

DÁIL ÉIREANN

—
Dé Céadaoin, 7 Meitheamh 2006.
Wednesday, 7 June 2006.
 —

Chuaigh an Leas-Cheann Comhairle i gceannas ar 2.30 p.m.

—
Paidir.
Prayer.
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Business of Dáil.

An Leas-Cheann Comhairle: Proceedings cannot begin until there is a quorum in the House and we have lost almost ten minutes because Members did not turn up to constitute one. They should take note of this because they are losing time allocated for Question Time.

Ceisteanna — Questions.

Priority Questions.

Air Services.

54. **Ms O. Mitchell** asked the Minister for Transport if it is the Government's long-term intention to retain a minimum share of at least 25.1% in the State airline Aer Lingus; if so, the means by which it is intended to do so; and if he will make a statement on the matter. [21900/06]

Minister for Transport (Mr. Cullen): The Government's intention is to retain a significant shareholding in Aer Lingus so that key strategic interests can be protected. In this regard, the State will retain a minimum shareholding of at least 25.1% in the company, although the exact figure still has to be decided. This is significant because a minimum shareholding of 25.1% in a public company ensures the holder of that interest significant influence over matters requiring shareholder approval. It provides a basis on which to establish board representation. Ownership of more than 20% of the issued share capital of a company would, as the House knows, prevent a third party from compulsorily acquiring 100% of the company.

The question of the level of the shareholding to be retained by the State in the longer term will be a matter for future Governments. However, this Government has a clear commitment to retaining at least 25.1% of the company's share capital.

Ms O. Mitchell: I thank the Minister for his reply. He stated that he wishes to retain a significant shareholding, so that this would give the State a significant interest and prevent the future takeover of the company, against the Government's will, by a third party. Is the Government making a long-term commitment to a minimum share ownership in Aer Lingus? If so, how does it propose to proceed in that regard?

I take it that the reason the Minister did not answer the second part of my initial question is that the answer to the first part is no and that it is a matter with which future Governments will be obliged to deal. Does the Government intend to make a long-term commitment to Aer Lingus?

All shareholders — that includes all of us — and stakeholders, particularly those who work in Aer Lingus and who have a very immediate interest, are entitled to know precisely what the Minister is proposing. He referred to a minimum holding of 25.1% initially. If there was a long-term commitment, he would at this stage be able to inform the House how he intends to effect it. When further shares are issued and an automatic dilution of the State's shareholding occurs, does the Minister intend to hold, in the first instance, more than 25.1% or is it his intention to buy more shares in the company in each further flotation? A long-term decision must have been made in respect of selling the company or is it the Minister's intention to do what was recommended in the Goldman Sachs report, namely, that this should form part of a long-term exit strategy? If that is the case, what is the point in referring to protecting strategic interests?

Mr. Cullen: My reply to the Deputy was clear. I described a significant shareholding as a minimum of 25.1%. The exact figure has not been decided, so it will be a minimum of 25.1%. It may well be more than that but I am obviously waiting for the final analysis from the advisers with regard to that position. That is of some significance. I have had discussions with the company, trade unions etc., in respect of that point, so I am in a slightly difficult position. I cannot speculate on the floor of the House for obvious reasons. However, I am being absolutely clear in saying that it will be at least 25.1%. It may well be more than that.

On the second part of the Deputy's question, I am being unequivocal in so far as this Government is concerned. I cannot speak for future Governments, but the current Administration has decided to retain 25.1% of the company as an absolute minimum.

Ms O. Mitchell: The Minister is simply not answering the question. My question does not relate to how much he intends to retain. The minimum figure has been placed in the public domain. My question relates to how long the State intends to retain a strategic interest in Aer Lingus. What is the Government's long-term

[Ms O. Mitchell.]

strategy in respect of the ownership of the airline? Is it the Government's intention to put forward a strategy that will allow it to retain a minimum of 25.1% going forward? Or is it intended that this will merely form part of an exit strategy?

Mr. Cullen: It certainly is not part of an exit strategy. Obviously, the Deputy is anticipating that we may be in power after the next election. In that event, the position will not change and we will retain 25.1% of the company. That shareholding could be more, in the initial stages, and this would provide us with some headroom.

Ms O. Mitchell: In the event of a further flotation of the company within the lifetime of the Government, is it the Minister's intention to buy sufficient shares to maintain a 25.1% stake in the company?

Mr. Cullen: The Deputy can be absolutely certain there will not be another flotation of the company during the lifetime of the Government. I know where she is going with her questioning. I can only speak on behalf of this Government. The position is that we will retain a minimum shareholding of 25.1% in the company. That is absolute.

Ms O. Mitchell: Am I correct in saying there is no clear long-term strategy on this matter?

Mr. Cullen: There is. The Deputy is trying to put words in my mouth.

Ms O. Mitchell: I wish somebody would.

Mr. Cullen: The intention is clear. The Deputy knows how proscribed I am at this stage.

Ms O. Mitchell: The Minister is not in the slightest. He should not talk to me about commercial sensitivity.

Mr. Cullen: I wonder why the legal people keep telling me about this.

Ms O. Mitchell: This has nothing to do with commercial sensitivity except that this lack of clarity has implications for the sale of the airline.

Mr. Cullen: There is no lack of clarity. I do not want to be argumentative about this — I cannot nor do I want to put myself in that position. The position is absolutely clear. The Government has decided to retain a minimum stake of 25.1% in Aer Lingus and it may well be higher than that. I am waiting for the final——

Ms O. Mitchell: My question is how the Minister intends to retain that stake.

Mr. Cullen: We will retain a 25.1% minimum shareholding in Aer Lingus. The shareholding

may well be considerably higher than that. That remains to be seen. There will, however, certainly not be another flotation of the company in the lifetime of this Government.

Driving Tests.

55. **Ms Shortall** asked the Minister for Transport the way in which he will reduce the waiting times for driving tests; and if he will make a statement on the matter. [21883/06]

Mr. Cullen: As I have consistently indicated, the delay in providing driving tests is a matter of regret to me. It not only represents a poor service to the public but it also hampers the development of initiatives which I wish to pursue and which will contribute further to road safety. The driving test and those who deliver it are a key element in the road safety strategy.

It is my objective to eliminate the backlog of driving tests by mid-2007. That means having a waiting list of no more than 50,000 that can be scheduled in a ten to 12 week period.

The measures in place to deal with this are as follows. Seven civil servants from the Department of Agriculture and Food commenced working as driver testers in April this year and will conduct tests in 2006 and 2007. This gives an annual additional capacity of about 10,000 tests. Six further driver testers on two-year contracts are due to commence training on 12 June, with another five being trained shortly thereafter. These will provide additional capacity of about 15,000 in a full year.

A bonus scheme for driver testers has been operating since February 2006. The testers have the potential to deliver up to 40,000 driving tests over the course of the year in the evenings and on Saturdays.

The final element in the package to eliminate the backlog of driving tests was to outsource a block of tests to an outside agency. Negotiations on this aspect reached a position last week where Mr. Kieran Mulvey, chief executive of the Labour Relations Commission, acting as an agreed mediator, recommended proposals which would enable my objective of using this option to be implemented. I have accepted the proposals and I understand these are to be considered by union members this week and I sincerely hope they will accept them. I thank Mr. Mulvey and those involved on both sides for bringing this matter to a conclusion.

The proposals envisage that a contract would be in place by 1 July of this year. This would be a contract solely for the purpose of achieving a defined number of completed tests to assist in eliminating the current backlog of applications. It could be extended to 45,000 tests if necessary. I expect to see a marked reduction in the waiting list by the end of this year and will formally review the position, taking account of all the above measures, at that stage.

Ms Shortall: The figures the Minister gave are interesting. Has he factored in the signal he gave on what is likely to happen in the case of provisional drivers and the intention to end the unaccompanied rule? We would all welcome that move. We are probably the only country in Europe that allows learner drivers to drive unaccompanied. The new Bill provides for changes to that position. Has the Minister factored in the rush that would be caused in the number of provisional drivers applying to do their driving test, if he were to proceed to introduce those changes? If he were to do that, it would cause quite a rush which would result in a significant additional number to be factored into the current overall numbers. There is an underlying demand for approximately 177,000 tests per year without taking account of the backlog. By my reckoning, by the end of 2007 the waiting time for the driving test will be only reduced to 26 to 28 weeks. Where exactly does the Minister intend going with these proposed changes?

Does he accept that, to some extent, too much emphasis has been placed on the numbers without examining the system and the way it operates? Is he aware that last year 23,000 tests were cancelled and that there is something seriously wrong with a system whereby a person driving on a provisional licence never needs to take a test? Recent figures show that 2,000 people over the age of 70 years are driving on provisional licences. Does the Minister intend to change the system to oblige people to take a test before renewing their provisional licences?

Mr. Cullen: I and the House in general are *ad idem* with almost everything the Deputy has said. The Deputy is right in identifying the system as being out of date and incapable of handling the demands of modern living as much as the modern requirements for good testing. Many tests are lost each year due to people not turning up. When we go through the system it will be interesting to find the real bubble. We expect it to be smaller than the figures show for a range of reasons.

If someone does not show up for a test we need to be able to contact someone who is known to be available at short notice to come to do the test. This fast system is available in many other countries. I agree that people should not be allowed on the roads without doing a test. This is one of the issues with which we will deal when we do a root and branch redesign of the driving test system. It has been pointed out recently that the test costs less than one driving lesson, therefore people do not value it. People apply and pay the €33 charge but feel it does not matter if they do not show up.

There are a myriad of issues to address. We have thought long and hard about the changes. I sincerely hope the unions will recommend that their members agree to the outsourcing deal brokered by the Labour Relations Commission. I have asked the Road Safety Authority to put the

deal into action immediately because the tendering process is complete and is ready to go. I will conduct a review at the end of that process on which I will report back to the Deputy.

Acting Chairman (Dr. Cowley): The time for this question is concluded. The Minister should move on to Question No. 56.

Ms Shortall: Are we not to have a second round of supplementary questions?

Acting Chairman: No, there is a time limit.

Ms Shortall: It is standard practice for Priority Questions.

Acting Chairman: Six minutes are allowed. That is the rule of the House, which I must observe.

Ms Shortall: Yes, but there is a limit on contributions too which should be enforced.

Mr. Cullen: I was not trying to stall. I thought the Deputy was going to speak again. I will proceed more quickly. I am sorry about that misunderstanding.

Dublin Transport Authority.

56. **Mr. Eamon Ryan** asked the Minister for Transport when he intends to establish the proposed new Dublin transport authority; the powers the authority will have to direct other local authorities and transport bodies; and the changes that will be required to the regulation of other agencies as a result of the introduction of the new authority. [21898/06]

57. **Ms O. Mitchell** asked the Minister for Transport if he is satisfied with the progress made to date in establishing the Dublin transport authority since its announcement in 2005; the work carried out by the informal authority to date; when the enabling legislation will be published to allow for its formal establishment; and if he will make a statement on the matter. [21901/06]

Mr. Cullen: I propose to take Questions Nos. 56 and 57 together.

In November 2005 I appointed a Dublin transport authority establishment team to make recommendations on the establishment of a transport authority for the greater Dublin area, addressing the remit of the authority, its powers, structure, organisation and human and other resource requirements and such other matters as the team considered appropriate; advise on the content of legislation required to establish the proposed authority on a statutory basis; and make recommendations on the interim arrangements that should be put in place pending the enactment of the legislation.

[Mr. Cullen.]

I received the report of the Dublin transport authority establishment team on 28 March last. Significant progress has been made since then. My officials circulated to relevant Departments on 27 April a draft memorandum for Government and the draft general scheme of a Bill to establish the new authority on a statutory basis. Several meetings have subsequently taken place between my officials and officials of the Departments of Finance and the Environment, Heritage and Local Government to clarify certain issues.

I will shortly submit the matter to Government for decision and I expect to be in a position to publish legislation as soon as is practicable following such decision. It would not be appropriate to outline details of my proposals for the new authority pending consideration of the matter by the Government. The Government will also consider the establishment of an interim authority to put in place the organisational structure of the new authority, such as the recruitment of senior management, pending the passage of legislation.

Mr. Eamon Ryan: Given that there is a Railway Procurement Agency for railway infrastructure and a planning body in the Dublin Transportation Office telling us what sort of public transport we need and where the rail lines should be, does the Minister agree the principal role of this new authority will be regulatory? This is crucial and if it is to work it must have real power over other agencies. We must have an agency that tells Dublin Bus, CIE, the RPA, the DTO and local authorities what to do. Will the Minister give the authority absolute powers over such agencies to direct them in their work?

How does the Minister propose to set up a regulatory agency that will tell transport companies what public transport services we should have — in terms of timetables, routes etc. — if he has not solved the issue of what to do with the bus service in Dublin? How can we have a regulatory agency if the authority cannot state at the outset to Dublin Bus and whatever companies work in the area that it is the new regulatory regime, that it will put a franchise in place, set up a bidding system and explain how it will work? Surely a regulatory agency without such authority will not have a real role. Will the authority have those powers and how long will it take to set it up?

Mr. Cullen: The Deputy is right in principle. The Dublin transport authority must have substantial legal powers to be able to pull together all the elements, whether fixed rail, light rail, commuter or bus traffic etc., to develop a general public transport network in Dublin and regulate the entire market. There are good examples from other capital cities as to how a regulatory authority works and it is feasible to do the same in Dublin, particularly in the greater Dublin area.

The Deputy raised issues I am dealing with in parallel but which impinge on the legislation for

the Dublin transport authority and the reform of the market. There is an interrelationship between the two issues. I have kept the stakeholders on every side fully involved and have asked them to work through the issues with me. I appreciate the efforts they are making. We are at a crunch time. I have circulated the DTA memorandum for Government to the other Departments and hope to bring my proposals to Government shortly.

The legislation will take account of a number of the issues the Deputy has raised. Dublin Bus, Bus Éireann, Iarnród Éireann and private sector companies are all operating companies. There is a difference between how they operate and how we manage and regulate the market. The DTA will play a key role in that area. Currently the local authorities, the DTO and many other bodies have an input, but we need to centre authority in one body to have a clear vision of how we should go forward in terms of the best outcome for the paying customer, the public.

Mr. Eamon Ryan: The Minister says we are at a crunch time with regard to, for example, dealing with Dublin Bus and setting out the franchising system for buses. We have been at that crunch time for the past three years, but when push came to shove, the Taoiseach shoved the previous Minister out of office because he did not want to make a decision on it. Given that the Government has been sitting on the issue for the past three years, how can we expect the Minister to get Cabinet approval for radical changes in the transport system?

Mr. Cullen: Anybody who looks at my record since I came into the Department of Transport will see that decisions have been taken on many of the issues that were around for many years. As far as I am concerned, the Deputy may take it for certain that the decisions on the Dublin bus market will be taken also.

Mr. Eamon Ryan: I am looking at the Taoiseach's record. He will not go near the issue.

Mr. Cullen: The Taoiseach has been fully supportive of everything I have pursued in this regard.

Ms O. Mitchell: The Dublin transport authority has been promised for almost ten years in some form. Therefore, the Minister's record is not so tremendous. When the Minister announced Transport 21, it was only the next day he remembered the need for some sort of body to pull it all together.

Mr. Cullen: It was not.

Ms Shortall: Two days later.

Ms O. Mitchell: The Minister gave the chairperson an extraordinary brief — to go away and find out what her job was and to come back then

and tell him. This does not inspire confidence that the setting up of the body has been given great thought. When will we get the legislation that will give this body teeth? Transport 21 is just drifting along in the meantime. All the individual projects are either progressing or not progressing, depending on the various agencies involved. There is downright inter-agency rivalry where there should be co-operation, co-ordination and integration. It is totally destructive and contrary to the public interest that some agencies are denigrating the work of other agencies. It is up to the Minister to get someone to knock some heads together to ensure that all the bodies act in the public interest. I could give a dozen examples of circumstances in which that is simply not happening at present. No progress has been made on integrated ticketing, for example. There is an ongoing row between Dublin Bus and Luas about the use of O'Connell Bridge. Why has the second bridge, which has been promised in Dublin for ten years, not been finished? I refer to the Macken Street bridge, for which the Department of Transport and Dublin City Council are responsible. No co-ordination is taking place in respect of many such projects, all of which will perish on the same rock of indecision because the agencies cannot decide which of them is right. The proposed new Dublin transport authority must be established and allowed to make decisions in the public interest. When will the legislation be brought before the House?

Mr. Cullen: I disagree with much of what the Deputy has said. I am pleased that we are ahead of schedule, according to the timeframe I set out under Transport 21, particularly in Dublin but also in the rest of the country. The four Luas——

Ms O. Mitchell: Is it the——

Mr. Cullen: Sorry, it is up to me to answer the questions asked by the Deputy.

Mr. Cuffe: Is integrated ticketing ahead of schedule?

Ms O. Mitchell: I specifically asked about the reality.

Mr. Cullen: I agree with the Deputy. I have pronounced——

Mr. Crowe: What about those who have to sit in traffic for hours? Is the Minister telling the people who have to sit in traffic for hours every day that they are satisfied?

Mr. Cullen: I suppose the Deputy has a magic wand to sort that out. The reality is that any fair assessment of Transport 21, including the assessment of the Deputy's colleagues on all sides of the House who tend to want to meet me every time we are out, which is about twice a week, opening or starting new projects——

Ms O. Mitchell: Or re-announcing them.

Mr. Cullen: ——highlights the fact that it is going extremely well. As Deputies have rightly stated, a body like the proposed Dublin transport authority is needed to oversee transport matters in Dublin. Of course there is rivalry between the different agencies which are responsible for their own modes of transport — there is no doubt about that. The integrated ticketing project has not been as much of a success, for all sorts of reasons, as people on both sides of the argument would have wanted. That is a true statement. I have probably devoted more time to trying to sort out that issue than to anything else since I started to work in the Department of Transport. I hope we are about to reach a conclusion in that regard.

The functions of the proposed Dublin transport authority are not preventing the quick delivery of many projects, including the new railway station in the docklands area of Dublin, four *3 o'clock* Luas projects, metro north and all the different roads projects which are being started and opened on a weekly basis. Approximately two new roads are being opened each week throughout the country, including Dublin. There has not been any slow-down. I agree with Deputy Mitchell that the long-term view is that an independent regulatory body is needed to deal with a range of issues relating to the greater Dublin area. The proposed Dublin transport authority is that body.

Ms O. Mitchell: Should I understand from the Minister's answer that the establishment of the proposed Dublin transport authority is a long-term project? Is it the case that the period of time covered by Transport 21 will have elapsed, in effect, by the time the authority is established? Can the Minister tell the House when the relevant legislation will be before it? Is it a long-term prospect?

Mr. Cullen: As the sun is shining, I will take a deep breath and——

Ms O. Mitchell: The Minister said that it is a long-term project.

Mr. Cullen: I said ten minutes ago that I have received the report. I have already circulated a memorandum for Government, with the heads of the Bill. There is a procedural timeframe in that regard. It is due back to me shortly. I expect to take it to the Cabinet in the next few weeks. That is what I have said.

Ms O. Mitchell: When will we have the legislation?

Mr. Cuffe: Will we have it this year?

Mr. Cullen: I said that the legislation will be drafted as quickly as possible and that I expect to publish it in the autumn. In the meantime, I will

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establish the body in shadow form, as I did in the case of the Railway Safety Authority, which had a huge impact long before any legislation was in place.

Air Services.

58. **Mr. Crowe** asked the Minister for Transport the reason he has insisted on the privatisation of Aer Lingus without adequate and satisfactory consultation with the unions and without agreement from the majority of the national airline's employees; and if, in view of such opposition, he will reverse his decision. [21882/06]

Mr. Cullen: I do not accept that I have not consulted satisfactorily with Aer Lingus staff or trade unions on the planned investment transaction for Aer Lingus. Prior to the Government's decision in May of last year to reduce its shareholding in Aer Lingus to facilitate equity investment in the company while retaining a significant stake, I consulted the trade unions on the company's future ownership structure and funding requirements, as required under the terms of Sustaining Progress. Since then and prior to the decision in April this year on the basis on which an investment transaction will take place, I met a delegation of Aer Lingus trade unions and officials from the Irish Congress of Trade Unions on three separate occasions, in June 2005 and on 2 March and 3 April this year.

In addition, the agreement reached with the Aer Lingus trade unions concerning the employee share ownership plan, ESOP, provides for a consultation process with regard to any third party investment in Aer Lingus. Pursuant to that agreement, departmental officials, the advisers to the Minister for Finance and I have met on a number of occasions the advisers to the Aer Lingus employee share ownership trust, ESOT, and the Aer Lingus central representative council. The latter is the representative body of all the Aer Lingus trade unions.

