding of €13.41 million approved.
Dún Laoghaire/Rathdown	DRDUNL041	Major Environmental Improvement Works	€100,000 provided from RAPID Leverage Funding Environmental Enhancing Scheme. Redevelopment of Laurel Avenue, Ballybrack, €16m. budget cost approved.
Blanchardstown	DUBBLA012	Community Facilities at Parslickstown / Tyrrelstown as part of proposed NABCO housing Development	Pre tender approval was given by the Department to Fingal County Council in September '05, for the provision of 156 dwellings and a community facility at a budget cost of €28,121,101. €21,376 paid.
Limerick — Kings Island	LIMKI 048	Establishment Anti-social unit	The estimated cost for phase 1 & 2 is €17.5m. Phase 1 completed.
Limerick — Southside	LKS029	Phase II and III O' Malley Park Remedial work Scheme	Plans for phase 2 under examination.
Clondalkin	SDCLON017	Environmental Improvements Prog — Establish and maintain a Recycling Centre (6 bottle & can banks)	Provision of 13 Bring Centres in South Dublin County Council area approved under the Waste Management Capital Grants Scheme — total allocation €48,000.
Clondalkin	SDCLON019	To implement the Traveller Accommodation Programme in Kishogue	Approved budget €5,131,310.
Clondalkin	SDCLON020	To implement the Traveller Accommodation Programme in Lynche's Lane	Approved budget €500,000.
Clondalkin	SDCLON023	In-fill housing prog — increase housing availability & decrease sites of anti-social behaviour	Refurbishment of 113 units at a cost of €3.126m.
Clondalkin	SDCLON025	To enhance the funding available for the LA housing refurbishment programme in Shancastle & Greenfort	First phase — 100 houses in Shancastle / Greenfort under Remedial Works Scheme. Estimated cost of almost €2.8 million.
Clondalkin	SDCLON026	To enhance the funding available for the LA housing refurbishment programme in Moorfield	Revised Budget Cost of €4,171,657 issued in November 2005 — €3,487,426 paid to date.
Tallaght	SDTALL030	Refurbishment of Cushlawn Est. Killinarden	First phase — 100 houses in Cushlawn under Remedial Works Scheme. Estimated cost of almost €2.8 million.
Tallaght	SDTALL032	Provision of Traveller Accommodation — Killinarden	Work started June 2005, approved budget €5,147,008.
Tallaght	SDTALL033	Provision of Traveller Accommodation — Kiltipper	Completed June 2004. Approved Budget €1,120,000
Tallaght	SDTALL034	Provision of Traveller Accommodation — Fortunstown	Work started in December 2005. Approved Budget €3,422,890.
Tallaght	SDTALL035	Provision of Traveller Accommodation — Belgard	Completed. Total cost €2,869,631.
Tallaght	SDTALL036	Extend existing Traveller Accommodation in Brookfield	Approved budget €1,414,703.

RAPID Area (Strand I)	Project No.	Subject	Report / Position
Tallaght	SDTALL040 SDTALL046 SDTALL048	Environmental Awareness Campaign, Killinarden, Jobstown and Fettercairn.	€20,000 was allocated from the Department together with €5,000 matching funding from South Dublin County Council to a scaled down environmental awareness programme incorporating the three designated areas of Killinarden, Jobstown and Fettercairn.
Drogheda	LTHDRO008	Estate Management Training (residents), Home management training (homemakers), Environmental Awareness Involving schools/youth and community, House Maintenance Course	€32,576 paid.
Drogheda	LTHDRO18	Remedial Housing works scheme	Refurbishment of a third phase of 50 houses is currently under way and will cost around €2 million.
Drogheda	LTHDRO19	Provision of Heating Scheme	€237,461 paid under the Central Heating Programme.
Dundalk	LTHDUN004 LTHDUN007 LTHDUN025 LTHDUN027 LTHDUN036	Development of facilities, Remedial Works Scheme, Community Park — Cox's Demense & Muirheavnamor	To date, the Department agreed to a contribution of €300,000 towards the provision of childcare facilities at Muirheavnamore.
Waterford	—	Refurbishment scheme at Clonard Park, Ballybeg	Refurbishment scheme at Ballybeg involves the general refurbishment of some 215 dwellings. Phase 1 & 2, with a total budget cost of €5.3 million (subject to final accounts) involving some 80 units have been completed. Phase 3 involving 63 units at an estimated cost of €3.58 m is due to start in May 06.
Waterford	—	Development of an integrated action plan for Larchfield/Lisduggan	€28,021 funding provided for the appointment of an Estates Officer with responsibility for the development of an integrated action plan for Larchfield/Lisduggan.
Waterford	WATFC033	Community Facilities — Manor St. John.	The Department has indicated its commitment to providing funding of €0.5 million for the refurbishment of the Community Facility at Manor St. John.
Waterford	—	Provision for Water and Drainage Infrastructure — Kilbarry Development Area	The current (April 2006) estimated cost of the scheme stands at €1,251,394, with the Department providing funding of €413,094.
Waterford	—	Link Road to centre of Ballybeg	€1,007,858 paid up to end 2005. €55,142 allocated for 2006.
Waterford	WATFC035	Larchville/Lisduggan Area Plan	<i>Manor St. John — New Housing</i> The Department has funded the construction of 47 houses for Manor St. John and the Scheme was completed in 2003 at a cost of over €5 million.
			<i>Infill Housing and Environmental Upgrade</i> The Council has submitted proposals to the Department for 5 infill houses at Cental Avenue, Lisduggan. Tender approval for the scheme issued Aug 2005 at a cost of approx €1.2m (Budget cost under examination).