Mr. Crowe: I expect the Minister is aware that many of the union representatives are dissatisfied with the so-called consultation. Does the Minister understand consultation to consist essentially of him informing the workers' representatives about what he intends to do or is there a genuine consultative process involved?

As regards the meetings, the Minister's strategic plan states that he will sell off Aer Lingus in the long term. Does he accept that now is probably the worst time ever to so do, particularly in view of increasing oil prices and the prospect of falling passenger numbers and profits? For example, one may consider the difficulties encountered by Air Berlin, which recently floated on the stock exchange. Employees' shares were diluted and the expected money was not realised from the flotation.

The workers are in the dark at present. When will the Minister inform them as to what will happen to the company? There has been much stalling on this matter since 1992. What timescale does the Minister envisage in respect of the sale and is commercial investment completely off the agenda? Although Ireland is a hub at present, is the Minister concerned that it will cease to be so after the possible sale of Aer Lingus and will become more of a backwater? I will be interested to discover his view in that regard.

As regards the consultations, those to whom I have spoken are dissatisfied with the Minister's involvement therein. While I am aware that he will meet the unions again tomorrow, but people expect consultations to be a two-way process. Until now, the Minister has not taken on board the concerns of the workers, particularly with regard to their pensions and so on.

Mr. Cullen: Since the start of this process, I have been direct, open and straightforward with all the unions. They know and appreciate that. I have also behaved similarly towards management and have no difficulty with meetings or consultations. While I have been clear on the issues, some of which were raised by the Deputy, I will not comment on them now. They are part of the process and I wish to see conclusions drawn on them.

I accept that, from an ideological perspective, some people are opposed to the sale. While that is fair and while I respect their position, it does nothing to develop the company into the future. Although the Deputy mentioned another airline, despite the efforts of some to suggest otherwise, there is no comparison between it and Aer Lingus. The other airline has been a loss-making company for the past five years and it operated in a different type of market to Aer Lingus.

Aer Lingus is profitable. For a company to go to the market, it must be profitable. It is, therefore, the right time to do so. The business plan presented by Aer Lingus is significantly geared towards the future. I negotiated the open skies deal from an Irish perspective with regard to a transition period for Shannon. I travelled to the United States and met the Secretary of Transportation, Norman Mineta, and have had close relationships with the EU Commissioner for Transport, Jacques Barrot. I have engaged in considerable dealings with the various EU presidencies regarding this issue. This is the right time for growth in airports, airlines and passenger numbers. I do not accept the Deputy's view that passenger numbers will decrease.

While the question of fuel is undoubtedly an issue for all airlines, Aer Lingus has coped well in this regard. All international long-haul airlines, including Aer Lingus, have a fuel surcharge and it has not affected passenger numbers. Those airlines which state that they do not levy a surcharge are short-haul operations. I understand that no

short-haul operations have added surcharges on short-haul routes.

When everything is considered, it is evident this is a good period. I appreciate the work being undertaken by the unions with the management in the company. I also appreciate the work of all those who advised the unions, the Minister for Finance, his Department and me. It has been a good process, which has been very communicative. However, it must come to a conclusion. We are ready to go to the market and we must do so. It is the correct thing to do to provide Aer Lingus with a major future. Failure to do so would cripple the airline and tie its arms behind its back, making it impossible for it to compete on a level playing field. Neither I nor the Government will preside over such a scenario.

Other Questions.

State Airports.

59. **Mr. Stanton** asked the Minister for Transport when he expects the issues of funding for the new terminal at Cork Airport to be resolved; his views on same; and if he will make a statement on the matter. [21904/06]

135. **Mr. Timmins** asked the Minister for Transport the initiatives he has taken to resolve the issue of the cost relating to the terminal at Cork Airport; and if he will make a statement on the matter. [21921/06]

168. **Mr. Allen** asked the Minister for Transport if his attention has been drawn to when the new terminal at Cork Airport will be fully operational; if he has satisfied himself regarding its delayed opening; and if he will make a statement on the matter. [21923/06]

Mr. Cullen: I propose to take Questions Nos. 59, 135 and 168 together.

As stated previously, funding of the new Cork Airport terminal will be obliged to take account not only of what is commercially and financially feasible for Cork Airport but also of what is commercially and financially feasible for Dublin Airport. Future plans for both Shannon and Cork as independent airports must have regard to the capacity of each to contribute to its own capital investment programme.

Under the State Airports Act 2004, before assets can transfer to the Shannon or Cork airport authorities, both the Minister for Finance and I will have to be satisfied as to the financial and operational readiness of both bodies. Accordingly, each of the three airport authorities is required to prepare a comprehensive business plan and obtain our joint approval for these plans before assets can be transferred to the airports. The three airport authorities are working on the

preparation of these plans, with the Dublin Airport Authority, DAA, co-ordinating the process. A range of issues need to be carefully considered in this work, including the optimum mechanisms for the financing of the new terminal in Cork and the allocation of airport assets among the three airports.

These are complex issues that the airport authorities must consider carefully and, as stated previously, I have not imposed artificial deadlines for the completion of this process. My Department will continue to liaise with all three authorities on the business planning timetable, taking account of the key issues that I have mentioned. The capacity of Cork Airport to operate on a fully commercial basis will be fully assessed as part of this process and will be factored into the decisions to be made. I look forward to the finalisation of the business planning process because of its importance in facilitating the development of dynamic, independent and financially sustainable State airports. The Government objective of airport restructuring will be achieved in a manner that underpins the financial sustainability of all three State airports.

The delay in the opening of the new terminal at Cork is an operational matter for the DAA and Cork Airport Authority and I have no statutory functions in this regard. However, I understand that construction of the terminal will be completed within a matter of days.

Mr. Stanton: The Minister's predecessor stated in the House that, when established on a statutory basis, the independent Shannon and Cork authorities would both "commence business free of debt". At the time, he also inquired whether anyone believed he should allow Cork Airport to pay off the debt while still developing an airport and stated that the burden of the debts in question should be lifted from the shoulders of the airports to allow them to develop properly into the future. What was the basis of that commitment? Was it Government policy three years ago? If so, what, other than the appointment of a new Minister, changed? Was the Minister of the day speaking on behalf of the Government?

Mr. Cullen: Nothing has changed. I am in the same position as my predecessor. People have selectively quoted from various documents but the opening contribution to the debate on the State Airports Act 2004, provides absolute clarity. I agree with the board of Cork Airport, which wants its independence much earlier than was envisaged when the legislation was introduced. It would be good if that were achieved but a number of complex issues must be addressed, such as the distribution of assets and the reserves that must be in place to facilitate this. Cork Airport is in a good position because it has a new terminal and, in light of the growth in the market, it can quickly become fully independent. If any changes were made, they concerned the time-

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frame because, while it had been understood Shannon would be facilitated first, followed by Cork, the board of Cork Airport has considerably shortened that timeframe. I agree with that decision but it will give rise to different challenges in terms of achieving the target.

Mr. Stanton: Is the Minister accusing his predecessor of making of a mistake by stating “they will both commence business free of debt”?

Mr. Cullen: My predecessor’s statements accord with mine. Cork, Shannon and Dublin airports have to remain financially viable and must be turned into commercial successes. The three boards and my Department are engaged in that process, with the advice of a myriad of advisers, and will reach a conclusion once the areas of disagreement are resolved. This is not a game and serious financial issues are involved for the airports and their customers. I have every intention of ensuring Cork Airport is in a strong commercial position when it becomes independent and the same applies for Shannon and Dublin airports.

Mr. Allen: Does the Minister agree this Government’s cock-up and betrayal of a promise made by a Minister in Cork will result in the imposition of significant charges on passengers travelling through Cork Airport? Does he further agree that the level of debt forms a noose around the neck of the Cork Airport Authority which will hinder future growth?

At a formal meeting in Cork last November, we were told by authoritative sources that the terminal would be ready by December but, due to operational reasons, would not open until January. We were then told in January that it would open in time for the Easter travel period. Now we are being told it may not open until September or October. Will the Minister get his Department’s act together to deal with this appalling time delay? The extension of the completion date from January to September defies explanation. Will the Minister make a clear statement with regard to these events?

Will he take a strong line with the Dublin Airport Authority in respect of the arrangements it is imposing on Cork? Dublin Airport Authority cannot even get its act together to erect a marquee on the roof of its own terminal, yet by putting its heavy hand on Cork Airport, it caused the development of the new terminal to be delayed by nine months. Will the Minister make a statement on this delay and the implications for the future development of Cork Airport?

Mr. Cullen: I understand the terminal will be completed in a matter of days. Deputy Allen may be expressing a lack of confidence in the board of Cork Airport arising from its inability to meet

the deadlines it gave to the Deputy and others over the past eight months.

Mr. Allen: Somebody could not meet the deadline.

Mr. Cullen: I would have preferred that the Cork Airport terminal development had been delivered on time and within budget. While I will await the outcome of the matter, it is certainly not on time and does not appear to be within budget. That is somewhat disappointing but the reality is we have to take account of these issues.

Mr. Allen: Who is responsible for the failure to complete the terminal on time or within budget?

Mr. Cullen: We can be confident that Cork effectively has a new airport, which will bring tremendous benefits to Munster and the south. The success of this fantastic new facility will be important. It will attract millions of passengers to Cork and I do not doubt the airport will attempt to dramatically expand its short-haul services and take advantage of new long-haul destinations. That is all good news. We must focus on the future in a sustainable way with an active, commercially viable Cork Airport with a sound financial base. Everybody involved in this process wants that and I am determined to deliver it.

Mr. Stanton: Does the Minister agree that certainty on Cork Airport is urgently needed? He has not answered my question on whether this commitment was given by his predecessor. “Yes” or “no” will suffice. Does he agree or will he comment on what Mr. McGann recently said, that the Dublin Airport Authority would need approximately €300 million of distributable reserves before the airports could be split up? What are the gross borrowings of the airport? Is it true that they stand at €472 million? Does he plan to introduce legislation if they exceed €700 million?

Mr. Cullen: As the Deputy has raised a range of questions that were not part of the question I have answered, I do not have some of the specific answers. If the Deputy will put down a question I will get the specifics for him. Cork Airport is ready to go and we must make a decision. We cannot operate State companies outside the companies law.

Ms Shortall: Tell the Minister, Deputy Brennan.

Mr. Stanton: Why did he make the statement?

Mr. Cullen: Some people have put it to me that because they were State companies we could ignore proper accounting procedures and fiscal and business management.

Ms Shortall: The Minister, Deputy Brennan, made that assumption.

Mr. Cullen: He did not.

Mr. Stanton: He said it to the Minister in the House.

Mr. Cullen: If one reads what was said in the House in 2004 from start to finish, as I have, not selectively—

Mr. Stanton: The Minister should read his letter. He says it here.

Ms O. Mitchell: Deputy Stanton has just read it out.

Mr. Cullen: The former Minister for Transport stated there would have to be a finance lease arrangement between Cork and Dublin airports to facilitate the independence of Cork Airport.

Mr. Stanton: Did he say it would be debt-free, yes or no?

Mr. Cullen: That was stated—

Mr. Stanton: Did he say it would be debt-free? I have asked four times. Is it yes or no?

Mr. Cullen: That was stated on the record in this House. The issue of having distributable reserves is complex. It is fine by me if we wait until all the distributable reserves are available to Dublin Airport. The board of Cork Airport does not see it that way. It does not want to wait and it is right. It wants to become independent quicker. If we want to wait for that timeframe to be completed we can have everything on our wish list. In the meantime Dublin Airport will have to run Cork for the foreseeable future.

Ms O. Mitchell: The root of this problem is political indecision, as it has been with so many Ministers for Transport.

Mr. Cullen: There has been no indecision on my part. I have had enough meetings with Cork Airport management. I have not changed my views since the first time I met them.

Ms O. Mitchell: When it comes to aviation the Minister is always one peg short of a tent. A political decision must be made. Dublin, Shannon and Cork airports cannot produce realistic business plans. The Minister says he will not put pressure on them to produce business plans and will give them an indefinite timescale. It will be an indefinite timescale because they cannot make a business plan until they know how the debt is to be apportioned. The airports need to know. Cork Airport has already lost flights. Dublin Airport needs to know what it has to invest in its enormous and delayed expansion plans. The Minister is the only person who can make a decision. We read in today's newspaper that Dublin Airport has decided to postpone a

decision. To put it back in the Minister's lap it is getting another report, which it will send to the Minister because the airports cannot make that decision. It is a political decision and it must be made politically. It is down to the Minister to make it. He must do more than make announcements and re-announcements.

Mr. Cullen: I disagree with the Deputy. She knows well that I have made all the decisions and will make the decision on Cork and Dublin airports. I would prefer if people on both sides of this argument took the political baloney out of this. I choose my words carefully. It would be easier to resolve if they did, but some people chose to make a political football of this—

Ms O. Mitchell: No.

Mr. Cullen: —and this was to the detriment of good, sound, financial business decisions being made. I have met Cork Airport management on every occasion on which they have sought to meet me. I have had numerous meetings with them. I made arrangements for them to go to London recently, where they met people who are analysing their future. That was a successful meeting. They asked me to facilitate it and I did so. Those reports are being concluded and will be sent to me. I have not received them, and the board of Cork Airport asked me to allow its input into the conclusion of those reports before I made a decision. I agreed to that from the point of view of both Cork and Dublin airports. Those reports are almost finalised and I will make the decision the minute I get them. I hope everybody will support the decisions.

Mr. Allen: Did the Minister say the terminal will be finished in days or open in days? There is a difference.

Mr. Cullen: I said it will be finished in days.

Mr. Allen: I warn the Minister that he is following the same road he did with his electronic voting debacle. He lectured the Opposition about playing political football and accused us of being Luddites. He is using the same tactics now. Former Minister for Transport, Deputy Brennan, introduced the only political element when he wrote a letter saying Cork Airport would inherit a terminal debt-free. It is as clear as that. I do not know what else the Minister is reading into it. The people of Cork expect a political delivery on this. I differ with the Minister when he says Cork will have a new airport. Although Cork will have a new terminal, its future growth will be stymied by the fact that it needs extra capacity for airport stands and runway expansion. That cannot happen unless the burden of debt is lifted. The Minister should not tell us we have a new airport. We have a new terminal, which is approximately eight months overdue, and a potential debt of almost

[Mr. Allen.]

€200 million. We need clear-cut statements. It is make your mind up time for the Government because it was a Government decision and statement. When will the terminal open for operations and when will the Minister make a decision on the debt?

Mr. Cullen: I am glad the Fine Gael position is clear. It wants to ladle all the debt from Cork Airport on to the passengers at Dublin Airport.

Mr. Stanton: Here we go.

Ms O. Mitchell: Did somebody on this side of the House say that?

Mr. Allen: Did somebody say that here?

Mr. Cullen: Fine Gael wants to ride every horse in every constituency around the country with no accountability for anything.

Mr. Allen: The Minister fell off the horse on electronic voting.

Mr. Cullen: I wish Deputy Allen good luck with that. The truth of it will emerge in time.

Mr. Allen: Good luck to me, not much good luck for the taxpayer.

Mr. Cullen: Cork Airport wants a debt in excess of €200 million to be landed exclusively at the door of the Dublin Airport Authority. I do not know what the north Dublin Fine Gael Deputies or hopeful Deputies feel about that.

Ms O. Mitchell: We want a decision from the Minister today.

Ms Shortall: The Minister, Deputy Brennan, promised it.

Mr. Cullen: It is not Fianna Fáil's position to do that. We want a balanced outcome for the development of all the airports and we will get it.

Mr. Stanton: The Minister's predecessor said all this.

Mr. Cullen: The game-playing that goes on with Fine Gael trying to play off both is unsustainable, as Deputy Allen knows. We will have a conclusion on this in the next few weeks. I told Deputy Allen the terminal will be completed in the next few days. I did not say when it would be opened.

Mr. Allen: When will it open?

Mr. Cullen: That is a matter for the Cork Airport Authority. If it cannot open the terminal after getting €200 million for it, that is a poor look-out for the future.

Driving Tests.

60. **Mr. Hogan** asked the Minister for Transport the terms of the new deal to allow the outsourcing of the driving testing service; when this scheme will commence; the impact it will have on the waiting times and numbers awaiting a test; and if he will make a statement on the matter. [21915/06]

81. **Mr. Morgan** asked the Minister for Transport if agreement has been reached with IMPACT regarding clearing the driving test backlog; and if he will make a statement on the matter. [21913/06]

117. **Mr. Ferris** asked the Minister for Transport the way in which he will address the driving test backlog. [21911/06]

141. **Ms B. Moynihan-Cronin** asked the Minister for Transport his proposals on minimising the high number of driving test cancellations. [21987/06]

147. **Caoimhghín Ó Caoláin** asked the Minister for Transport the situation with the driving test backlog; and if he will make a statement on the matter. [21907/06]

151. **Mr. Broughan** asked the Minister for Transport his target for the number of driving tests in 2006 and 2007; and the way in which these will be sourced. [21959/06]

285. **Mr. Durkan** asked the Minister for Transport the extent to which he can expect an increased throughput in respect of driving tests; and if he will make a statement on the matter. [21870/06]

Mr. Cullen: I propose to take Questions Nos. 60, 81, 117, 141, 147, 151 and 285 together.

This question should have been taken earlier as it is repetitive. I refer to Priority Question No. 55 which I answered earlier.

As I have consistently indicated, the delay in providing driving tests is a matter of regret to me. It not only represents a poor service to the public but it also hampers the development of initiatives which I wish to pursue and which will contribute further to road safety. The driving test and those who deliver it are a key element in the road safety strategy.

It is my objective to eliminate the backlog of driving tests by mid-2007. That means having a waiting list of no more than 50,000 that can be scheduled in a ten to 12-week period. The measures in place to deal with this are as follows. Seven civil servants from the Department of Agriculture and Food commenced working as driver testers in April this year and will conduct tests in 2006 and 2007. This gives an annual additional capacity of about 10,000 tests. Six further driver testers on two-year contracts are

due to commence training on 12 June, with another five being trained shortly thereafter. These will provide additional capacity of approximately 15,000 in a full year.

A bonus scheme for driver testers has been operating since February 2006. The testers have the potential to deliver up to 40,000 driving tests over the course of the year in the evenings and on Saturdays. The final element in the package to eliminate the backlog of driving tests was to outsource a block of tests to an outside agency. Negotiations on this aspect reached a position last week where Mr. Kieran Mulvey, chief executive of the Labour Relations Commission, acting as an agreed mediator, recommended proposals which would enable my objective of using this option to be implemented. I have accepted the proposals and I understand these are to be considered by union members this week and I sincerely hope they will accept them.

The proposals envisage that a contract would be in place by 1 July of this year. This would be a contract solely for the purpose of achieving a defined number of completed tests to assist in eliminating the current backlog of applications. It could be extended to 45,000 tests if necessary. I expect to see a marked reduction in the waiting list by the end of this year and will formally review the position, taking account of all the above measures, at that stage.

Acting Chairman: Can the Minister clarify that he is responding to a number of questions?

Mr. Cullen: I am responding to Questions Nos. 60, 81, 117, 141, 147, 151 and 285.

Ms Shortall: Does the Minister accept that, on the basis of these figures, his proposals to cut the waiting list will not work and will not reduce waiting times to ten weeks by 2007? Does he intend to end the provision for unaccompanied drivers? Why has the effect of this not been factored into the projections for the next few years?

Is there not a serious problem with the IT system, contributing to the lack of return for the investment in the service? I presume the Minister is aware the head office in Ballina is incapable of communicating with other test centres by e-mail. It must use the postal system. Even though one can apply for a driving test on-line, each application must be input manually in Ballina. Operating as if we were not in the computer era is a ridiculous waste of resources in what is supposed to be a modern service. What is the Minister's intention in respect of the IT system? When does he intend to replace it?

Mr. Cullen: I do not agree with Deputy Shortall's assertion that the proposals, which I hope will be agreed this week, will not have an impact. They will have a substantial impact.

Ms Shortall: They will have an impact but will not reduce waiting times to ten weeks.

Mr. Cullen: They will have a substantial impact on the backlog. Both sides agree this. I have agreed to review the process and the achievements later. We need to radically overhaul the driver testing system from two points of view — the system of delivering tests, and the criteria for someone driving on the road and the licensing system that should be in place. The new chief executive and the board of the Road Safety Authority is examining both systems and policy. The process is well under way. We need a new modern system to deal with the necessary changes, of which the public is conscious. That someone can receive a provisional licence and drive a vehicle without doing a test is fundamentally flawed. We need a new learner permit system.

Ms Shortall: When will the IT system be replaced?

Mr. Cullen: The chief executive is examining the requirements.

Ms Shortall: Has the Minister any plans to do so?

Mr. Cullen: The Road Safety Authority has plans to do so and the funding is available.

Ms Shortall: Is funding available for this year?

Mr. Cullen: If the Deputy tables a question I will seek the answer from the chief executive.

Ms Shortall: Talk about passing the buck. The Minister is responsible for this. He should be able to answer a question rather than suggesting I table another one to see what the chief executive states.

Mr. Cullen: I responded directly to what the Deputy asked. The new chief executive, the board and over 300 members of staff of the Road Safety Authority have been put in place. It is their job to run the authority and they are well paid to do so. I will deal with the policy area. I have agreed that the systems are not capable and that more modern systems are needed. I have agreed our policies are poor in respect of the ease with which those with provisional licences can drive. I have changed this. I do not know what Deputy Shortall wants me to do, apart from travelling to Ballina and running the Road Safety Authority headquarters.

Ms Shortall: The Minister has presided over the shambles that is driver testing for over two years. When I ask if funding is available for a new IT system, it is a little rich for him to state he will ask a chief executive appointed only a few weeks ago.

Mr. Cullen: I made proposals that were blocked by the union, supported by Deputy Shortall. I do not want to hear a load of baloney. I have answered the question three times.

Ms Shortall: The Minister has dodged the question as usual, passing it on to someone else.

Mr. Cullen: I have not.

Ms O. Mitchell: It is over a year and a half since the Minister first proposed outsourcing 40,000 tests, a meagre and timid ambition which would not have solved the problem at that time. It certainly will not work this year because each year an additional 40,000-45,000 test applications are made. Currently, approximately 130,000 people are awaiting tests. If the Minister's proposals are agreed, there is no prospect of more than 40,000-45,000 being cleared. That is the limit of the agreement mediated by Mr. Kieran Mulvey. Some 130,000 test applications will remain. The only contribution to clearing the backlog is the promise of increased productivity. Does the Minister really expect that increased productivity will clear the backlog of 130,000 people awaiting the test and reduce the waiting time to ten weeks? Even a ten-week waiting list is grossly inadequate for the systems referred to in the legislation to function. A waiting time of two weeks is required, such as exists in Britain. As Deputy Shortall states, if the measures envisaged in the legislation are announced 4,000 drivers on provisional licences will apply. How does the Minister propose to clear the backlog of 130,000 and the 45,000 applications that are made every year? The Minister's proposals have no hope. He may be able to walk off into the sunset but this problem will persist unless he increases the capacity of the current workers to do the work.

Mr. Cullen: I hope we will carry out 180,000 tests this year. I agree the system as it was would not eliminate the backlog. In spite of every effort to thwart my plans to outsource tests, I stuck to my guns. I was successful at every level in terms of resolving this issue but I wish I had received better co-operation. Despite people telling me to abandon the matter and to give up, I did not do so. There will now be have a three-pronged approach involving driver testers testing at night and at weekends, additional staff from the Departmental of Agriculture and Food and contracted staff being put in place and outsourcing. We are now in a position to see a radical reduction in the backlog.

I agree with the Deputy that ten weeks is not satisfactory and, ultimately, the period between a person applying for and sitting a test must be reduced to six weeks. That would be a good system. I expect, in light of the figures factored through the system, that this will work if all of those involved deliver on their commitments. I expect that they will do so.

Mr. Crowe: The Minister referred to radical reduction and a significant effect on the backlog. I accept his statements on the difficulties involved with regard to human resources etc. In the context of current difficulties, has the Minister considered prioritising those areas where substantial backlogs exist? I refer, in particular, to areas where significant numbers of road accidents occur. Has there been any attempt to reduce the backlog in those areas? The Minister of State at the Department of Transport, Deputy Gallagher, is sitting beside the Minister and the area in which he resides would be an example. Is there a way of examining the position regarding areas where many accidents occur and the provision of resources therein?

I also wish to refer to areas where there may be high unemployment or a lack of transport. People need transport in order to travel to work. Is there a possibility, taking into account existing problems, of prioritising testing in those areas? It may be outside the scope of the question but perhaps something could be done, even in the context of the resources currently available.

Mr. Cullen: I agree with the Deputy. I have made my views known to the Road Safety Authority, RSA, that it should prioritise areas that are clearly in a bad position regarding the number of tests that remain to be completed. I hope the resources used will be allocated on a basis that will tackle the worst areas and take into account some of the factors to which the Deputy referred. That is common sense and I hope the authority will apply it when the position in respect of tests is finalised.

The new system has been in place since in February, at least on the existing driver testers' side. There has been a large increase in the number of tests carried out, particularly in the evenings and at weekends. If we can maintain the high level of productivity and the pace involved into next year, there will be a substantial reduction in the backlog. I intend to review the position at that stage to consider how to proceed.

Ms C. Murphy: Cancellations and those who do not attend for their tests are making the system even more inefficient. I have heard from some people waiting for tests that they are almost afraid to go on holidays because they fear that notification of their tests will arrive. Those to whom I refer have waited a substantial period for tests.

It seems that market research could be carried out in respect of people who have not attended for or who cancelled their tests. People often schedule tests when they obtain provisional licences because they know that it will be a long period before the test comes up. It may not prove, in such cases, to be sufficient time to prepare for the test. This adds to the inefficiency. It would be quite a useful exercise to query the people who have cancelled or not attended.

The matter will not come down to something as simplistic as increasing the cost of the test. There is a financial advantage for someone with a full licence with regard to insurance or the freedom to drive without a full licence holder in the car. I would not like to think that such a factor would exclusively be a reason for no-shows or cancellations. People have to wait a long time in any event.

Will the Minister consider carrying out research among those who have cancelled their test or not attended in order to see if issues are arising which, if taken into account, could reduce the number of cancellations and no-shows?

Mr. Cullen: I agree with the Deputy in that the number of people who are not attending for tests or who are cancelling them is unacceptable and it has a significant impact on the efficiency of the system as it exists. There is no doubt about that. On the system side, we require mechanisms that are far more capable of dealing with cases where people do not attend in the context of obtaining replacements quickly. In some other countries, modern text messaging systems are used and there are lists of people on the systems who can be reached quickly if there is a short-notice cancellation. Such people may be available within an hour or two hours to sit their tests.

The Deputy is correct to argue that the system should be better and more efficient. However, there is a blasé approach to applying for a test and turning up to take it. There are a number of people who do not bother to show up at all, and they do not telephone or send any notification. That number is unacceptably high, and it impacts on the ability of the system to deal with people who legitimately want to sit their tests. We want to facilitate people who need and want quick facilitation for a test.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Cowley — the expectations of the Government for the total spending plan for the BMW region from now until 2008; (2) Deputy Broughan — the need to ensure that key social infrastructure be planned and put in place in the north fringe straddling Dublin city and Fingal county councils; (3) Deputy Gormley — that the Minister introduce the necessary legislation and programmes to deal with the increasing problem of graffiti vandalism; (4) Deputy O'Dowd — that the Minister outline the findings of the report from Teamwork Management Services entitled *Improving Safety and Achieving Better Standards from the HSE*; (5) Deputy C. Murphy — that the Minister commit the appropriate

resources for a school (details supplied) in County Kildare; (6) Deputy Healy — that the Minister fully resource youth programmes being delivered in Clonmel; (7) Deputy Connaughton — the inadequate compensation for farmers consistently flooded in and out of season in the Shannon callows area; (8) Deputy P. Breen — that the Minister would provide funding for infrastructure to support tourism in Clare; (9) Deputy Ó Caoláin — the need for the Minister immediately to prevent the imposition of cutbacks in health services in the north east; (10) Deputy Crawford — that the Minister provide the necessary funding to the Health Service Executive north east; and (11) Deputies Penrose and McGuinness — the need to provide funding for a dedicated help line for missing persons and to establish a special missing persons unit to deal with current and outstanding cases.

The matters raised by Deputies O'Dowd, Cowley, Catherine Murphy and Broughan have been selected for discussion.

Leaders' Questions.

Mr. Kenny: I welcome the Taoiseach back from New York. That he was absent when such a critical issue was being discussed last week displayed a serious lapse in judgment and a dereliction of duty, which was not good for the interests of the country. I expect he has a speech that he wants to deliver to the House. Before he does so, it should be noted that any proposal he has will be couched from a Government perspective in portraying him as a born again leader, somebody who has suddenly discovered the errors of the Government's ways.

It is critical that the people of the country know to what extent information was available or made available to the Attorney General and the Minister for Justice, Equality and Law Reform. Whatever is to be announced by the Taoiseach, it must fundamentally deal with an independent investigation of how the circumstances of the systems failure which occurred came about.

Before the Taoiseach deals with that, I would like him to inform the House of the numbers of cases which may be affected by the Supreme Court decision of 23 May. Mr. A is back in jail, where he belongs, but the rest of them have not gone away. In the Taoiseach's absence last week, I asked the Tánaiste how many cases were in process under sections 1(1) and 2(1) of the 1935 Act. The Government did not know the answer to the question. I do not know if the Government knows the answer now or if it is not telling us.

The Minister for Justice, Equality and Law Reform stated that he did not know that the CC case had been taken. That is such a serious admission, it requires a very serious investigation of how it could have happened. The Minister for Justice, Equality and Law Reform was well aware of the issues surrounding this case and its relevant area. Last December, he stated in the *Sunday*

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World that there was an anomaly in the 1935 Act as boys and girls under 17 were treated differently and that he would take expert legal advice on the matter. He told the *Irish Independent* that the Criminal Justice Bill 2004 would give the Dáil an opportunity to deal with the issue. He told *The Irish Times* that he was studying the matter. He told the Seanad that there was no point in writing out a solution on the back of a cigarette packet. However, that is exactly what the Government did in section 5 of Criminal Law (Sexual Offences) Act 2006, which was pointed out in the House last week.

There is a critical need for an independent investigation into how this systems failure occurred. No amount of glossing over that fact will satisfy the people. I have never witnessed such an extent of concern from hundreds of thousands of people, which can only be satisfied if the Taoiseach, however belatedly, sets up an independent investigation into this. We need to know what went wrong and why an issue of this constitutional magnitude was not brought to the attention of the Attorney General, the Minister of Justice, Equality and Law Reform and the Government. What did the Taoiseach and the Cabinet consider over the weekend to sort this out?

The Taoiseach: Last week, the Government acted in an effective and responsible manner and we achieved two things. First, we enacted new legislation to ensure that there would be no gap and, second, we successfully resisted the release of convicted prisoners from jail. These objectives were achieved in a matter of days. There is nothing the Government or this House could have done in advance of the Supreme Court judgment in the CC case to keep convicted criminals in prison. The House did not have any magic wand to do this. Once the Supreme Court struck down section 1(1) of the 1935 Act, it was only in the courts that the issue of the validity of previous convictions would be determined. A clear and effective strategy was put in place by the Attorney General and the Minister for Justice, Equality and Law Reform to resist applications for release by convicted prisoners, and that strategy succeeded. Only one prisoner was released under *habeas corpus*, but he is now back in jail, which as Deputy Kenny said is his rightful place. Another prisoner, Mr. Simon Murphy, withdrew his *habeas corpus* application this morning.

While there was a communication issue, it had no effect on the outcome of the Supreme Court decision. The lack of notification to the Minister and the Attorney General as the case proceeded through the courts, in particular when it was appealed to the Supreme Court, did not cause the State to lose the case. Deputy Kenny and everyone else in the House knows that. The case was vigorously defended by the DPP and the

Attorney General. It was won in the High Court, but unfortunately we lost the constitutional issue in the Supreme Court. It is for the Supreme Court to make its decisions, and so be it.

When section 1(1) of the 1935 Act was struck down, we were not left without laws to protect our children, as was said last week. There is a host of such laws, including sexual assault, rape, inappropriate circumstances and false imprisonment. The Government would be rightly condemned for fashioning legislation without knowing what the Supreme Court would decide in the CC case. The number of options open to the court, including what was suggested by counsel to the DPP and the Attorney General, to preserve section 1(1) of the 1935 Act, was subject to a defence.

People assume that the Supreme Court's decision in the CC case was a foregone conclusion, but this is simply not so. There was ample US case law that would have resulted in section 1(1) of the 1935 Act being upheld. The 1935 Act was struck down not because of anything the Government did, but because this was the view of the Supreme Court on what our Constitution required.

As parents, legislators and public representatives, all of us were shocked at the events of last week. As I said here more than a week ago, we were deeply concerned at the hurt, fear and bewilderment caused to the many victims of child sexual abuse and their families. I thank everyone, including the Opposition, for their co-operation in having amending legislation enacted so speedily last Friday. There is a great sense of relief that the Supreme Court appeal against the release of Mr. A has been successful and that he is back in prison where he belongs. The Government recognises that there is a need for a much broader debate on the complex issues that arise for legislators in addressing the area of child protection. We propose to begin that debate through an all-party Oireachtas committee report. I have been looking at those issues and at what people said in the debates last week, and I am sure there are many more points to be made. There has been considerable emphasis on the lack of advance warning for Government members about the impending Supreme Court hearing on the issue of constitutionality. Undoubtedly, there was a communications failure on that issue.

A major issue arose here more than a decade ago about the recommendations or operations of the Office of the Attorney General. The recommendations of the 1995 report of the review group on the Office of the Attorney General have been implemented by way of a number of protocols and practice directions within that office. The most important of these is the protocol on documentation for advisory counsel, which came into operation in April 2002. The first guideline in that protocol provides that where a matter with which one is dealing is legally significant or novel, politically important, sensitive or financially valuable,

one must seek the directions of the Attorney General. Such matters are brought to the attention of the Attorney General by way of written submissions at several stages in the course of litigation so that the Attorney General's directions can be sought. The current Attorney General has updated these protocols on several occasions. In 2002, he put in place a system whereby he is required to be informed at least ten days in advance of the trial date of any significant case.

Shortly after the CC case was initiated in the High Court in 2002, the correct procedures were followed. The Department of Justice, Equality and Law Reform was sent a copy of the pleadings of 29 November 2002. The Director of Public Prosecutions recommended counsel on 5 December 2002, while the Attorney General took the preliminary step to nominate counsel to provide outside legal expertise to the DPP and the Attorney General. However, the procedures were not followed after that stage. Required submissions in writing were not sent to the Attorney General. Consequently, he was not informed and was not aware of the various stages of the case in the High Court or the Supreme Court appeal.

Therefore, during the period from 5 December 2002 to 23 May 2006, and specifically after the Supreme Court decision of July 2005, he was not informed of the processing of the case, his directions were not sought and no submissions were sent to him. This was a serious breach of those procedures. The Attorney General is satisfied that the only problem in this case was the human error which led to him not being informed in accordance with the existing procedures. These matters can be examined, be they as a result of human error or a systems failure. The counsel appointed by the Attorney General, together with the officials of his office and that of the DPP, defended the case vigorously and efficiently.

To avoid a similar error that might lead to breaches in procedures in the future, the Attorney General is putting in place further procedures. In addition, we are providing for a new independent rapporteur for the protection of children, who will report annually on standards in child protection legislation. I will make available to the House details of these and other initiatives that the Government will put in place. I have also invited a senior official in the Department of Finance to conduct a review of the implementation of existing procedures, with a view to making further changes that may be necessary in the future. I have considered this matter carefully. Following the difficulties of 11 years ago, three officials were asked to draw up and write the procedures these issues were dealt with by the then Attorney General, Mr. Gleeson, the then Taoiseach, Mr. Bruton, and the then Tánaiste, Mr. Spring. It is now a matter of checking where the procedures failed. Mr. O' Sullivan from the Department of Finance, who is in charge of the relevant section, will carry out this check and will report back to the House in a few weeks. The

special rapporteur for the protection of children will deal with these issues in the future — I have outlined the procedures — and the broader issues will be referred to an all-party committee.

Mr. Kenny: That reply does not deal with the issues which need to be dealt with. What the Taoiseach has tried to do by reading that script is to portray his Government as having achieved a victory out of last week's debacle, which arose from a fundamentally serious systems failure.

I asked the Taoiseach how many cases were affected by sections 1(1) and 2(1) and he did not answer that question. The Tánaiste was not able to answer it last week. What is the answer? Why did the Government not mount the same defence in the CC case which it was able to put together last week? Driven not by conviction but by coercion because of public fury the Government got its best legal brains together to put the case to the Supreme Court. Why was that plan not in place in the first instance in the CC case?

The Taoiseach seemed to indicate that the Attorney General knew in 2002, but somewhere along the line this went wrong. There is the vaguest hint of acceptance of failure but no acceptance of responsibility. The Attorney General answers to the Taoiseach as head of Government. The Taoiseach stated in New York that the Attorney General should have known. Who accepts responsibility? Will the Taoiseach, the Attorney General or the Minister for Justice, Equality and Law Reform accept responsibility? We heard the Minister's claims last week in the Dáil. It seems the extent of arrogance of some Ministers is exceeded only by the extent of their ignorance on what people feel and think about these issues.

I want to hear the Taoiseach state that he, as Taoiseach, will see to it that an independent, full-scale investigation takes place into what happened. It is not good enough if, as is reported, he expects to get away with appointing an official from the Department of Finance to look into it. On television on Monday night, the Minister for Finance stated if Deputies on this side of the House wanted to find out information on the people's behalf they could put down a question to the Minister for Finance or any other Minister to be thoroughly investigated.

This is far too serious. If the Taoiseach does nothing else during the relatively short time left to him as head of Government, I strongly suggest in the interests of absolute democracy he sees to it that an independent full-scale investigation is held into this issue so everybody knows why this happened, who knew what and who did not know about it. The Taoiseach will not get away with having an official from the Department of Finance look into so serious an issue.

The Taoiseach stated the discussion on the broader issue of consent and matters surrounding teenage sexuality would be dealt with by an all-party Oireachtas committee report. To what

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report does this refer? Will the Taoiseach establish an all-party Oireachtas committee? If so, what will be the remit and timescale of that committee? Will it examine this legislation or the broader elements of protection of children?

Before I sit down, I repeat that I want the Taoiseach to state, in the interests of everybody in the country, that he will get to the bottom of this and that there will be an independent investigation to examine what went wrong in this system. Somebody else may be the unfortunate victim of a systems failure such as what happened last week. It is in everybody's interest that the Taoiseach, as head of Government, sees to it that there is absolute clarity and a forensic analysis of what happened. Far from having a vague admission of failure, it is about time somebody on the Government benches accepted responsibility for what is happening.

The Taoiseach: I hope I was not vague. I certainly did not intend to be vague. Subject to correction — I will have to check for Deputy Kenny — I think 20 cases were covered by sections 1(1) and 1(2).

Regarding the new procedures, it is clear a communication issue arose in the context of the handling of the case. As I pointed out, that did not take from the work done by the offices of the DPP and the Attorney General. Deputy Kenny made a very direct implication and inference that the work should have been better, and asked how come it was better last week than in the previous case. The case had been competently dealt with by the staff of the DPP and the AG. They fought that case to their best ability, winning in the High Court and, admittedly, losing in the Supreme Court.

Legal teams on behalf of the State, both staff and outside counsel, do not win every case. The fact the Attorney General had not been informed as per the procedures drawn up by civil servants in 1995 was not the reason for losing the case. I made that clear several times. It should not be necessary to keep making that point. In any procedural case or protocol on any set of systems in a Department, if a human error is made, a human error is made. I have no interest in jumping all over a person who did not report it. It is fairly clear, however, it would be better if an exact blow by blow account comes out in a report. I spent the past few days examining this and it is very clear what happened. However, let it come out in its own time.

Deputy Kenny stated to me that this must all be independent. However, before the Government changed ten years ago when Deputy Kenny was in Government and Mr. Gleeson was the Attorney General, it was good enough that three officials draw it up. That it should be entirely different now is a political point to which I will not succumb. If it was good enough for three officials to draw it up, just one official is now

necessary to check back where the systems failure was. It is fairly clear and it will be fairly easy to see. Let Mr. O'Sullivan make that report for the future.