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RAPID Area (Strand I)	Project No.	Subject	Report / Position
Bray	WKBRA Y003	Estate Management Development Officer for Bray	Funding of €38,700 approved. Project is now completed.
Bray	WKBRA Y004 WKBRA Y005	Audit of Housing Stock in RAPID Area	€25,000 paid. Project is now completed.
Carlow	CW CRLW 014	Housing Management Initiative	Funding up to €45,330 approved.
Cavan	CN CAVN 001	Remedial Housing at Tullac Mongan	Work Commenced June 2005. Budget approved €1,518m
Cavan	CN CAVN 002	Construction of Social Housing — Fair Green	Final Account issued for €2,187,571 in respect of 16 units — €2,138,472 paid against project to date (May 2006).
Cavan	CN CAVN 003	Construction of Social Housing — Tullacmongan	Construction of 18 houses was completed in July, 2004 at a cost of €1,918,690.
Cavan	CN CAVN 004	Construction of Social Housing — Ard na Gréine	The Department gave approval to the Council in November 2004 to purchase 4 houses at a cost of €495,850 — €471,058 paid to date (May 2006)
Cavan	CN CAVN 007	Construction of Central Library and Heritage Centre	€4,563,185 paid to date (May 2006). Outstanding balance €366,192.
Cavan	CN CAVN 008	Construction of Housing at Mount St. Francis — Stage II	Under Construction. Approved budget €1,470,165.
Mallow	CK MALL 014	Estate Management — Powerscourt	€23,000 paid.
Mallow	CK MALL 043	Provision of Central Heating	€99,520 paid.
Youghal	CK YOUNG 008	Remedial Works Scheme — Raheen Park	Works have been approved under the Remedial Works Scheme
Youghal	CK YOUNG 029	Estate Management — Greencloyne & Chestnut Drive	Approval of Tender and Budget cost of €137,087 issued March 04. €46,000 paid.
Mallow	CK MALL 038	Gouldshill/Town Council Local Agenda Environment Partnership Fund.	This project received €1,250 from the Department's Local Agenda 21 Environmental Partnership Fund in 2003 (€2,500 with local authority co-financing). A further grant of €7,680 was awarded on 10.03.04.
Youghal	CK YOUNG 046	Local Agenda 21 Partnership Fund - Reduce Youghal's Waste Initiative	This project received €1,250 from the Department's Local Agenda 21 Environmental Partnership Fund in 2003 (€2,500 with local authority co-financing). A further grant of €5,000 was awarded on 11.12.03
Galway	GY GLWY 012	Refurbishment of Walter Macken Flats (96 no. dwellings)	Construction work on the refurbishment works to 96 dwellings at Walter Macken Flats, Galway has been completed. Funding of €6,750,560 was approved and has been paid.
Galway	GY GLWY 013	Refurbishment of 44 no. maisonettes at Mervue	Refurbishment completed 2004. Funding of €1,496,413 paid.
Galway	GY GLWY 014	Housing Development at Merlin Park, Ballybane; construction of 114 houses	The estimated cost of the scheme is €11.27m.