I will make one point to Deputy Kenny. Nobody is trying to duck anything. What happened last week was a shock to the system and appalling in every way. However, that is what happens. It is the Supreme Court's right to make a judgment and it did so. It would have been better if it had been communicated as per the procedures. However, it would not have made any difference. I know that and Deputy Kenny knows that. What we now need to do is get it right for the future.

It is clear a communications issue arose in the context of the handling of the case. I have been informed by the Attorney General that he has put in place new procedures — and that he has been examining this for the past few days to try to close off this issue — as follows. The pleadings and submissions in all constitutional actions must be personally approved by the Attorney General. It must be confirmed to the Chief State Solicitor's office by the director general of the Office of the Attorney General that submissions have been so approved. Rather than it being between the offices, it must be the Attorney General who signs off on it.

Copies of all such pleadings and submissions are to be forwarded by the Office of the Attorney General to the Secretary General of each relevant Department having an interest in such proceedings. In this case, as in many cases, that would have been the Department of Justice, Equality and Law Reform. That did not happen either.

The secretary to the Government is to receive from the Office of the Attorney General briefings every second month on the status and progress of such litigation, including an assessment of its potential impact, if any, on the enforcement of the law. Confirmation in writing is to be given to the Attorney General of notifications to line Departments and the secretary to the Government.

There are to be meetings every second month between officials in the Office of the Attorney General and the DPP's office. The purpose of these meetings is to review and assess the effect, if any, on the general enforcement of the criminal law of any constitutional proceedings. The results of these meetings with the DPP are to be forwarded to any relevant line Department and the secretary to the Government. A memorandum of information for the Government is to be brought quarterly to Government through the Taoiseach to give regular updates on important litigation handled by the DPP, the Office of the Attorney General and their solicitors' offices.

That creates a heavier work burden. I examined the figures in the past few days. Since taking office, the current Attorney General has personally dealt with more than 4,000 case files. In the

same period, the Office of the Attorney General has opened more than 15,000 new cases in addition to the pre-existing files which continue to be managed. Because of the enormous volume of work, officials in the Office of the Attorney General such as the Advisory Counsel and the Parliamentary Counsel deal with many files on his behalf. Clearly, it would not be physically possible for any Attorney General to deal with every case personally. This fact has been recognised by the All-Party Oireachtas Committee on the Constitution in its eighth report just three years ago and also by the constitutional review group chaired by T.K. Whitaker which reported in 1996. Where it is appropriate to consult the Attorney General for his direction, the officials in the Office of the Attorney General are so required to consult. This has been the standard operating practice in the office for many years, particularly since the establishment of the review group in regard to that office.

I have outlined the new mechanisms but Deputy Kenny should note what is clear in the old ones. The 1995 report stated very clearly that the Attorney General should have been briefed on important matters — I have read the section. That was strengthened in 2002 by further protocols and strengthened in the past few years by the Attorney General to the effect that he should be informed of measures ten days in advance. He was not so informed in the case in question. I would love to stand up today and say he was, but I am not dumping on anyone. As the Deputy correctly stated, I have responsibility for the Office of the Attorney General, including all its staff. I will stand over that and, in the best spirit of the 1924 Act, I accept that responsibility, but if it is a case of a mistake by an individual and a mistake in the systems, it must be acknowledged that is what happened. I cannot change that, I can put it up in lights by getting Mr. O'Sullivan's report, and I will do so. I have asked him to have that available before the end of the Dáil term so we can have another day out on it in the House, if that is what the Deputy wants.

Mr. F. McGrath: It is more serious than that.

The Taoiseach: I am more interested in what I do for the future. As I outlined and as will be noted from the information I will circulate, what I can do is ensure the existence of procedures designed to make sure this does not happen again. I repeat that the aforementioned circumstances made no difference to the way the case was fought on behalf of the State. I reject the implication that they did because the people from the Office of the Director of Public Prosecutions and the Chief State Solicitor's office did their utmost. They won the case in the High Court and lost in the Supreme Court. It will not take long for the all-party committee to make a decision.

I read every comment made by Members of the House last week and it seems everyone, including

Deputy Kenny, accepted that there were broader issues to be considered, not legal issues but moral issues concerning social mores. It seems fair that responsibility for considering these issues in the round should be given to an all-party committee. I am not putting a time limit on that but, if it is deemed helpful, I will suggest some of the terms of reference on the basis of what we discovered in the past week. This should be considered and I am quite happy to do so.

I cannot change the past but I can report on it and highlight what has happened. I can update the report of 1995, which was prepared by three civil servants, and I can bring forward new procedures, which I am doing today.

Mr. J. Higgins: The Taoiseach criminalised youth, he criminalised 16 year olds.

The Taoiseach: Deputy Kenny should note that it was clear to all of us as we examined the legislation over the past week that the best way to consider and update it annually according to current standards is to have an independent, special rapporteur for the protection of children. This person would report annually on standards and would consider all the legislation and issues in question. We would have one report presented to the Oireachtas and that, at least, would keep our legislation in accord with the UN Convention on the Rights of the Child, by which we are governed, and bearing in mind the responsibilities of the Office of the Ombudsman for Children. I do not see any other way to proceed. The position would not have to be full time but would involve a legal officer examining the matter on an annual basis. As I outlined, the findings can be presented to the House forever more. The suggestion to establish such a position is sensible and was made to me to allow for future progress. I hope I have dealt with this question comprehensively.

I will return to the Deputy on whether 20 cases is the correct number. I believe I read that in one of the documents over the weekend.

Mr. J. Higgins: Was it sensible to criminalise youth?

Mr. Rabbitte: Does the Taoiseach accept that nobody on this side of the House is questioning the professionalism or competence of State counsel, who contested the case in the High Court and the Supreme Court? That is not the issue, the issue is the chaos that ensued from the lack of foreknowledge on the part of the Government, including the Minister for Justice, Equality and Law Reform, and the Attorney General. The Taoiseach is responsible for the appointment of the Attorney General and for answering for the Attorney General in this House.

The Taoiseach implies that some officer in his office is responsible for the chaos that ensued last week in his absence. I ask the Taoiseach about the absence of personal knowledge on the part of

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the Attorney General. Is it not the case that the rules of the superior courts require the Attorney General to be notified of any constitutional challenge, such as is at issue in this case? I quote a standard authority in respect of order 60 of the rules of the superior court.

Order 60, rule 1 provides that where any question as to the validity of any law having regard to the Constitution arises in any action, notice must be served on the Attorney General by the party having carriage of the proceedings if the former is not already a party. It was held by Carroll J in *State (D. & D.) v Groarke* that Order 60, rule 1 required that the Attorney General be notified if a question as to the validity of any law was to be considered, including statutes enacted prior to the coming into force of the Constitution of Ireland 1937. She stated that she could not accept that Order 60 should be interpreted so that it would be possible for a pre-Constitution statute to be declared unconstitutional in an action between two private parties without the knowledge of the Attorney General. Carroll J therefore declined to consider any of the issues directed to the constitutionality of the Children Act 1908 on the basis that no notice had been served on the Attorney General as required by Order 60, rule 1.

It seems crystal clear from this that, under the rules of the superior courts, the Attorney General would have to be notified unless he were a party. The Taoiseach can confirm whether he was a party and whether he was the respondent in this case. Either way, knowledge had to be in his possession. If not, the breakdown is far more serious than the Taoiseach is implying.

Does the Taoiseach accept, in light of his saying the Government acted responsibly and competently last week, that he must inhabit a parallel universe? The chaos that ensued from the inability of the Government to anticipate an adverse finding resulted in a laid-back Cabinet, complacent in the belief that there was no gaping hole and that no prisoner would walk free. The Taoiseach was willing to leave the country and put the Cabinet into recess for ten days. Why did he have to leave the country? Even if he had been afraid to let the Minister of State at the Department of Foreign Affairs, Deputy Conor Lenihan, out on his own, he could have got some other Minister to deputise for him.

In the Taoiseach's absence, complacency degenerated into panic and there was a divided Cabinet, rent asunder, jettisoning the Minister for Justice, Equality and Law Reform on the altar of his own self-righteousness. The Taoiseach's deputy leader took over and brutally drove through legislation that he knew, and which the Cabinet must have known, was defective, anomalous and subject to constitutional challenge. It criminalised young boys engaged in consensual

sexual activity. The Taoiseach knew all this and absolute chaos reigned in the House. A panic-stricken Government in crisis offered any solution to get it past the weekend.

The Taoiseach said in respect of the investigation that is to be undertaken: "Let it come out on its own". It will not come out on its own, as the Taoiseach knows.

Regardless of his or her eminence, it is not acceptable to appoint a serving civil servant on behalf of the Government to establish what went so seriously wrong in a case of this gravity. When the Taoiseach quotes what happened in 1994, I remind him that however serious that matter was, it concerned a single file relating to the Duggan case. That which we are discussing concerned tens of thousands of our children. As regards the case relating to the Duggan file, the inquiry was chaired by a Member of the Opposition and Ministers were required to appear in public and give evidence. The Taoiseach wants to shut this down by putting in place a serving civil servant to examine what is wrong. That is not acceptable. If he thinks he can sweep matters under the carpet on that basis and refer what he terms "the wider issues" to an all-party committee, that simply is not good enough.

I heard the Taoiseach read out what I read in the *Irish Independent* this morning, point by point, in Brian Dowling's story. Some of it, of course, is not new at all and will have no impact on this situation. Requiring the Attorney General to sign off on constitutional proceedings is already established practice. There is no change. I want to ask the Taoiseach about one reference that has been made in the course of news reportage over the day, to which he did not refer. I refer to the commitment, apparently, reported on "News at One" that he will set up an expert group. I want to ask him about that expert group, its remit and whether he knows who will serve on it. I want to ask him about its relationship to the all-party committee that he believes he can take for granted. Will the expert group report to the all-party committee, the Attorney General, the Taoiseach or the Minister for Justice, Equality and Law Reform?

If the Taoiseach expects to put in place an expert group that will deal with what he calls the wider issues and the social morass, and which will report not to the all-party committee but to a Minister or to himself, then the all-party committee is nothing more than a fig leaf. We need to clarify whether the expert group will report to the all-party committee.

I do not believe that the Taoiseach has dealt with the questions put to him. He thinks there are 20 cases involved. The Supreme Court decision last Friday, as he correctly said, was a relief to us all, although some of us await the detailed judgment with more than usual curiosity. In the current circumstances, is he saying that the only investigation he proposes is to appoint a serving official from the Department of Finance? That is

not acceptable. At a minimum, the previous example of three, or if that cannot be agreed on, then one person such as the former Ombudsman, Mr. Kevin Murphy, for example — somebody who is not a serving official — might be put in place to examine what has been a very serious deterioration of reporting arrangements within the Office of the Attorney General.

What would be the remit of the all-party committee? Is it proposed that it would merely examine the statute passed last Friday. I know of no precedent in our history since independence where a Government enacted a statute one week and set up an all-party committee the following week to examine it. What are the all-party committee's proposed terms of reference? Will it examine last week's statute or how much wider will be its role? How many statutes will be considered during its examination? For example, can it take as its starting point the Green Paper on sexual offences published in 1998?

We know the terms of reference, approximately, because we need to make haste slowly on these wider issues. We continually asked for a stage one approach to be taken since this crisis broke. However, the Minister was intent on driving through a statute which he knows is defective and which is already the subject of ridicule. The Taoiseach's Ministers, starting with Deputy Noel Dempsey on Saturday, within 15 hours of the legislation being signed by the President, declared it to be inadequate. We want to know what will be the terms of this prospective all-party inquiry and whether the expert group will report to it rather than to the Taoiseach.

The Taoiseach: Like many Members, I have read numerous suggestions to the effect that we should bring forward for discussion the more substantive related issues, which did not involve not legal points but which are connected to social policy and behavioural matters. Some of this thinking is already being reviewed by the Department of Justice, Equality and Law Reform. The Minister for Justice, Equality and Law Reform has asked his officials to prepare, as a matter of priority, a suggested agenda of the issues to be discussed by the all-party committee. It is not a conclusive list and nobody is taking the committee for granted in organising the independent expert review of existing law as regards sex offenders. Support arrangements for the victims of sex offenders will involve a number of Government bodies and will include An Garda Síochána and the Health Service Executive. The Minister is planning to submit his proposals to Government in this regard. In my view, the all-party committee should deal with these issues and reach agreement on when to report back. I hope these issues, which relate to the future, can be dealt with in a non-partisan way in the House.

One of the issues involved is the taking of video evidence from child victims. Section 17 of the Criminal Justice Act 1992 provides that the

video recording of any evidence given by a person under 17 years of age in respect of sexual or violent offences shall be admissible at a trial. There are also issues relating to the committee established by the former Minister for Justice, Equality and Law Reform, Deputy O'Donoghue. It was the view of the current Minister for Justice, Equality and Law Reform that we needed the professional opinion and guidance of the experts in this field. It is important that some of these issues, such as video recording and others, are examined by the HSE, the Garda and others. If the House wishes, I can set down the points and circulate them to the party leaders. It is not, however, a conclusive list. A number of other issues were raised in recent days that have also been included.

As regards what Deputy Rabbitte said at the outset, I appoint all members of the Government and I am well aware of my responsibilities. Deputy Rabbitte will also know that we have been dealing with this issue since the Supreme Court case emerged into the public domain 15 days ago. I dealt with it in this House up to last Tuesday and continued to be in contact with my colleagues. Deputy Rabbitte is entitled to his opinion, with which I differ. Last week, we enacted new legislation to ensure there would be no gap and we successfully resisted the release from jail of convicted prisoners.

I outlined earlier the position of the Attorney General in this matter. He was involved in the preparation of counsel in November-December 2002. He was not — although his office was — updated thereafter. Whatever court procedures are cited, I am providing the factual position. The Attorney General's office deals with thousands of cases and it did not refer back to him as per the procedures and protocols. That is the position. I am glad Deputy Rabbitte is in no way suggesting the case was not fought through to the end.

I read all of the statements made in the House last week in the heat of debate. I have attended Cabinet meetings, in one form or another, or served on my party's Front Bench for almost 25 years. It is not the case that when a judgment is due somebody says that if it is against us we should introduce legislation to provide for that out of the bottom drawer, or if we win it, we will do this. I remember cases where people put some thought into what might happen in particular cases, but it is not the general procedure — comments to this effect were thrown around here last week.

The legal team arguing and fighting this case and doing its best on it, having won the High Court case, was doing all it could. If the Attorney General had been informed as per the procedures, that would not have made any change to their case. The staff in the DPP's office and the Attorney General's office were doing their utmost to win a case. They have hundreds of important cases. If they feel that a case is going badly wrong, perhaps they raise the issue more

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than in other cases, or perhaps the Attorney General writes to me. That does happen. There is hardly a day I do not get a letter from the Attorney General's office on some point or case.

I advise Deputy Rabbitte, irrespective of whether he believes me, although I hope he does, that what happened in this case was that the protocol that was in place which should have resulted in the information being sent to the Attorney General, did not result in that happening. As to whether Mr. O'Sullivan is assisted by two more civil servants, I remind Members that three serving civil servants drew up the report ten years ago, and it was a serious issue. Members may think it was only one file which brought about a change of Government at that time. It was not a small issue. They drew up the procedures. Mr. O'Sullivan's job is to examine those procedures to check where they are faulty. The Attorney General sees this clearly, and I have outlined to the House those procedures. I believe they will be substantive issues.

Deputy Rabbitte raised the point — I do not want to go into the legal arguments — that the legislation that was passed last week is flawed, faulty and subject to constitutional challenge. All legislation we pass is subject to constitutional challenge. If somebody believes they have a case, he or she can deal with it. Criticisms have been made about the Act, which Deputy Rabbitte has repeated, namely, that the provisions of it are unfairly discriminatory. It seems to have been forgotten that the criminal sanctions of the 1935 Act applied only to boys. It did not apply to girls. No one ever challenged the constitutionality of it on that basis. It is clear therefore that the 2006 Act has enlarged protection for children rather than reduced it because it also applies to boys and covers a greater number of sexual acts.

Mr. J. Higgins: That is ridiculous. The Taoiseach is criminalising our youth. He should come into this century.

The Taoiseach: Perhaps the Deputy would listen. I do not believe any Member of this House would have supported the proposition that we should criminalise unmarried mothers. This would be repulsive law.

Mr. J. Higgins: The Taoiseach criminalised unmarried fathers. What is the difference?

An Leas-Cheann Comhairle: Order, please.

The Taoiseach: I ask Deputy Joe Higgins to listen. There are other values and interests that were sought to be protected by section 5 of the Act, aside from ensuring that we did not criminalise unmarried mothers. There were issues of a health concern in regard to young girls, which also need to be addressed. One such issue is that a young girl who has had consensual sexual inter-

course may need medical care, or a young girl who has had consensual sexual intercourse may have been exposed to a real and appreciable risk of sexually transmitted diseases. There are several other examples.

Mr. J. Higgins: Do boys not contract any of these diseases?

The Taoiseach: This was the reason for the inclusion of section 5, namely, that there were a variety of circumstances where after consensual intercourse and before a girl would know if she was pregnant, she would need to disclose that she had engaged in that act for her own medical protection. That was the reason for that section. It is not considered legally that this is in any way flawed nor is that considered to be the case by those who drafted it with the legal basis behind it.

Mr. J. Higgins: That is absurd.

The Taoiseach: I am answering Deputy Rabbitte's question.

Mr. J. Higgins: That is absurd.

An Leas-Cheann Comhairle: Order, please.

The Taoiseach: Perhaps the Deputy is a better senior counsel than all the others who are behind this but all those who are behind it believe—

Mr. J. Higgins: I have spoken to parents all over this city and everyone agrees it is absurd to criminalise 16 year olds.

The Taoiseach: I am trying to answer Deputy Rabbitte's question. I know the Leas-Cheann Comhairle has been lenient with us all as regards time but perhaps at least order could be maintained while I am answering this question. I think I have answered all Deputy Rabbitte's questions.

An Leas-Cheann Comhairle: Deputy Rabbitte has one minute to ask a supplementary question.

Mr. J. O'Keeffe: The Chair should stop the clock after one minute.

Mr. Rabbitte: I point out to the Taoiseach it is not a question of me repeating the arguments about why the statute passed last Friday is of doubtful constitutional validity. We advanced the arguments at the time from these benches. My colleague, Deputy Howlin, set out a number of claims about the legislation that now seem to have been endorsed by various experts. It is not a question of repeating them; they were put at the time and vigorously disputed in this House.

For example, when Deputy Howlin made the point about the Minister abolishing the offence of gross indecency, the Minister for Justice, Equality and Law Reform, the former Minister for Justice, Equality and Law Reform and the Minister for

Finance almost leaped across the House at him and said he was wrong and that it now constituted the offence of sexual assault with 14 years' imprisonment as the sentence. They were wrong. The Minister for Justice, Equality and Law Reform had the good grace to admit since that he was wrong.

There were so many infirmities in the legislation that I would like to ask the Taoiseach if he shares my surprise that the Council of State was not convened to consider whether the Act ought to have been referred to the Supreme Court in the first instance. This was legislation that sought not to criminalise young mothers, as the Taoiseach said, but criminalised young fathers and the Minister for Justice, Equality and Law Reform, in another context, deemed it to be a reason for constitutional unsoundness. How was that not picked up by anybody? One might have thought the Council of State would have been convened to examine it.

The Taoiseach said thousands of these files are going through the Attorney General's office. How many of them going through the Attorney General's office relate to constitutional cases? We know there are all those files, like the one for which they are still looking when the Minister, Deputy Martin, was Minister for Health and Children with the associated cost of €1 billion in a refund of charges to old people in nursing homes. The file was last seen in the Minister's office, it went missing and never reached the Attorney General. We have no idea how that happened and so on.

Mr. N. Dempsey: What about the file that the Deputy mentioned that would shake the foundations of the State?

Mr. Rabbitte: It shook the Minister's party out of Government at the time.

Mr. N. Dempsey: It was a total figment of the Deputy's imagination.

Mr. Rabbitte: I ask the Taoiseach how it is on constitutional cases——

Mr. Martin: It was a total lie that Deputy Rabbitte never retracted, and there have been many more since.

Mr. Rabbitte: The Minister is getting his voice heard——

Mr. Martin: There have been many more lies since then.

An Leas-Cheann Comhairle: Order, please.

Mr. Martin: We do not like inquiries Deputy Rabbitte has because they do not go by the truth but by his version of the truth and his spin on it.

Mr. Rabbitte: Look at the colour of the Minister.

Mr. J. O'Keeffe: Methinks the Minister doth protest too much.

Mr. Martin: Not at all. I am getting back at him.