RAPID Area (Strand II)	Project No.	Subject	Report / Position
Galway	GY GLWY 015	Proposed construction of 268 new dwellings at Merlin Park	The estimated cost of the scheme is €6.2m.
Galway	GY GLWY 016	Ballybane Neighbourhood Centre	The Department provided funding of €250,000 to Galway City Council under the One Stop Shop Programme.
Galway	GY GLWY 017	Refurbishment of 24 no. local authority houses at St. Finbarr's Tce, Bohermore	Approved as a remedial works scheme. Revised budget cost issued Feb 05 for €3,981,144. €2,734,323 paid to date.
Galway	GY GLWY 018	Housing Management Initiative Grant, Ballinfoile	€30,600 paid.
Galway	GY GLWY 019	Construction of 236 no. units at Bóthar na gCóiste, Ballinfoile	This scheme includes local authority, voluntary and affordable houses — all 126 local authority units are now completed. The total estimated cost of the scheme is €34.5m. A final account in respect of the social units issued for €18,344,781 has been paid.
Galway	GY GLWY 020	Construction of 19 no. social housing scheme for elderly people and people with disabilities at Sandyvale, Ballinfoile	This scheme was completed in 2003 at a cost of €2.3m.
Galway	GY GLWY 021	Westside Housing Inclusion Project	€28,639 paid.
Galway	GY GLWY 022	Westside Bris Project	€8,800 paid.
Galway	GY GLWY 025	Library at Westside	€2,030,114 paid to date (May 2006). Outstanding balance €55,636.
Galway	GY GLWY 028	Construction of three group units at Bóthar na gCóiste	This scheme was completed at a cost of €560,000.
Tralee	KY TRAL 016	Earth Education Project	€19,020 paid.
Tralee	KY TRAL 062	Earth Education Project	Continuation of KYTRAL 016. €15,000 paid.
Athy	KE ATHY 008	Remedial Works Scheme at Townspark and Carbury Park	€100,000 initially allocated in 2004. Tenders received by council for refurbishment works to 37 houses (2006).
Athy	KE ATHY 009	Employment of Tenant Liaison Officer	€28,800 paid.
Kilkenny	KY KLKY 011	Traveller Accommodation	Under Construction. Approved budget €1,258,990.
Kilkenny	KY KLKY 027	Ossory Park Remedial Scheme	The estimated cost of the pilot phase is €1.2m. Work on nineteen houses has been completed. Borough Council are finalising proposals for the next phase of the refurbishment which involves the redevelopment of part of Ossory Park known as Lower Street.

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RAPID Area (Strand II)	Project No.	Subject	Report / Position
Longford	LDLGF 026	Housing Management Initiative	€16,000 paid.
Clonmel	ST CLON 005	Estate Management Initiative	€30,600 paid.
Tipperary	ST TIPP 001	Housing Management Initiative, Tipperary Town	€7,500 paid.
Carrick-on-Suir	ST CKSR 010	Ballylynch Renewal Programme	The estimated cost of the pilot phase and phase 1a is €2m. Phase 1A to be split into 2 tenders. Central heating tender approved June 2005 and windows and doors tender approved October 05. Phase 1A is almost complete.
Athlone	WM ATHL 003	Provision of Social Housing	This proposal relates to the construction of 30 houses in the Monksland area of Athlone. A budget cost of €3,171,038 was approved — €2,561,866 paid to date (May 2006).
Athlone	WM ATHL 006	Athlone Civic Amenity Facility	Grant approval €860,703. Amount paid to date and claim on hand €770,078. Final estimated draw-down of grant is €800,000.
New Ross	WD NEWR 007	Tenant Participation Officer	€41,400 approved (€31,400 salary, €10,000 support costs).
New Ross	WD NEWR 017	Construction of a Waste Water Treatment Plant and interceptor sewer	The estimated cost of the scheme is €13.8m and construction is expected to commence in 2006.
Wexford	WD WEXF 026	Tenant Liaison Officer	€36,663 paid 04/05. Funding of €41,731 approved in June 2005 for the employment of a Tenant Liaison Officer for a further year.
Wexford	WD WEXF 028	Local Agenda 21	€12,500 paid.

Local Authority Housing.

288. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that local authorities are stating that tenants are deemed to have surrendered the tenancy of their council house on being committed to prison and councils are threatening families with legal proceedings to take possession under these circumstances. [19978/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): My Department has no role in relation to individual tenancy agreements, which are a matter for each housing authority. Tenancy agreements must comply with statutory provisions and Regulations, notably article 83 of the Housing Regulations 1980. Agreements provide the legal framework for the relationship between the housing authority and its tenants, and generally contain provisions in relation to behaviour by tenants. Failure to comply with these agreements may result in a housing authority seeking surrender of the dwelling. My Department is not aware of any case of the kind referred to in the Question.