An Leas-Cheann Comhairle: Order, please. I ask Deputy Rabbitte to take his seat.

Mr. Rabbitte: I put it again to the Taoiseach that rule 1 of Order 60 states that "If any question as to the validity of any law, having regard to the provisions of the Constitution, shall arise in any action or matter the party having carriage of the proceedings shall forthwith serve notice upon the Attorney General". Is the Taoiseach saying that did not happen in this case.

I ask him to respond to the question put to him by Deputy Kenny in respect of the investigation. Who will carry out this investigation? Is the Taoiseach sheltering behind his original announcement that it will be carried out by a serving official in the Department of Finance? He expects us to give allegiance to an all-party committee to examine the wider issue and he wants to sweep what has happened under the carpet and to leave it to a serving official. That is not acceptable to us. We are anxious to play our part and last week we pleaded for an all-party committee to examine the wider issues. We want to participate in that, but we do not want to sweep under the carpet what happened last week. I want clarity on that.

The Taoiseach did not refer to the expert group. Will an expert group be established? Does the Taoiseach know anything about its terms of reference, who will comprise it and whether it will report to the all-party committee?

Mr. N. Dempsey: This is like a Second Stage speech.

An Leas-Cheann Comhairle: The Deputy is aware there is only one minute allowed for the supplementary question.

Mr. Rabbitte: I thank the Leas-Cheann Comhairle. How is the role of the rapporteur distinguished from the existing role of the Ombudsman for Children? Surely this ought to be the task of the Ombudsman for Children who did her job admirably last week. Is the proposal not more window-dressing than reality? Is not the Ombudsman for Children equipped to do this job and why would we need a rapporteur?

Why does the Taoiseach seek to re-open the issue of whether the State ought to have anticipated an adverse finding in the Supreme Court decision on the CC case? Did experts outside this House not establish that the chaos that ensued was due to the absence of that anticipation and foreknowledge? Is it not the case that the apprentice solicitor who wrote the article in the *Law*

[Mr. Rabbitte.]

Society Gazette said that in the Law Library and legal circles it was widely anticipated that once the defence of honest belief was put to the test it was likely that at a minimum subsection (1) would be struck down? If that was the widespread opinion held in legal circles how come it never reached the Minister for Justice, Equality and Law Reform? That seems puzzling. Had there been such anticipation work could have been done on amending legislation that would have helped to head off much of the chaos of last week.

The Taoiseach: The Government will create a new independent position of special rapporteur for child protection. It is envisaged the independent legal expert will be appointed to that position. The rapporteur's functions will be to keep under review, and audit, legal developments for the protection of children; to assess what impact if any litigation in national and international courts will have on child protection since the introduction of the UN Convention on the Rights of the Child; and to prepare annually a report setting out the results of the previous year's work to be submitted to the Dáil and Seanad. The special rapporteur will be entitled to consult the Department of Justice, Equality and Law Reform and the Ombudsman for Children on initiatives regarding child protection legislation and on developing protocols to enhance that protection. It is not exclusive of the work of the Ombudsman for Children.

Ms Enright: Is there sufficient legislation to do this?

The Taoiseach: This system is used effectively elsewhere to study the broad legislation and keep ahead of it, perhaps in different ways.

Deputy Rabbitte asked many questions. Let me take a few of them. According to the protocols and recommendations in the 1995 report, the Attorney General should have been informed ten days before that case. He and the DPP appointed the same counsel for the case and for the appeal but for that long period between 29 November 2002 and May 2006, he was not personally informed about it, although his office went ahead with the case. While the protocol for procedure was not observed that did not affect the work done.

Mr. J. O'Keeffe: Did he make any inquiry about it?

The Taoiseach: I am answering Deputy Rabbitte. Perhaps some people writing in legal gazettes or magazines, or on the street, thought the case would go against the Attorney General and the DPP but they had won comprehensively in the High Court. To judge from what I have learnt in the past fortnight that was not their view. There is always that risk but they could not

be certain. However they did not go in believing they would be beaten. That was not their state of mind. Even if the Attorney General had reported to us and received that note it would not have made such a difference that we would have had draft legislation.

If Deputy Rabbitte is to be consistent in his own arguments he should recall that earlier he said he will be very interested, as will I, to read the decision of the Supreme Court in last Friday's case. This is Wednesday. Deputy Rabbitte then reversed that to say we should have been able to pre-empt the case of yesterday two weeks. It is alright that we should have been able to pre-empt the case of yesterday two weeks but Deputy Rabbitte is, correctly, awaiting the judgment of last Friday's case.

Mr. Rabbitte: I did not say the Government should have pre-empted the case, I wanted it to anticipate it.

The Taoiseach: Let us be fair. Even if the Attorney General was informed ten days ahead we would not have had draft legislation ready to rush into this House as soon as the judgment was handed down. I have never seen that happen.

Ms O. Mitchell: It could have been done.

Ms Burton: It could have happened after the release of Mr. A.

The Taoiseach: I have never seen it happen. It may have happened in a few cases but it is not that simple and it is not correct to say it is.

Mr. J. O'Keeffe: Did the Attorney General never inquire about it?

The Taoiseach: I am replying to Deputy Rabbitte.

Mr. J. O'Keeffe: Did he just forget about it?

An Leas-Cheann Comhairle: This is Leader's Questions.

The Taoiseach: Deputy Rabbitte asked me about the high level group. There are not two committees. We are talking about an all-party committee that would have available to it the experts to undertake the work on the broad issue.

Mr. Rabbitte: Is there no expert group?

The Taoiseach: No. In part of the committee there is, in so far as it will help the committee.

Unfortunately, like many things in life this has a fairly simple explanation and the House should wait. It will not take Mr. O'Sullivan long to complete his examination. He may want to write some new protocols or recommendations but the Attorney General has done that. There is a

human reason why it was not passed from official A to the Attorney General.

Mr. J. O'Keefe: That was in 2002.

Mr. English: If it was good news he would have heard about it.

Mr. J. O'Keefe: Why was it not passed on?

The Taoiseach: Deputy Jim O'Keefe has an awful habit of asking questions during Leader's Questions.

An Leas-Cheann Comhairle: Deputy O'Keefe is not in order.

The Taoiseach: Why does he not use parliamentary questions which he hardly ever uses? He just uses this time. I am trying to concentrate and answer Deputy Rabbitte's question and each day Deputy O'Keefe comes in, never on his own Leader's time but on Deputy Rabbitte's time. Would he please not do that?

Mr. N. Dempsey: Deputy Jim O'Keefe will join the Labour Party yet.

An Leas-Cheann Comhairle: The Deputy's question is not in order.

The Taoiseach: I am not answering Deputy Jim O'Keefe. He can put down a question if he wishes.

Mr. F. McGrath: He does not wear make-up.

The Taoiseach: Let that examination take place. Today I announced protocols that directly involve the Attorney General.

Mr. Crawford: Are they new protocols?

The Taoiseach: There are numerous cases, I do not know how many, involving serious High Court and Supreme Court challenges. There are not only one or two a year. The volume of work in the High Court and Supreme Court leads to work pressure. In fairness, the Office of the Attorney General does a good job. I will take responsibility for it and for any of its failings, as is my job in this House. It did a good job in this case too, except in a procedural issue which was not the cause of the problem. I will set out the terms of reference for the committee, as Deputy Rabbitte asked me to do. These, however, are tentative so I will do this on the basis of our ideas and forward that to the Deputy.

Mr. Sargent: The Taoiseach might have heard that he nearly did not have a Government to come home to last week. As the controversy brought back memories of the Father Brendan Smith debacle has the Taoiseach had a chance to reflect on the implications of last week's events?

These continue to reverberate in the media and in the homes of people around the country, on the question of what the Government is doing to protect children. The Minister for Justice, Equality and Law Reform made a dog's dinner of the legislation in discriminating further against teenage boys who engage in consensual sex. Is the Taoiseach, now that he is still here, taking the opportunity to reflect on further scandalous revelations, namely, that 250 children have disappeared from care in five years? The inequality and discrimination to which I referred is further compounded by the report that accommodation and levels of care for young asylum seekers are not of a standard equal to that provided for other children in State care under the Child Care Act 1991. In terms of a Government response, funding requests to the Department of Health and Children since 2001 remained unanswered, despite repeated submissions.

The Minister for Justice, Equality and Law Reform has made a virtue of inequality. It appears from his statements that he thinks it is good. However, does the Taoiseach not think that he needs to concentrate on the welfare of children? Does he not think the reports from the Children's Rights Alliance, the Rape Crisis Centre, the Irish Society for the Prevention of Cruelty to Children and the Ombudsman for Children, which are all scathing in terms of their assessment of the Government's record in protecting children, have been compounded by the response to the legislation introduced last week and the flaw in the constitutional assessment of the legislation that already existed?

Does the Taoiseach not think that the sexual abuse and violence on children report of 2001 indicates that we need to be concerned not only about Mr. A, but about the thousands of people guilty of sex abuse at large in Irish society? Will there be an assessment of what the Government needs to do? Has the Taoiseach met the Minister for Justice, Equality and Law Reform since his return and what contact has he had with him? Apart from setting up an all-party committee, basically an attempt at parking the issue, what further plan has the Taoiseach to deal with the issue?

Will the Taoiseach address the lack of confidence the public now has in the Minister for Justice, Equality and Law Reform, Deputy McDowell? Will he compare the situation with, for example, what happened to Charles Clarke in the UK? He resigned, even though officials in the Home Office admitted they did not inform him of information he should have had. He resigned on principle given that he had political responsibility. Is there any room in the Government for accountability?

Following last Friday's rushing of legislation through the House, does the Taoiseach recognise that the Minister now sees problems with it or that the enshrining of gender discrimination further in law will be challenged by the European

[Mr. Sargent.]

Court of Human Rights? Given there was not time last Friday to address the amendments helpfully suggested by the Opposition, will the Taoiseach take on board the amendment from my colleague and justice spokesperson, Deputy Cuffe, which would be a holding exercise that would ensure there was no discrimination by way of gender in the legislation? That amendment, which replaces the discriminating section 5 with a lesser offence that would apply to both boys and girls would at least ensure the legislation would not end up in court with a further constitutional challenge, which is very likely. Will the Taoiseach agree to that? Is he amenable to amending the law immediately to prevent a further debacle and escalation of concern among the householders and parents of this country who are in a very worried state at the way the Government has essentially rushed to protect itself, rather than to protect children?

Will the all-party committee focus on this issue or will the Taoiseach bring the terms of reference, about which he spoke in terms of the Attorney General, to the House immediately so that we can see what is needed? What is the timeframe for the all-party committee to report given the urgency of these matters and the constitutional risk that hangs over the botched legislation the Government brought in last Friday?

The Taoiseach: It is not the view of the Government or the extensive number of legal advisers to whom we have talked that this is botched legislation. The legislation does what it was primarily intended to do. It restores offences of statutory rape in a way that respects the judgment of the Supreme Court, and that is what it set out to do. While people may wish to see further measures or a different emphasis on the legislation, the Bill satisfies the essential criteria, addressing the Supreme Court concerns and gathering the broad support essential for its quick passage.

It was acknowledged in the House and by the Minister that the legislation is a stop-gap measure. It is intended to have a more wide-ranging debate on the whole area through the all-party committee. I will set out some of the suggestions for the all-party committee, but I am sure they will not be the only views and people will have an opportunity to put issues forward.

I set out earlier some of the reasons the Bill was drafted as it was with regard to the issue of discrimination. The legal view can be examined over the next few weeks. The reason this view was adopted is that our constitutional laws do not prohibit discrimination *per se* and legislators are entitled to take account of differences in situations in enacting our laws. It is only if one acts irrationally and thus without any reasonable basis that our courts will strike down such laws. Therefore, it is not considered likely this Act will be struck down. The view is that we have acted

properly in enacting it and are motivated by nothing other than a desire to protect young boys and girls.

The Deputy made further points about children in general and legislation. I set up the Office of the Minister for Children to bring greater coherence of policy in this area. That is seen as an advanced step. We announced the bringing together of various functions in forming that office, functions of the Department of Health and Children, child welfare, protection policy and the National Children's Office. We set out a five-year strategy for children and provided resources to deal with that. We set up an investment programme to build on the success of the equal opportunities programme and made changes on unpaid maternity leave, child care supplement, child minding relief, child benefit, foster care allowances and assistance for homeless children. The Deputy should take these into account and acknowledge the substantive work the Government has done in the area of children.

Mr. Sargent: It is interesting to hear the Taoiseach talk of a five-year plan with regard to children. The Children Act was a 2001 Act and therefore the five years are up. Judgment calls, and the judgment being made is not great. I am referring not to myself but to the groups which would like their voices heard here, and they say the Government has not acted to protect children sufficiently.

What is the timeframe for the report of the all-party committee? Given the rushed manner of the legislation, was the Taoiseach surprised that the Council of State was not called to assess its constitutionality? Would he welcome the Council of State being called together and the President having an input into the testing of the constitutionality of the legislation before it happens in the unexpected way I predict will happen?

The issue of inequality is one over which the Taoiseach will continue to stand with regard to this legislation. He says discrimination is permissible in certain cases. Does he not accept that an opportunity exists to ensure there is no discrimination on this matter and that it would be preferable to take the route of not discriminating against one gender or another? Given the Government is so committed to inequality in terms of what the Minister for Justice, Equality and Law Reform has so proudly espoused, I know it will take a change of Government to rule out inequality in general. However, with regard to this legislation, the Government could end the inequality overnight just as it enacted the legislation overnight. What is the timeframe for the all-party committee? We need to get our amendment through to ensure the discrimination is removed so that we will not face another constitutional challenge on the basis of the discrimination so patent in the legislation.

5 o'clock

An Leas-Cheann Comhairle: Before I call the Taoiseach to reply, I must point out that the Office of the President should not be referred to in the House. It is a long-standing rule of the Dáil that the President should be outside and above the debates in this House.

Mr. Sargent: It was already referred to, a Leas-Cheann Comhairle.

An Leas-Cheann Comhairle: It should not be referred to. It is not in order.

Mr. Sargent: You did not read out that ruling when the office was referred to earlier.

An Leas-Cheann Comhairle: I call the Taoiseach.

The Taoiseach: It is the prerogative of the President to submit legislation to the Council of State, as she has done, and the Government accepts her decision. I have no views on that whatsoever.

I have already said that some issues relating to last week's legislation have to be dealt with. I am also putting forward the reason section 5 was there. That is the point. The legal opinion——

Mr. Sargent: What about the timeframe for the all-party committee?

The Taoiseach: The view of the Minister for Justice, Equality and Law Reform is that we should establish an all-party committee fairly quickly, make progress in that regard over the coming months and be in a position to make changes that are necessary in the autumn. I will send the terms of reference to the party leaders for their perusal as soon as they have been cleared by the Government.

Mr. Howlin: Will they be discussed?

The Taoiseach: We will see what we will do on those issues. As I have said, the equal opportunities investment plan is an enormously costly plan that has been funded as part of an attempt to assist, and it is hugely helpful. The Deputy will acknowledge the changes we have made. For example, I have put on the record a number of points relating to the establishment of an office

of special rapporteur for child protection. These important points are not seen in any way as glossing over the problems, but as being of huge benefit for the future. This matter will be kept under review now and into the future. There will be an audit of legal developments for the protection of children and an assessment of the impact, if any, that litigation in national and international courts will have on child protection. A report setting out the results of the previous year's work will be prepared annually. As I said, the report will be submitted to the Dáil and Seanad for consideration and debate. The special rapporteur will be entitled to consult Departments and the Ombudsman for Children about child protection initiatives. The points I have made are substantial and important.

Mr. Sargent: The disappearance of 250 children each year is quite substantial as well.

Ceisteanna — Questions (Resumed).

Freedom of Information.

1. **Mr. Kenny** asked the Taoiseach the number of freedom of information requests received by his Department during April 2006; and if he will make a statement on the matter. [16025/06]

2. **Mr. Sargent** asked the Taoiseach the number of freedom of information requests his Department has received to date in 2006; the way in which this compares with the comparable periods in 2003, 2004 and 2005; and if he will make a statement on the matter. [20714/06]

The Taoiseach: I propose to take Questions Nos. 1 and 2 together.

The information requested by the Deputies about the freedom of information requests received by the Department of the Taoiseach will follow this reply. All freedom of information applications made to the Department are processed by statutorily designated officials in accordance with the 1997 and 2003 Acts. In accordance with those Acts, I have no role in the processing of individual applications.

YEAR: 2003

Month	Rec'd	Granted	Part Granted	Refused	No Records	Transferred	Withdrawn
Jan	21	2	7	4	4	2	2
Feb	29	9	11	2	5	1	1
Mar	30	10	9	3	6	0	2
April	10	4	2	0	3	0	1
May	11	1	4	0	6	0	0
June	7	2	2	0	2	0	1
July	13	2	5	0	4	1	1
Aug	6	3	1	0	1	1	0
Sept	4	2	2	0	0	0	0
Oct	2	0	1	0	0	0	1

[The Taoiseach.]

Month	Rec'd	Granted	Part Granted	Refused	No Records	Transferred	Withdrawn
Nov	6	3	1	1	1	0	0
Dec	3	0	1	1	1	0	0
Total	142	38	46	11	33	5	9

YEAR: 2004

Month	Rec'd	Granted	Part Granted	Refused	No Records	Transferred	Withdrawn
Jan	1	0	0	0	1	0	0
Feb	8	2	1	2	1	0	2
Mar	2	1	0	0	1	0	0
April	4	0	2	0	0	1	1
May	1	0	0	0	0	1	0
June	5	2	1	0	2	0	0
July	3	2	1	0	0	0	0
Aug	3	1	1	0	1	0	0
Sept	0	0	0	0	0	0	0
Oct	12	5	2	2	3	0	0
Nov	1	0	1	0	0	0	0
Dec	5	1	1	3	0	0	0
Total	45	14	10	7	9	2	3

YEAR: 2005

Month	Rec'd	Granted	Part Granted	Refused	No Records	Transferred	Withdrawn
Jan	2	1	1				
Feb	3	1	1				1
Mar	1				1		
April	2				1	1	
May	2	1			1		
June	7	3	3		1		
July	6	3	2	1			
Aug	5	1	2	1	1		
Sept	5	1	2		1		1
Oct	16	4	5	1	4		2
Nov	5	2	1		2		
Dec	7	5	1	1			
Total	61	22	18	4	12		5

YEAR: 2006

Month	Rec'd	Granted	Part Granted	Refused	No Records	Transferred	Withdrawn
Jan	9	8	1				
Feb	1		1				
Mar	4	3			1		
April	7	6	1		1		
May	6*						

*ongoing

Mr. Kenny: The Department of the Taoiseach received 45 freedom of information requests in 2004 and 61 such requests in 2005. Those figures represent a dramatic reduction from the 142 requests which were made in 2003. That the number of requests continues to fall proves that the amending legislation that was introduced by the Government is working. Why are so many public bodies exempt from the freedom of information legislation? Public agencies spend almost one third of State moneys and employ as many people as the Civil Service. It is obvious that it is in the public interest that information about what might be called the core work of Government is covered by the legislation. I refer to bodies such as the Health Service Executive and the National Treasury Management Agency. Does the Taoiseach have a list of the public agencies that are not covered by the legislation? Perhaps he does not have that information to hand. Will he indicate when the various agencies will be covered by the legislation? Why are new agencies not automatically covered by the freedom of information legislation when they are established? As the Taoiseach rightly pointed out on many occasions, it is only right and proper that the public should know how the Government and agencies of Government do their business.

The Taoiseach: There were 45 cases in 2004, but that number increased quite substantially last year and that trend is continuing. There was a period when the number of applications stabilised, but the relevant figure increased by almost 30% to 61 last year. It seems that the trend is continuing this year. The numbers decreased for a while, but they are back up again. A number of bodies have been added to the list. A few weeks ago, 137 public bodies and groups, under the aegis of a number of Departments, were brought within the scope of the freedom of information legislation. The only body under the aegis of the Department of the Taoiseach that is outside the scope of the legislation is the Law Reform Commission. All the other bodies are within the scope of the legislation.

The question of whether the LRC should be brought within the scope of the legislation is being considered. There has been a big change in this regard. The joint committee recommended that just two legislative provisions under the remit of the Department of the Taoiseach should stay outside. I refer to section 8(4) of the archives Act and sections 32 to 35(5) of the statistics Act. The Information Commissioner has indicated that she agrees with the joint committee's recommendations. Other than one, they are all outside. It is under the Minister for Finance. It will take some time to see how it operates. The Deputy asked about the scope of all these bodies and groups when they come under the legislation. There has been a considerable addition to the

number of bodies which are now within the freedom of information legislation.