Road Network.

289. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position regarding a project (details supplied) in County Mayo; the funding in place for this project; if this funding been drawn down by the local authority; when work will commence on this project. [19979/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The provision of non-national roads and bridges in County Mayo is a matter for Mayo County Council to be funded from its own resources supplemented by State grants provided by my Department. Accordingly, progress with the advancement of the Achill Sound Bridge project is a matter for the Council. Under the 2005 EU Co-Financed Specific Improvements Grant Scheme, Mayo County Council was allocated a grant of €450,000 towards the Achill Sound Bridge. A sum of €90,666 was drawn down by the Council in 2005 in respect of this project. Under the 2006 EU Co-Financed Specific Improvements Grant Scheme, Mayo County Council has been allocated a grant of €200,000 for design works on the Achill Sound Bridge. A sum of €568 has been claimed to date by the Council this year for this project.

Private Rented Accommodation.

290. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that there is a two month backlog in the processing of regis-

tration applications by the Residential Tenancies Board; the actions he intends to take to redress this situation. [19980/06]

291. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that the Private Residential Tenancies Board public office and telephone line is now only open from 10 a.m. to 12.30 p.m. Monday to Friday; if his attention has further been drawn to the fact that the PRTB state that this temporary limitation of service is due to the volume of correspondence received; and if in view of the difficulties this limitation of service is causing for tenants in the private rented sector he will make additional resources and staff available to the PRTB to meet with its obligations under the provisions of the Residential Tenancies Act 2004. [19981/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): I propose to take Questions Nos. 290 and 291 together.

These matters are responsibilities of the Private Residential Tenancies Board, which is an independent statutory body established under the Residential Tenancies Act 2004. It is a matter for the Board to determine how its statutory functions can most effectively be performed and to deploy resources having regard to demands and priorities. Substantial resources are being provided to the PRTB to meet the high level of demands on its services. There is currently a total of 42.5 staff working in the PRTB, which also receives ongoing support from my Department. The PRTB has also engaged a panel of 175 mediators and adjudicators to assist with its dispute resolution functions. An increased provision of €3.707 million is available to fund the PRTB's administration and services in 2006, compared with an outturn of €1.737 million in 2005.

Waste Management.

292. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government the amount collected to date under the Waste Electronic Electrical Equipment Directive; if he is satisfied regarding the way the directive is being implemented; and if he will make a statement on the matter. [19993/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Waste Electronic and Electrical Equipment (WEEE) scheme has now been operating for nine months and its real benefits both for consumers and for the environment are now very apparent. WEEE is now being collected from over 180 collection points nationwide and very significant quantities are being returned for recycling. From 13 August 2005 to the end of February 2006, 14,587 tonnes were collected nationally. This is the equivalent

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of an annual collection rate of 6.7Kg per person and is particularly impressive against our national target under the WEEE Directive to reach 4Kg per person by 2008. This figure also compares very favourably with the 5,510 tonnes of this waste type that was recovered in the whole of 2004 and indicates widespread public support for the implementation of the Directive.

Natural Heritage Areas.

293. **Ms Harkin** asked the Minister for the Environment, Heritage and Local Government the number of hectares per county designated NHA, SAC or SPC; and if he will make a statement on the matter. [20039/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The following table lists the hectares per county for all nature conservation sites i.e. Natural Heritage Areas (NHA), Special Areas of Conservation (SAC) or Special Protection Areas (SPA) currently protected under the Wildlife Acts 1976-2000 and the European Union (Natural Habitats) Regulations, SI No. 94/1997 as amended.

County	Designated Areas (Hectares)
Carlow	6,561
Cavan	18,523
Clare	97,838
Cork	66,928
Donegal	137,865

County	Designated Areas (Hectares)
Dublin	22,136
Galway	202,490
Kerry	218,708
Kildare	6,397
Kilkenny	7,139
Laois	10,433
Leitrim	22,566
Limerick	14,193
Longford	9,384
Louth	18,830
Mayo	190,434
Meath	7,363
Monaghan	3,305
Offaly	10,418
Roscommon	21,895
Sligo	41,272
Tipperary	29,479
Waterford	18,135
Westmeath	15,795
Wexford	66,399
Wicklow	43,105
Total	1,307,591

The sites included in these areas were publicly advertised in local media and notified to individual landowners/users where known. While these sites enjoy legal protection from the date of advertisement, the formal designation of these sites is not complete until I have signed an Order under the relevant legislation for each. This is an ongoing process following consideration and determination of any objections from those affected.