Mr. Sargent: The Information Commissioner has made it clear that the freedom of information legislation does not operate as it should in terms of the fees charged and the number of bodies that are not covered by the legislation. Does the Taoiseach think there is a need to undertake an exercise of comparison with the UK? The police forces in that country are covered by its freedom of information legislation. An extraordinary omission was made in this jurisdiction when it was decided that our freedom of information legislation would not cover so many bodies. As the Information Commissioner said, the heavens did not fall in across the water when it was decided that the freedom of information legislation there would apply to the police.

Can the Taoiseach offer any opinion on the reason for this country's restrictive approach? I accept that the number of bodies covered by our freedom of information legislation has increased. Given that our approach is quite limited compared to other jurisdictions, will the Taoiseach respond to the recommendations in a recent report published by the Think Tank for Action on Social Change? The report recommended that the "fog index" surrounding the accountability of approximately 500 public bodies which operate with a national remit should be addressed. It also referred to 5,000 appointments, many of which are in the Government's gift, which are made to public bodies at national level alone. Will the Taoiseach respond to the TASC report by outlining the criteria which are used in respect of freedom of information? It seems that the views offered by the Taoiseach and the various Ministers are given greater weight than any statute of criteria which are independently adjudicated. Will the Taoiseach indicate whether the pattern that has developed since the introduction of fees is evident in the Department of the Taoiseach?

An Leas-Cheann Comhairle: Fees are matters for the Minister for Finance.

Mr. Sargent: No, I want to ask about the pattern of freedom of information requests to the Department of the Taoiseach. It seems that three times more requests are being received for personal information than for non-personal information. Is that pattern reflected in the Department of the Taoiseach? Requests for personal information are far more numerous than requests for non-personal information because fees do not have to be paid for personal information. Non-personal information relating to the operations of the Law Reform Commission, for example, would be extremely useful as a public service. In that context and given that he mentioned that it was under consideration, has the Taoiseach any other news regarding the Law Reform Commission? It might have saved the Government

[Mr. Sargent.]

much embarrassment had there been more public scrutiny of the Law Reform Commission.

The Taoiseach: As already stated, the Law Reform Commission is the only agency under my aegis which is not included at present and this matter has been under consideration for some time.

As for the fees issue, I have stated on numerous occasions that personal information is free and the same is true of appeals. The figures are rising again and the majority of cases involve journalists. While there has never been any analysis carried out, the numbers of applications are not high, apart from during the initial period after the Act was first introduced, when people tried to gain access to older information. While there was a significant rush from the public initially, demand has eased off. The incidence of people using the Act for other information purposes has also more or less stopped. The fee of €15 is modest, particularly when one considers that previous fee in respect of such an application was €425. However, as that figure is a few years old, I presume the actual figure is closer to €500. Hence, when the work and preparation involved in an application are taken into account, the fee is modest.

Various countries have different ways of approaching this issue. The criticism of the legislation in Ireland was that an insufficient number of agencies were covered by the Act and this issue has now been dealt with. Although an independent review of the information by the Information Commissioner does not support some of the contentions regarding record-keeping, people generally use the Act as they require and the fee does not discourage them.

A fee is payable in respect of the appeal mechanism. It costs €75 for an internal appeal and €150 for an appeal to the Information Commissioner, with reductions for those with medical cards. An appeal to the Information Commissioner involves a quasi-judicial process, which can require many months to complete and which can give rise to a considerable amount of work. Hence, the fee is viewed as a fair reflection of the costs involved. Moreover, one receives a preliminary report from the Information Commissioner. If one accepts this report, one may withdraw one's case without incurring a cost, which people sometimes also do.

Caoimhghín Ó Caoláin: Has the Taoiseach addressed the issue about which the Information Commissioner complained in her December 2005 report, in which she highlighted the point that Departments introduce legislation that amends the Freedom of Information Act without any reference to her position? The Taoiseach will recall that in the case of the Safety, Health and Welfare at Work Act 2005, the Information Commissioner

only discovered the amendment to the Freedom of Information Act when it was brought to her attention by a member of the public. What procedures have been put in place in the Department of the Taoiseach and other Departments to ensure that there is proper consultation with the Information Commissioner regarding any legislation which may be planned or intended and which will have the net effect of an amendment to the Freedom of Information Act as it currently or has previously operated? Does the Taoiseach agree with the commissioner that it is obvious and sensible for consultation with her office to take place?

The Taoiseach: I do. I understand from my officials who are involved in this area that they take account of it. Admittedly, it may be easier for my Department because it is not obliged to deal with much legislative change. The Department of Finance monitors the rest. However, people should take into account fully the views of the Information Commissioner.

Mr. Rabbitte: Has the Government ever considered extending the remit of the legislation to the Garda Síochána? Is it not the case that the comparable legislation in the United Kingdom extends to the police there and that adequate safeguards in terms of security and confidentiality exist which would enable Ireland to take the courageous step to extend otherwise the remit of the Act to the Garda Síochána?

The Taoiseach: I do not know. Monitoring of the Act is carried out under the aegis of the Department of Finance. I do not know whether there have been any discussions in this regard. To the best of my knowledge, however, it was not in any of the most recent reports in which the bodies I mentioned previously were discussed. Hence, I do not know whether there have been any discussions in this regard. It would be useful for those trying to get information.

Mr. J. Higgins: I am sure the Taoiseach's party colleagues are happy to see him return to quell the malicious rumour that he had sought sanctuary at the United Nations. No one could deny that he had a well-founded fear of persecution when he fled the State last week. The Taoiseach's problem is that the persecution was also more than well-founded.

An Leas-Cheann Comhairle: Does the Deputy wish to ask a question?

Mr. J. Higgins: Regarding the Freedom of Information Act, does the Taoiseach ever take a personal role in determining freedom of information requests to his Department? Is he ever consulted before a decision is made? Has he ever been consulted on any particular issue? Can he outline the nature of the requests that have been

refused in the past? Do they relate entirely to the National Archives or are there other refusal trends about which the Taoiseach can inform Members?

The Taoiseach: The process in my Department is carried out by a number of senior staff without any recourse to me regarding either the question or the reply. It is an entirely independent function, as per the Act. There is a database in the Department which allows it to know the details of every request. It is monitored by the freedom of information liaison officer, who receives all the requests, logs them to the system and refers them to the appropriate division. The division then gives its reply. However, under the legislation, this process does not involve the office holder. This is the process which is followed.

State Prosecution Service.

3. **Mr. Kenny** asked the Taoiseach if he will report on the implementation of the Nally report on the reorganisation of the State prosecution service; and if he will make a statement on the matter. [16026/06]

The Taoiseach: As indicated in reply to previous questions on the matter, the recommendations of the Nally report in respect of the reorganisation of the Office of the Chief State Solicitor have been largely implemented. Agreement with the unions involved was achieved during 2001. The criminal prosecutions functions undertaken by the Office of the Chief State Solicitor were transferred to the Office of Director of Public Prosecutions at the end of 2001. A common promotion pool within the two offices, between the Office of the Chief State Solicitor and the solicitors division of the Director of Public Prosecutions, for professional solicitor and technical promotion posts formed part of the agreement and this is now in operation.

A negotiating process with local State solicitors, which seeks to agree on the transfer of the service to the Director of Public Prosecutions, is under way. Two reviewers were appointed to undertake a study of the current workload of local State solicitors and their expense base. They have submitted their report and it has been considered by the Office of the Chief State Solicitor and the Office of the Director of Public Prosecutions.

A formal offer of increased remuneration, approved by the Department of Finance, was made to the State Solicitors Association on 21 April 2006. Representatives of the Office of the Chief State Solicitor and the Office of the Director of Public Prosecutions met the State Solicitors Association to discuss the offer. The State Solicitors Association is considering the offer and is preparing a formal response, which should be received in the coming weeks.

Enabling legislation and appropriate legislative provisions on the transfer of the local State solicitor service are contained in the Civil Service Regulation (Amendment) Act 2005, which was signed by the President on 9 July 2005.

Mr. Kenny: The first half of the Taoiseach's response is identical to what was prepared for him on the previous occasion on which this question was answered.

The study group that addressed the issue of greater cohesion in the criminal justice system on the last occasion recommended the transfer of responsibilities from the criminal justice division of the Chief State Solicitor's office and the local State solicitors' offices to the Office of the Director of Public Prosecutions. An offer was made in this regard at the time. Has that matter been concluded? Was the offer accepted and has the recommendation been finalised and completed?

Are there any unfilled positions in the Office of the Director of Public Prosecutions? Does a backlog of work exist there as a consequence? Is work being outsourced by the DPP's office to local solicitors as a result of backlogs? I am aware that additional staff have been appointed but what is the current position?

The Taoiseach: The Nally report set out a number of recommendations, including: that responsibility for local State solicitors should be transferred from the Attorney General to the DPP, with legislative provisions to enable the DPP to delegate to them; that the appointment of State solicitors should be made on the recommendation of the Public Appointments Service, subject to agreement on adequate staffing levels and appropriate staff structures; and that the criminal division of the Chief State Solicitor's office, CSSO, should be transferred to the DPP's office to form a unit headed by the solicitor to the DPP following statutory clarification of the 1994 Act. These issues were addressed.

A common pool of staff, the members of which would be entitled to apply for transfer and promotion among the various legal offices in accordance with accepted Civil Service procedures, was also recommended. The only outstanding recommendation relates to the State solicitor service and that, because it is an industrial relations issue, is the subject of negotiation. Following a report on the workload and the expense base of State solicitors conducted by reviewers engaged by the CSSO, an offer was made on 21 April, which dealt with many of the issues raised during negotiations with the State Solicitors Association and it is designed to set a benchmark for the payment of expenses. The CSSO and the DPP feel that the offer responds realistically to the issues raised and it is hoped that the State solicitors will respond favourably. However, given that negotiations are ongoing, it would be inappropriate to

[The Taoiseach.]

comment further. That is the only outstanding issue.

With regard to staff numbers, the CSSO has recruited the additional staff that were approved. A small number of vacancies exist and the office is in the process of filling them. The DPP's office has recruited the additional staff sanctioned and it has a staff of approximately 170 full-time personnel, while the CSSO has 232 staff. Only a small number of vacancies exist, whereas a number of years ago it was quite difficult to fill positions. However, the advent of new structures and grades and the transferability of staff mean various issues have been addressed.

The Deputy inquired about the workload. The Government has no reason not to contract out legal work. In the recent past, specific cases were contracted out where the workload involved was beyond the capacity of the CSSO. The office also makes extensive use of counsel in dealing with the day-to-day caseload. The DPP's office outsources more prosecution work to barristers and private practice than in most common law jurisdictions and all the advocacy work in contesting jury trials is outsourced to the Bar. Other common law jurisdictions have tended to make greater use of in house lawyers but that is not what happens here. Local State solicitors are private practitioners who work on contract to the State rather than as State employees and, therefore, work is outsourced to them. Significant amounts of work in the legal service are outsourced.

Caoimhghín Ó Caoláin: What is the current status of the working group, comprising gardaí and representatives of the DPP's office, which was set up to implement aspects of the Nally report? Does the Taoiseach recall the decision to caution rather than prosecute first-time offenders in possession of small amounts of cannabis? What other working group recommendations have been implemented?

The Taoiseach: The recommendation in respect of cannabis was not part of the Nally report. All work under Nally, with the exception of issue relating to the local State solicitors, is complete. Perhaps the working group is dealing with another section in the Department of the Justice, Equality and Law Reform but it has nothing to do with the Nally report. I will seek information on the matter and forward a note to the Deputy.

Caoimhghín Ó Caoláin: Were all the recommendations implemented?

The Taoiseach: All the recommendations of the Nally report have been implemented. The only outstanding issue relates to the work of the local State solicitors. I do not think the issue raised by the Deputy was covered by the Nally

report but I will check. If it was, I will contact him in writing.

Mr. Sargent: Given the recent concern about the prosecution process engaged in by the State, will the recommendations of the Nally report be treated with urgency? In light of the Supreme Court experience, should the Nally group take on board any lessons? Will the Taoiseach recommend that those involved in the Nally report examine the experience afresh, given that it has been the subject of much debate in the past few days?

The Taoiseach: The Nally report was undertaken when both the DPP's office and the Office of the Chief State Solicitor faced significant case-loads. Following a number of reviews, large numbers of new staff were approved. An additional 75 staff were recruited by the CSSO, including 66 in the professional and technical complement, while a significant number of legal clerks, senior legal clerks, staff officers, higher executive officers were recruited to both offices following negotiations and a number of industrial relations cases in 2000 and 2001. Both offices were revamped and the criminal division was transferred from the CSSO to the DPP's office and the unit is headed by the solicitor to the DPP. All these actions were taken and there has been no difficulty since then other than in respect of the issue to which I referred. Staff numbers have increased substantially to more than 400 between the two offices. The transferability of staff between both offices has been useful because it helped the career prospects of staff. That was one of the major arguments made by staff. Only a handful of posts are vacant and the new grades have been introduced. The issues that created much difficulty in 2000 have been addressed.

Mr. Rabbitte: Is the Taoiseach saying that there are no plans to review the statutory procedures for consultation between the DPP's office and that of the Attorney General?

The Taoiseach: There is no problem with the statutory procedures but the communication procedures could perhaps be examined. The statutory work undertaken between them has not been raised as a problem and it does not require amendment.

Mr. J. Higgins: Will the Taoiseach clarify whether the criminal prosecution functions undertaken by the CSSO have transferred completely to the DPP's office, as agreed in 2001? Last February, the Taoiseach stated that negotiations were still taking place to agree the transfer of the service to the DPP. What are the implications for both offices of section 3(9) of the Criminal Law (Sexual Offences) Act 2006, under which a proposal to take legal proceedings against a person under the age of 17 must first be

referred to the DPP or the relevant legal person in those offices? Would the Taoiseach say that was a desperate attempt to cover the sustainability of his Government? For example, a situation could arise in which 16 year old father might be criminalised because of a completely consensual relationship with another 16 year old. Does the Taoiseach think it good State policy to make a baby born to teenage parents, which, I agree, would be better not to happen, start life with a father who has been criminalised or even jailed? Has he given serious consideration to these matters? How can he defend asking the DPP or the Chief State Solicitor's office to conduct what is really a judicial review?

The Taoiseach: The criminal division of the Office of the Chief State Solicitor has been transferred to the Office of the DPP. That was done with statutory clarification that the professional staff are professional staff of the DPP within the meaning of the 1974 Act. The only outstanding issue concerns local State solicitors and efforts are being made on negotiations to bring them within the ambit of the DPP's office. I addressed that issue in a question to which I replied earlier. They are contracted to the State. They made an argument based on their caseloads, office staff and overall expenses and that has been the subject of negotiations for some time. The Department of Finance agreed to a new offer, which has been made and which is being considered. The Chief State Solicitor and the DPP hope it will be accepted so that the remaining part can be concluded. All the other issues, including the organisational structure, modern library, information systems, planning and training, have been addressed.

Legislative Programme.

4. **Mr. Kenny** asked the Taoiseach his legislative priorities for the summer session of Dáil Éireann; and if he will make a statement on the matter. [16029/06]

5. **Mr. Rabbitte** asked the Taoiseach his legislative priorities for the remainder of 2006; and if he will make a statement on the matter. [17145/06]

6. **Caoimhghín Ó Caoláin** asked the Taoiseach his legislative priorities for the remaining lifetime of the current Dáil; and if he will make a statement on the matter. [19167/06]

7. **Mr. Sargent** asked the Taoiseach his legislative priorities for the remaining time of the current Dáil; and if he will make a statement on the matter. [20715/06]

8. **Mr. J. Higgins** asked the Taoiseach his legislative priorities for the remainder of the current Dáil session. [20850/06]

The Taoiseach: I propose to take Questions Nos. 4 to 8, inclusive, together.

My Department has one legislative matter for the current Oireachtas session. The National Economic and Social Development Office Bill 2002 has completed all stages in the Dáil. The Bill commenced Committee Stage in the Seanad and this is due to resume on Thursday, 15 June.

My Department will soon be bringing the text of the statute law revision (pre-union) Bill to Government, with a view to publishing it in autumn. This Bill will continue the process of modernising the Statute Book by repealing over 2,000 ancient statutes, dating from prior to 1801, that are now redundant or obsolete. The Bill will also retain a further 300 or so statutes from the same period that are not proposed for repeal at present.

Mr. Kenny: The draft heads of the Bill to deal with the nursing home inspectorate was published in April. When does the Taoiseach expect the details of the Bill to be published?

The establishment of an insurance scheme for the victims of infected blood by means of a hepatitis C and HIV compensation Bill is needed. When is that likely to appear?

In the context of the current controversy, the issue of a register of persons considered unsafe to work with children was raised on a number of occasions. The Government has repeatedly promised to bring forward legislation in this area and such a register is clearly long overdue. Hand in hand with enhanced vetting, the register must be a key aspect of any approach to child protection. However, there is no sign of the legislation needed to establish the register, even though it was promised and has appeared on the Government's legislative programme time and again. Despite repeated questioning, there is as yet no evidence with regard to when the legislation will be introduced. Will the Bill be published in the few remaining weeks of this session? When can we expect to have the register? It can only happen through legislation. I am aware that backlogs can form in the Parliamentary Counsel's system but this is surely a critical matter. Earlier, I raised an issue, about which I was informed by the Lord Mayor of Dublin, regarding backlogs in the vetting process. This register is needed and cannot be established without legislation. The Taoiseach might make arrangements so that the necessary Bill will be brought forward quickly.

The Taoiseach: I do not have information on Bills other than those relating to my Department but these could be discussed on the Order of Business. The Minister of State at the Department of Health and Children, Deputy Brian Lenihan, is dealing with the register and trying to co-ordinate work on the issue. I am not sure what stage it has reached.

[The Taoiseach.]

We have set out the A list for this session, which runs until the start of the next session and, as always, covers the entire period. We have published a number of those Bills and they can be dealt with on the Order of Business, as necessary. We have published 147 Bills and enacted 148 vital Acts but, on this, I intend to deal with my particular areas of legislation.

Mr. Rabbitte: Is it the Taoiseach's intention to bring forward a referendum during this session or, indeed, the remaining lifetime of the Government?

The Taoiseach: No, I do not have any proposed legislation.

Mr. Rabbitte: Is that the same as saying that the Taoiseach has no plans for a referendum in the lifetime of the Government?

The Taoiseach: Not over the next year.

Caoimhghín Ó Caoláin: Given that the current Dáil has, at most, some 12 months remaining, will the Taoiseach indicate the methodology for prioritising legislation? Given the chaos and crisis of the past fortnight and the need to protect children and update the law on sexual offences, will the Government prioritise this area in the immediate future?

How can the Taoiseach explain the fact that we are meeting today and tomorrow, even though nothing on the schedule of business addresses the real and necessary substantive debate that must ensue from last Friday's special sitting? In terms of making priorities, does he not accept that this is an essential issue for us to address and that leadership must be given by the Government, not only in terms of debate on this floor but also with regard to the wider debate and public consultation that must take place in order to guarantee the best legislation to properly address every situation that could potentially arise in this difficult and complex area?

The Taoiseach: In dealing with my own Department, I have no such legislation. Obviously, they are complex and important issues and we should deal with them within the context of the all-party group as soon as possible.

Mr. Sargent: With regard to the legislation we are updating, the Taoiseach referred to the statute law revision (pre-union) Bill. Given our experience over the past fortnight of the Criminal Law (Amendment) Act 1935, does he see a need, as I do, to evaluate legislation enacted prior to 1937 in certain cases that may fall foul of the Constitution? Is there a plan with regard to legislation, given that he already referred to redundant legislation dating from prior to 1801? Can he indicate whether a review is being conducted

in light of the lessons that have hopefully been learned from the past fortnight's debates and controversy?

In response to the subject matter of the past fortnight, will the Taoiseach say whether the referendum on the Constitution sought by the Children's Rights Alliance is on the Government's agenda? Will he comment on the legislation that might flow from that, the measures on vetting services for people working with children, which have been mentioned by Deputy Kenny to some extent, and the delays in assessment for psychiatric treatment and counselling for child victims of sexual assault, which range from six to nine months on average? Will he also comment on the issues I raised earlier on the sexual abuse and violence in Ireland report and the residential centre in Dublin funded by the HSE, where, according to newspaper reports, 250 children in care have gone missing? Are those matters the subjects of legislation and a constitutional referendum?

The Taoiseach: The White Paper on Better Regulation, published two and a half years ago, includes a commitment to carry out an analysis of all the pre-1922 legislation. The first part of that project was completed with the enactment of the Statute Law Revision (Pre-1922) Act 2005, which was finalised last December. The first part of that would have dealt with much of the legislation Deputy Sargent mentioned, which would have been there before 1937. The statute law revision (pre-union) Bill represents the second phase of that and will involve an analysis of all the legislation dating from before 1 January 1801, when an Act of Union came into operation, to decide what should be retained or repealed as appropriate.

The Bill states by means of a white list all the pre-1801 statutes that are to be retained as they are still in use. The white list refers to approximately 300 statutes, while all the others from that period, that is approximately 2,300, will be repealed and for convenience these will be listed in a separate Schedule to the Bill. The public consultation process on the application of the Bill was completed approximately a month ago and the final decision on the number of statutes to be retained or repealed will be taken following submissions from that public consultation process. That will be the biggest repealing measure in the history of the State, repealing almost as many statutes as the total number of Acts enacted since 1922.

In due course other statutes will have to be repealed but that will take time. The work for the next year will be on the 2,300 statutes. It is a phased period of work set out over the past few years and for the next few years. This work will continue in the coming years until we have a modern Statute Book for legislation and statutory instruments. That is possible because of the work

that has been going on for the past decade or so. We will get that into good order in probably the next five years but it is a big task and the number of people working on it is small. The personnel are steadily clearing and sorting our legislative base.

The Law Reform Commission has agreed to undertake the restatement project. Once this is up to date an Act should be restated by amending legislation. That will be guided by a steering committee that will comprise representatives of my Department, the Office of the Attorney General, the Law Reform Commission and other Departments. They will be requested to attend the committee from time to time as the work is relevant to their office. The heads of the Bill were approved by the Government a few months ago. My Department and the Office of the Attorney General arranged a public consultation process and that process has concluded. The Bill will be ready for the House in the autumn.

Mr. J. Higgins: Will the Taoiseach clarify whether his office co-ordinates this extensive process of revision? How does it relate to Dáil Éireann? Is it proposed to do it through each Minister encompassing his or her area of responsibility bringing amending legislation to the Dáil? What is the timetable? It is quite an undertaking in terms of the breadth of the issues covered. This goes back to the mists of the past when one was obliged to sell a horse for a few shillings. When the Taoiseach said he has no plans for a constitutional referendum for the remainder of his time in government, did he mean the Minister for Foreign Affairs was blatantly putting a red herring out on Monday when he advocated that such a course of action would find favour with him in terms of the present and recent controversies?

The Taoiseach: Work on the updating of the Statute Book has gone on for almost a decade. The statutes were put on CD-ROM, the statutory instruments were listed, the pre-1922 legislation was dealt with and the Statute Law (Restatement) Act was passed four years ago. The 2,600 Acts are to be dealt with — 2,300 will be amended while 300 will remain and be brought forward by way of the white list. That work will continue for some time. A number of phases have to be dealt with. Since the enactment of the Statute Law (Restatement) Act there have been four restatements in the areas of consumer law, defence, tourist traffic and succession.

On Deputy Joe Higgins's point about how the House is involved, all the legislation is brought before the House. I am keen that there should be more restatements, particularly for Acts that have a wide application and impact on citizens and businesses. In May I announced a two-month consultation process on the restatement programme. The results of that consultation will

inform the Government in deciding which Acts will be restated as a priority. The Law Reform Commission will play a role in that it will undertake the restatement project.

The value of restatement is that as we get the legislation up to date, for example, in the case of Bills that are regularly enacted such as the Finance Bill and the Social Welfare Bill, which are introduced every year, the restatement process will automatically update the Act without it having to go through the House each time so that practitioners, students of the law and people who follow this work will have an up-to-date version of the law. This is very important for those people. Under this process no amendments can be made to the law, it is simply restated. Only the House can amend laws. If a particular Bill has been amended half a dozen times, one will be able to access the current Bill without having to go back to all the individual Bills. That will be helpful and useful for people who use legislation regularly.

Mr. J. Higgins: One is stuck with the same old legislation. The Taoiseach did not answer my question on the constitutional referendum mentioned by the Minister for Foreign Affairs?

The Taoiseach: Unless the Government makes a decision on that——

An Leas-Cheann Comhairle: The time for questions has expired.

Requests to move Adjournment of Dáil under Standing Order 31.

An Leas-Cheann Comhairle: Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 31. I will call on the Deputies in the order in which they submitted their notices to my office. I call Deputy Catherine Murphy.

Ms C. Murphy: I seek the adjournment of the Dáil under Standing Order 31 to debate the following matter of urgent national and local importance: the need to move beyond the existing sex offenders register as purely a means of notification and towards a multi-agency approach with the aim of reducing re-offending. Such an approach, in addition to monitoring the whereabouts of those on the register, should involve the Garda, the probation service, the HSE and local authorities, and should be supported by legislation, national guidelines and a budget.

Caoimhghín Ó Caoláin: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national and regional importance requiring urgent consideration, namely, the scandalous proposals from the Health Service Executive to impose cutbacks in health services in the north-east region comprising counties Cavan,

[Caoimhghín Ó Caoláin.]

Monaghan, Louth and Meath, including preventing vital improvements in services for cancer patients and those on dialysis, with other cuts in essential accident and emergency services, with serious implications for patient safety and hugely damaging effects for the overall health of the population of this region, and the need for the Tánaiste and Minister for Health and Children immediately to intervene to prevent these cutbacks.

Mr. Connolly: I propose the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the implications of the reported €9.7 million budget deficit in the HSE north-east region for service delivery in the north east, particularly with regard to oncology services in Drogheda and kidney dialysis services at Cavan General Hospital and the implications for those in counties Monaghan and Cavan; the impact of the proposed ban on recruitment and other possible service withdrawals on an already chronically underfunded region; and calls for the urgent release of the Pat Joe Walsh report and the Teamwork Management Services report on improving safety and achieving better standards in the north-east region.

Ms Harkin: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of the highest national importance, namely, the passing last Friday of the Criminal Law (Sexual Offences) Act 2006; this flawed legislation which, although it plugged a legal loophole for the protection of children, allows young victims to be traumatised in court, enshrines discrimination based on gender in our legislation and opens up the appalling vista of criminalising young men and having their names placed on the sex offenders register for engaging in consensual teenage sex.

Mr. Crawford: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of local and national importance, namely, the urgent need for the Government to provide the necessary increased funding to the Health Service Executive in the north east so that essential and vital services can be provided within the region such as chemotherapy and dialysis; and the need for the Government to take into account the massive population increase that has taken place in this area, especially in counties Louth and Meath. Never before has the Government had such an amount of taxpayers' money available yet seriously ill patients are being forced to wait.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, why Government has not carried out an audit of the role played by road conditions in fatal road traffic accidents, as

demanded by me on 24 February 2005, which is needed in view of the gross underestimation, namely 2.8%, of road conditions as the main cause of serious and fatal road traffic accidents. The audit is needed because deaths due to road conditions are totally preventable. People such as Aisling Gallagher from Mayo, Sinéad McDaid from Donegal and the Kentstown bus accident victims would not have died if road conditions were in the state they should have been in.

An Leas-Cheann 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. 19, Planning and Development (Strategic Infrastructure) Bill 2006 [*Seanad*] — Second Stage, resumed, and No. 1, Criminal Justice (Mutual Assistance) Bill 2005 [*Seanad*] — Second Stage. It is proposed, notwithstanding anything in Standing Orders, that Private Members' business shall be No. 29, Greyhound Industry (Doping Regulation) Bill 2006 — Second Stage, which shall also take place tomorrow immediately after the Order of Business and the proceedings thereon shall, if not previously concluded, be brought to a conclusion after 90 minutes on that day.

An Leas-Cheann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with Private Members' business agreed?

Caoimhghín Ó Caoláin: It is not agreed. While I have no objection *per se* to the Fine Gael Private Members' business, the Taoiseach's almost singular reliance in his responses this afternoon to questions from Opposition spokespersons regarding the recent decisions of the Supreme Court and the passage of legislation last Friday that the all-party group proposed by the Minister, which may prove a valuable vehicle—

An Leas-Cheann Comhairle: That is not relevant to the Order of Business.

Caoimhghín Ó Caoláin: It is relevant because I am objecting to the Order of Business. I object for the precise reason that kicking to touch in terms of the all-party group and refusing to address the substantive issue on the floor of this House is a singular and particular failure on the part of this Government in ordering business for this week. It is unacceptable that the Dáil should sit this week and not debate the issues that directly arise from the Supreme Court judgments and the legislation that was rushed through last Friday. It is beyond belief that the stop-gap legislation—

6 o'clock

An Leas-Cheann Comhairle: We cannot discuss legislation.

Caoimhghín Ó Caoláin: I am not discussing it. I am stating clearly that there is a bounden responsibility on this House this week to give leadership and initiate the necessary debate on all the issues—

An Leas-Cheann Comhairle: I ask Deputy Ó Caoláin to address the question before the House, namely, whether the proposal for dealing with Private Members' business is agreed.

Caoimhghín Ó Caoláin: No, the proposal is about the entirety of the Order of Business.

An Leas-Cheann Comhairle: No, it is not. The proposal concerns Private Members' business.

Caoimhghín Ó Caoláin: I am objecting to the failure to take into account the need for a debate in this House. I demand that the Taoiseach and the Chief Whip order the business to be presented to this House in such a way as to allow the opportunity today or tomorrow not only to set in train the necessary debate within this House but to give leadership in terms of the wider debate and consultation that must take place.

An Leas-Cheann Comhairle: The Deputy is not in order. The Chair is putting the question.

Caoimhghín Ó Caoláin: It is absolutely outrageous.

Question put: "That the proposal for dealing with Private Members' business be agreed to."

The Dáil divided: Tá, 66; Níl, 11.

Tá

Ahern, Bertie.
 Ahern, Michael.
 Ardagh, Seán.
 Blaney, Niall.
 Brady, Johnny.
 Brady, Martin.
 Breen, James.
 Brennan, Seamus.
 Callely, Ivor.
 Carey, Pat.
 Carty, John.
 Collins, Michael.
 Coughlan, Mary.
 Cregan, John.
 Cullen, Martin.
 Curran, John.
 Davern, Noel.
 Dempsey, Noel.
 Dempsey, Tony.
 Dennehy, John.
 Devins, Jimmy.
 Ellis, John.
 Finneran, Michael.
 Fleming, Seán.
 Gallagher, Pat The Cope.
 Glennon, Jim.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Hoctor, Máire.
 Jacob, Joe.
 Kelleher, Billy.
 Kelly, Peter.

Kirk, Seamus.
 Kitt, Tom.
 Lenihan, Brian.
 Martin, Micheál.
 McDowell, Michael.
 McEllistrim, Thomas.
 McGuinness, John.
 Moloney, John.
 Moynihan, Donal.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Fearghail, Seán.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donnell, Liz.
 O'Donoghue, John.
 O'Donovan, Denis.
 O'Flynn, Noel.
 O'Keeffe, Batt.
 O'Keeffe, Ned.
 O'Malley, Fiona.
 O'Malley, Tim.
 Parlon, Tom.
 Power, Seán.
 Roche, Dick.
 Sexton, Mae.
 Smith, Michael.
 Treacy, Noel.
 Wallace, Mary.
 Wilkinson, Ollie.
 Woods, Michael.
 Wright, G. V.

Níl

Connolly, Paudge.
 Cowley, Jerry.
 Ferris, Martin.
 Gregory, Tony.
 Harkin, Marian.
 Healy, Seamus.

Higgins, Joe.
 McGrath, Finian.
 Murphy, Catherine.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Ó Snodaigh and F. McGrath.

Question declared carried.

An Leas-Cheann Comhairle: I wish to inform the House that I have allowed a private notice question to the Minister for Foreign Affairs, which will take place after matters arising from the Order of Business. However, the debate on it must conclude before Private Members' time at 7 p.m.

Mr. Bruton: In its programme for Government, the Government indicated that the maximum waiting time for a referral to a consultant would be three months, while the maximum waiting time for a procedure would be six months. No effort has been made to deliver on that commitment. When will the eligibility for health and personal social services Bill be published?

The Taoiseach: Next year.

Mr. Bruton: Another year of waiting.

Mr. Stanton: The Taoiseach announced the provision of a new rapporteur for child protection. Will this be on a statutory basis? Does it require legislation?

The Minister for Social and Family Affairs has referred to legislation to change the cohabitation rule for lone parents. Will that legislation be brought before the House before Christmas?

The Taoiseach: The legislation on lone parents will be brought before the House before Christmas. I do not think the provision of a rapporteur will require legislation. However, we must obtain advice on the best way to proceed.

Mr. Stagg: Following the Taoiseach's decision to refer the issues arising from the Supreme Court ruling to an all-party Oireachtas committee, is it his intention to refer them to an existing committee, such as the Joint Committee on Justice, Equality, Defence and Women's Rights? Has any decision been made on the terms of reference for the committee?

What is the current position on the broadcasting Bill?

The Taoiseach: The broadcasting Bill will be published this year. I have an open mind about the all-party committee. However, it might be best to establish a new committee.

Mr. Howlin: Will Members be given draft or completed terms of reference to consider before they are referred to Cabinet?

The Taoiseach: The Cabinet will discuss the terms, but I will be providing the committee with draft terms of reference.

Mr. Howlin: Will they be amendable?

The Taoiseach: Yes.

Mr. Sargent: I wish to highlight the concerns of the Children's Rights Alliance, Rape Crisis Network Ireland and the Irish Society for the Prevention of Cruelty to Children. Defects in the register for sex offenders have been highlighted and there is a need for a properly resourced monitoring registration system. However, there is still no indicated date for publication of such legislation, about which we continually ask. It is surely untenable at this stage for the Taoiseach to feign interest in child protection and not set a date for the publication of a register of persons considered unsafe to work with children. There seems to be an impediment to this, which, for some bizarre reason, does not exist north of the Border. Can the Taoiseach expedite that matter? This promised legislation is long awaited and urgently needed.

The Taoiseach: There is a North-South Ministerial Council dimension to this issue. However, I asked the Minister of State, Deputy Brian Lenihan, to try to find a way to circumvent it. The Departments of Education and Science and Health and Children are examining this matter. They are considering the establishment of a pre-employment consultancy service and the Minister of State is trying to bring it forward.

Ms O'Sullivan: The Minister for Education and Science announced in today's newspapers that the vocational education committees will deal with third level grants. Will the third level student support Bill, which is on the list of proposed legislation, incorporate this decision? When will that Bill be published? There were suggestions that means testing might be changed and I would like to know if it is part of the same Bill.

The Taoiseach: The legislation is due later this year. However, it will not be ready by September.

Mr. Connolly: We have a €10 million deficit in the north-east region of the Health Service Executive and this has an implication for the two most vulnerable groups, namely, those suffering from cancer and those in need of dialysis.

An Leas-Cheann Comhairle: Does the Deputy have a question on legislation?

Mr. Connolly: This relates to legislation. I want to outline why I am asking the question—

An Leas-Cheann Comhairle: The Deputy does not need to do so.

Mr. Connolly: —and the difficulties we are experiencing in the north east. We are pursuing the easiest targets and I cannot accept that. We are short of money and we target those suffering from cancer and those in need of dialysis. The north-east region of the Health Service Executive is the most underfunded in the country and we

are now seeing the fruits of that. We have one of the fastest growing populations in the country.

An Leas-Cheann Comhairle: The Deputy is out of order.

Mr. Connolly: I want to know when the eligibility for health and personal social services Bill will come before the House.

The Taoiseach: I answered that question two minutes ago.

Caoimhghín Ó Caoláin: Will legislation be required to establish an office of child protection rapporteur? Are amendments expected to the Ombudsman for Children Act 2002 as a consequence?

The Taoiseach: I answered that three minutes ago. I do not think we need to amend that Act but we must examine the required procedure.

Mr. Crawford: Is there any possibility of an open debate in the House to discover who is in charge of the health service? This is extremely important to the people of Cavan and Monaghan. Different messages are being sent out by the Health Service Executive every day. We are now being told that those with cancer and those in need of dialysis are no longer entitled to services. When will the Taoiseach make time available for a full discussion on who is responsible for the health service?

An Leas-Cheann Comhairle: The Deputy does not have a question on legislation.

Mr. Crawford: I only want an answer.

Dr. Cowley: I would also like to voice my protest on what is happening in the north east. A second consultant oncologist is being refused for the area. What is more basic than that? There is a great need for this service, yet the Government is denying cancer patients a very essential service.

An Leas-Cheann Comhairle: There are other ways to raise this issue.

Dr. Cowley: It is the same across the board for many other services for vulnerable people, such as hospice care. It is a disgrace and the position should be examined.

Mr. Durkan: When the Taoiseach visited the US, it was reported that the US intelligence services had sought access to e-mail and text transmissions in this country. Will the relevant legislation, namely, the electronic communications (miscellaneous provisions) Bill, take account of that?

An Leas-Cheann Comhairle: What is contained in the Bill is not a matter for the Order of Business.

The Taoiseach: This session.

Mr. Durkan: Will it be against that background? Was it mentioned to the Taoiseach?

Mr. McDowell: They are on to Deputy Durkan.

Mr. Costello: Regarding the National Children's Hospital, I am sure the Taoiseach is aware of the recommendation of the task group to locate the latter on the Mater site. Has that recommendation been approved or will it go before the Cabinet tomorrow? Where is the legislation necessary to implement the recommendation?

An Leas-Cheann Comhairle: The Taoiseach on the promised legislation.

The Taoiseach: There is no promised legislation.

Mr. Costello: I understand that legislation is required but none is promised.

Private Notice Questions.

Extraordinary Renditions.

An Leas-Cheann Comhairle: We now come to deal with Private Notice Questions to the Minister for Foreign Affairs regarding a report from the Council of Europe on extraordinary renditions in Council of Europe member states. I will call on the Deputies who tabled questions to the Minister in the order in which they submitted them to my office.

Mr. Allen asked the Minister for Foreign Affairs if he will make a statement to Dáil Éireann with regard to the allegations made in a Council of Europe report which states that Ireland colluded with the US Central Intelligence Agency in allowing Ireland to be used as a stop-over for flights involving the unlawful transfer of detainees.

Aengus Ó Snodaigh asked the Minister for Foreign Affairs whether it is imperative for the Government to immediately account for and cease collusion with the CIA network of secret flights and illegal renditions identified today by the Council of Europe, which named this State as being a stopover for flights involving the unlawful transfer of detainees; and the urgent need to refuse all planes associated with the United State's rendition programme the use of Irish airports and airspace.

Mr. Gilmore asked the Minister for Foreign Affairs his views on the report from Council of Europe rapporteur, Senator Dick Marty, regarding extraordinary rendition reports in Council of Europe member states; his further views on the findings on Ireland contained in the report; and if he will make a statement on the matter.

Mr. Sargent asked the Minister for Foreign Affairs if he will request an examination of the findings in the Council of Europe report just published which cites Ireland as a stopover point for extraordinary rendition flights and the need for the Government to require inspections of aircraft known to have been used for this illegal purpose when they land at airports here, most commonly at Shannon Airport, or their total banning from landing at Irish airports or using Irish airspace; and if he will make a statement on the matter.

Minister for Transport (Mr. Cullen): As my colleagues know, the Minister for Foreign Affairs is in Brussels. With the Leas-Cheann Comhairle's permission, I propose to take the questions together.

There is no question of Ireland having colluded with the CIA or with any other body in the matter of extraordinary rendition. Ireland is completely opposed to this practice and has made that emphatically clear on a continual basis, including directly, and at the highest level, with the United States. The US authorities have fully accepted our position and have made it clear that prisoners have not been transferred through Irish territory, nor would they be, without our permission.

Senator Marty suggested that Ireland, along with a number of other states "could be held responsible for collusion". The Government strongly disagrees with this position. The Government is satisfied that it is fully in compliance with its obligations under international law in regard to the issue of extraordinary renditions. Ireland has not been involved, either passively or actively, in any unlawful activity. The connections with landings are made long after the fact on the basis of the imposition of a pattern of movements on flight data obtained long after the landings took place. In this respect, there is no new evidence regarding Ireland upon which Senator Marty could base his claim.

Nothing in Senator Marty's report suggests that any evidence exists that flights carrying prisoners may have transited through Irish territory. It contains nothing which would question the value of, or undermine, the categorical factual assurances we received from the US authorities.

Regarding the landing at Shannon Airport of aircraft alleged to have been used earlier for extraordinary rendition purposes, I again 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 repeatedly stated in the House, the Government has received categorical and unambiguous assurances from the US authorities that prisoners have not been — and would not, without our permission, be — transferred — through Irish territory.

Senator Marty has not at any stage contacted the Government regarding extraordinary rendition. The comprehensive nature of Ireland's investigation of these matters has already been endorsed by the Secretary General of the Council of Europe, when he adjudged Ireland's submission, along with only eight others out of a total of 45 submissions, not to require further clarification.

Acting Chairman (Mr. McCormack): Each Deputy who asked a question may ask one supplementary question.

Mr. Allen: Will the Minister agree that if we believe in the concept of human rights—

Mr. M. Higgins: I apologise to Deputy Allen. Did the Acting Chairman state that supplementary questions are confined to those who tabled questions?

Acting Chairman: No, they are not confined. Any Member may ask a question after those who tabled questions have done so.

Mr. Allen: Does the Minister agree that we must assert that the use of any airport in this country for the transportation of detainees would be contrary to the concept of human rights? The Minister stated that we have not colluded. Does he agree, however, that there is a distinct impression that the Government has turned a blind eye to traffic through Shannon Airport? Will the Minister ensure that all flights using Irish facilities, regardless of whether they involve commercial or privately owned aircraft, provide full passenger listings to the relevant Irish authorities?

What discussions has the Irish Government had with the United States Administration recently and in the past on this issue? Does the Minister accept that it is not good enough to simply accept assurances from the United States or other states and that Ireland has a responsibility that breaches of international law do not go unchallenged on our soil? How many CIA chartered aircraft have stopped over in Ireland since 2001? Has the Minister discussed this serious issue with any of the other EU member states mentioned in the report?

Mr. Cullen: As already stated, Ireland's position on this issue is crystal clear. This country in no way supports the illegal movement or rendition of prisoners through it. There is no evidence to suggest that this has ever happened. Ireland was one of the first countries to act on

this issue and to have discussions with the United States. It is one of the few countries to receive direct, unequivocal and categorical assurances, which the Government has accepted, that no such transportation of passengers has taken place through this country.

It is extremely important we are clear that there is no question of Ireland turning a blind eye to these matters. Ireland has been to the forefront in respect of this issue and has made its position absolutely clear to the United States of America. As I stated, it is one of the few countries given an absolute and categorical response that no such movement of prisoners has taken place through its territory.

Ireland fully observes international rules and regulations. The regulations governing the landing and movement of aircraft are closely monitored by both Departments in terms of any issues which may have to be notified to the Department.

Numerous discussions have taken place at the highest level between the Minister for Foreign Affairs and other members of the Government, including the Taoiseach, and the United States. As the Deputy knows, Ireland received categorical and specific assurances regarding the question raised.

I do not have any details on the specific number of flights. I am not sure whether that type of specific information is available. We reject the implication in Senator Marty's leaked report, which I believe has now been published, and I reject the use of word "collusion" out of hand.

Aengus Ó Snodaigh: Does the Minister agree that a host of reputable human rights organisations and individuals have demanded an end to Irish complicity in the United States' illegal rendition programme? Does he agree that those calls should have resulted in the Government taking the necessary steps to ensure the protection of fundamental human rights and justice for victims of rendition, including the gathering of evidence, where available and when the opportunity presented itself, to ensure that a body of evidence would be gathered internationally to make a case against the United States in respect of its dreadful actions by way of extraordinary rendition, which is a misnomer? Does he agree that this State should have taken all steps possible to gather such evidence, including boarding planes used for extraordinary rendition before or after the fact? Even if no such transportation of prisoners took place through Irish airports, planes used for this practice did land therein and could have been impounded to allow the international community to take a case against the United States. The Ministers responsible in this area, including the Ministers for Transport, Justice, Equality and Law Reform and Foreign Affairs sat on their hands.

Acting Chairman: Is the Deputy asking a question?

Aengus Ó Snodaigh: It is a question.

Acting Chairman: The Deputy's statement does not constitute a question.

Aengus Ó Snodaigh: I am outlining the context of my question. In light of the report of the Council of Europe, will the Minister for Transport come clean and tell the Irish people what exactly has happened in Irish airports and airspace? Will there be a full and thorough public inquiry into the collusion of this State with the CIA in carrying out illegal practices? What long-overdue steps will the Government now take in response to the most recent report, the many reports in newspapers and magazines and the allegations of the bodies I have mentioned? Will it ensure that the use of Irish airports and airspace by the planes of the US military and CIA, and associated planes, will be conditional on the capacity of this State and the Garda Síochána to search those planes randomly?

Mr. Cullen: I reject utterly the Deputy's assertion that there is collusion between this State and the United States of America with regard to the rendition of prisoners. The assertion is utterly untrue and has no foundation. I reject out of hand the use of the ill-chosen word "collusion", which was used by Senator Marty. I understand that the Senator's report presents no new evidence, it is all old hat and has been regurgitated. I understand this from having had the opportunity this afternoon to read as much of the report as possible. The alleged activities are not taking place in this country. Ireland received absolute, clear and categorical assurance from the United States of America that there have not been any prisoners brought through our airports, specifically Shannon Airport. We accept this and the allegation is simply untrue. Were the alleged activities to happen, the United States would require our permission. The international rules and regulations concerning these matters are observed fully by us and other countries and they are fully acted upon by the Irish Government and by the relevant agencies and authorities on its behalf.

Mr. Gilmore: There is new evidence in Senator Marty's report. From the evidence supplied by Eurocontrol and the various aviation authorities, the Senator constructed what he terms the "spider's web" of flights and rendition tracks. The report criticises Ireland for what the Senator refers to as "passive collusion". In other words, acceptance at face value of the diplomatic assurances that have been given without checking separately and independently the allegations that have been made and without checking the planes, passenger lists, etc. It is bad enough that Ireland has been criticised in the past for passive col-

[Mr. Gilmore.]

lusion in the illegal torture of detainees on foot of flights through its airports, without opening itself to such an accusation in the future. Given that the criticism has been made, that the Government has been notified by the Council of Europe that it is not sufficient to accept diplomatic assurances at face value and that there is a positive obligation on member states, including Ireland, to check such allegations independently, is it the intention of the Government to continue to accept diplomatic assurances or does it intend to inspect aeroplanes, check passenger lists and verify independently, to its own satisfaction, that Irish airports are not being used for the rendition of prisoners to third countries for the purpose of torture?

Mr. Cullen: I disagree with the Deputy and with the assertion in the report that there is even passive collusion between this Government and that of the United States. It is utterly untrue and our position is clear. Ireland was one of the first countries to become concerned about the issue and to approach the United States in respect thereof. Ireland is one of the few countries that has received, in absolute terms, categorical and unambiguous assurances that no prisoners have been brought through its airports. This is absolutely the case and the Government has no reason to suspect the assurances are anything but true.

The information that is new to Senator Marty was available for months and was also given to the European investigation. The Deputy is correct that the Senator tries to draw a “spider’s web”, as he puts it, with regard to these issues.

I do not want to downplay the general concern internationally regarding rendition and torture, which we all, as humanitarians, share. We would abhor it and would not support it. As an Irishman, I subscribe to that view. I assure the people of this country that there is no collusion, as has been alleged by some speakers. It has not happened, it is not happening and will not happen.

Mr. Sargent: Will the Minister make himself familiar with the Amnesty International report, of which he did not seem to be aware when questioned by Deputy Allen? It stated that between September 2001 and September 2005, Shannon Airport was used on 50 occasions by CIA planes disguised as commercial aircraft. We must first ask what these planes were doing.

The Minister should take on board the legal reality. His statements to date have been akin to those of a priest in church trying to tell us about the resurrection of Jesus Christ. That is a matter of faith but the matter in hand is one of law. In legal terms, the Government does not have a leg to stand on, as highlighted by the Irish Centre for Human Rights in a seminar at which Professor Manfred Nowak and Mona Rishmawi, legal adviser to the UN High Commissioner for

Human Rights, said that it was legally obliged to search the aircraft. Not doing so was the subject of the allegation of collusion. It was made perfectly clear, making reference to the UN Convention against torture and Article 16 of the Chicago Convention on International Civil Aviation, that diplomatic assurances are inadmissible in law.

It is not acceptable for the Minister to tell us that he is an Irishman and proud to oppose torture if he is being presented with a case as to why he did not search the planes. Will he take on board that expert rigorous international legal opinion requires that diplomatic assurances alone are not acceptable? To accept such assurances is to be complicit in any wrongdoing that may be uncovered. It is known as invoking the principle of trust. That, if it is all the Minister has done, is tantamount to colluding in rendition.

Will the Minister go beyond that principle of trust, no matter how well-meaning or well-founded he believes it to be and exercise the legal requirement that these planes be searched? That is a fundamental legal requirement. It is not a matter of opinion, but is, in fact, the legal position as articulated in Article 4 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Article 16 of the Chicago Convention on International Civil Aviation. In my opinion, the Government is complicit because it has not required the searching of those planes. Will the Minister not just inform the US authorities that he must comply with the law and that it is not a question of not trusting them? It is simply to ensure that, in legal terms, we do what is required of us.

Mr. Cullen: We fully rely on the law. That is the strength of our position. I do not accept that the Government, on behalf of the people of this country, is colluding in any way. The Deputy is drawing on assertions made by people who have other agendas in making points to do with the international view of a number of issues relating to the United States of America.

Mr. Sargent: We are referring here to human rights issues.

Mr. Cullen: As regards the first point, Deputy Allen asked whether I had specific information regarding the number of flights to date. Of course I am aware of the number of CIA flights that enter the country. It must be borne in mind that many of these flights come here at different times and for different reasons.

Mr. Costello: What are the reasons?

Mr. Cullen: The Deputy seems to ignore entirely — it is important that I repeat it — that the comprehensive nature of Ireland’s investigation of these matters has already been endorsed by the Secretary General of the Council

of Europe, under whose aegis this report comes, when he adjudged that Ireland's submission, along with only eight others out of a total of 45, did not require further clarification. What we set out and what we are doing in this country was utterly and fully accepted and deemed to be totally clear in terms of our position with regard to the Council of Europe. No further clarification was required from Ireland, which was one of only eight countries that could provide the Secretary General of the Council of Europe with absolute, complete and full answers to the questions as they arose. People can make assertions but the facts are absolutely clear.

Mr. Sargent: That is an assertion, not a fact.

Mr. Cullen: The facts are that no prisoners have been transited through this country.

Mr. Sargent: That is an assertion.

Ms Lynch: How does the Minister know that to be the case?

Mr. Cullen: The fact is that no prisoners have been transited through this country.

Mr. Sargent: That is an assertion, not a fact.

Mr. Cullen: That is the position, as confirmed to us by the United States of America, and we accept it.

Aengus Ó Snodaigh: What about weapons of mass destruction?

Mr. M. Higgins: I put it to the Minister that he is not in a position to say whether prisoners were transited because he never inspected the planes. When Senator Norris and I met two chief superintendents, they suggested that the legislation which transposed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into Irish law did not allow them to enter, inspect or arrest. That was the reason they did not inspect the planes. Later, in questions to the Minister for Foreign Affairs, it became clear — as the Minister for Transport would know — that under the civil aviation legislation, not just policemen but also anybody responsible for an aircraft could, in fact, have inspected the planes. The Minister did not inspect any planes. I read in detail his submission to the Council of Europe in which he fudged the issue of inspection. A further request was made and confirmed here for more information as regards the inspection. I wish to put a question to the Minister of Transport. Were gardaí told not to inspect the planes and, if so, was it by a particular Department or the Director of Public Prosecutions? Why were the two complaints that were lodged not prosecuted?

I have one further question for the Minister. Does he not consider it significant that the independent Irish Human Rights Commission — which advises the Government on its human rights regime — on 23 December 2005 suggested “It is clear that the Government's position of unquestioningly accepting the assurances of a friendly nation is not sufficient to meet our obligations under international law.” Is the Minister not concerned about that? Is he not concerned that the committee that exists to monitor the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has suggested that assurances are not sufficient because of the seriousness of torture and dehumanising and degrading punishments?

Is the Minister not concerned that several governments in Europe have said that the acceptance of assurances is not acceptable? Is it not the case that the Government is putting interest above principles of international law? How would it be unfriendly of the Government to suggest inspections to a friendly country if it was clearly stating that it wanted to be openly and transparently in accordance with international law? Why will the Minister not take action? He did not inspect any planes and he does not know what went through Shannon. He did not deal with the question of inspection in his questionnaire and he is not in a position to say whether these planes were used.

What was the plane doing, for example, that flew through Shannon to Rabat and on to Guantanamo? What about the aircraft that landed and then proceeded to Cairo where there were clearly proven breaches as regards the rights of one particular individual? Is the Minister not concerned that the numbers of the planes, in fact, match many of those that were involved in rendition?

To conclude, I have a very easy question for the Minister. Does he believe that the planes which are leased from the private sector by the CIA for these purposes are civilian aircraft? He, as Minister for Transport, is dealing with them as civilian aircraft under civil aviation legislation. Is this not absurd?

Mr. Cullen: I do not doubt the Deputy's passionately held views on this issue. However, I want to be clear. Reliance on diplomatic assurances in cases of extradition and deportation relates to the detail of how a particular individual will be treated. However, the assurances on which the Government rely relate to a categorical factual statement that no individuals are being transferred through Irish territory. Ireland is completely entitled under international law to rely on this and it does so.

Mr. M. Higgins: The Government is entitled to rely, as regards international law, but the Minister has been advised by the United Nations and the

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Irish Human Rights Commission that this is a matter in which such assurances should not be relied upon.

Mr. Cullen: Outside of that, the Government has called, quite genuinely, on anybody with evidence to go to the Garda.

Mr. M. Higgins: They did so.

Mr. Cullen: There is no evidence.

Mr. M. Higgins: Two cases were brought to the attention of the Garda and they were not investigated.

Mr. Cullen: The fact is that the Deputy obviously does not choose to believe the United States.

Mr. M. Higgins: I believe the Minister, but two cases were taken to the Garda and they were not investigated.

Mr. Cullen: From an Irish perspective, the Government, even before this matter grew into the big international issue it was to become and everyone decided to become involved, specifically spoke to the US authorities on the point. Ireland was one of the few countries to obtain an absolutely categorical factual statement from the Americans to the effect that no such practice has taken place in respect of the movement of prisoners — or rendition issues — through this country. It has not happened.

Mr. Sargent: What does the Minister expect?

Mr. Cullen: I expect the truth and we are entitled to expect it.

Mr. M. Higgins: What does the Minister have to lose by carrying out an inspection?

Acting Chairman: A number of speakers want to contribute. The Minister, without interruption.

Mr. Cullen: Either we trust friendly international countries or we do not. On behalf of the people of this country, the Government set out to reassure itself as regards the factual position. We received a factual statement from the Americans, which satisfies the meeting of our obligations under international law.

Mr. M. Higgins: The Human Rights Commission said no in this regard and the Minister is ignoring that.

Mr. Cullen: I am not.

Mr. M. Higgins: The Minister is ignoring it.

Mr. Sargent: The Minister is legally obliged to take account of that.

Mr. Costello: We do not dispute the fact that the Minister received a categorical statement from the United States on these matters. However, if he considers the suspicious patterns of aircraft, numbers, routes and quantity involved, does it not raise a reasonable suspicion that there is something strange about them that might require extra action on the part of the Government? Senator Marty came to the conclusion that the Irish were passively at fault in respect of transfer of prisoners in the case of extraordinary rendition. How will the Minister respond to that? Will there be an individual response or will a collective response be issued in conjunction with the other countries that have been found to be passively responsible? I presume that the countries that have been found to be actively involved will simply admit it.

Ireland is a neutral country. It is one of the few neutral member states of the European Union. In that context and taking account of the extra sovereignty our neutrality underpins, in respect of the pattern of strange CIA activity on our soil, there is an additional onus on the Minister to ensure that he will go one step further and not simply accept statements from another nation, friendly though it may be. We must exercise our international and domestic right to ensure that Ireland, as a neutral sovereign country, is absolutely satisfied that nothing illegal is taking place on our soil.

Mr. Cullen: There are issues in this regard in the report, which was only published today and which must be considered. Issues in regard to some of the recommendations and the approaches to be taken into the future will have to be considered at European level by all member states. We will respond in that context. We will consider all the matters that arise and how we will deal with them.

I reject the allegation made in absolute terms. The Government does not accept that there is passive collusion with the United States in respect of the issue of extraordinary rendition. We simply reject that. The position is clear and straightforward. As to the allegation of our being actively or passively involved, we fully reject the allegation on both counts.

When the Minister for Foreign Affairs, on behalf of the Government, made a direct request to the American authorities to deal with this issue on foot because of concerns legitimately raised in this country — the Government has a right to seek specific answers on behalf of the people — answers were obtained. The Deputies are now suggesting that it was pointless to ask the question in the first instance——

Mr. M. Higgins: No, not at all.

Mr. Cullen: —because we did not want to believe the US authorities. We received a categorical factual statement on this matter from the American authorities. We, as a Government, have no reason to disbelieve that. One can, if one so desires, paint a mosaic of possible coincidences, although tenuously in some circumstances, regarding the movement of planes, etc——

Mr. M. Higgins: They would normally be going to Rabat.

Mr. Cullen: —within Europe. However, what I and the Government have concerned about all along is to make it absolutely clear to the Americans that any extraordinary renditions are unacceptable with regard to this country. We do not like it as a practice.

Mr. Costello: It is important to make the point from the perspective of our integrity.

Mr. Cullen: With regard to any of our State facilities being used and abused, if such events were occurring, it would be an absolute abuse and a breach of trust. As to the Government, either on a passive or active basis being involved, there are no circumstances in which we would accept that the word “collusion” has any legitimacy because it simply untrue.

Mr. Allen: The Minister admitted initially that neither he nor Department of Foreign Affairs officials have had time to consider in detail the report published today. In view of the fact that his Department will examine this report in the coming days, will he give an assurance that this matter will be raised at the Council of Ministers on 12 or 13 June? It is a Council of Europe document and it is of sufficient status that this matter be discussed at the Foreign Ministers’ meeting, which I understand will take place next week.

Having examined the detail of the report, will the Minister give the House an assurance that further negotiations or discussions will take place with the US Administration on this issue and that the Department of Foreign Affairs will use its good offices to ensure that the US ambassador will meet the Joint Committee on Foreign Affairs, either in public or private session, to discuss this issue? We met him informally outside the normal structures of committees but this issue is of sufficient seriousness to have a structured exchange of views, either privately or publicly.

Acting Chairman: I will take a question from Deputy O’Sullivan. As only three minutes remain, I ask her to be brief.

Ms O’Sullivan: Will the Government continue to simply repeat the mantra that the Minister has repeated several times, namely, that the Government has been given diplomatic assurances that

there is no involvement in extraordinary rendition from Ireland? Will it detail the various issues raised in this report, the Amnesty report and the specifics referred to by Deputy Michael D. Higgins regarding specific planes that have passed through Shannon and flown to various destinations? Will the Government——

Acting Chairman: The Deputy must ask a question.

Ms O’Sullivan: I simply want to ask——

Acting Chairman: There is no time to elaborate because the debate is due to conclude.

Ms O’Sullivan: —if the Government will put these specifics to the American Administration.

Aengus Ó Snodaigh: Has the Minister sought a categorical assurance regarding the transportation of white phosphorus or other illegal US munitions through Shannon Airport? Does he know if kilo company of the third battalion of the first marine corps was transported through Shannon Airport?

Acting Chairman: That is not relevant to the debate.

Aengus Ó Snodaigh: It is relevant.

Mr. Gilmore: As Minister for Transport, will Deputy Cullen inquire about the passenger lists relating to planes that are using Irish airspace?

Mr. Sargent: Will the Minister make available the legal opinion, over which he said he stands, which indicates that it is sufficient to obtain a verbal reassurance in this regard because we possess a legal opinion which indicates that inspections must be carried out?

Mr. Cullen: The House will want to stand back from this report and not rush to make a judgment on it. This is a draft and not a final report. In response to Deputy Allen’s question, I do not believe it will be raised at the Foreign Ministers’ meeting next week. I have not spoken to the Minister directly but it must be considered before it is presented in its final form. That is the first point I wish to make.

The second point on which I want to be abundantly clear is that we reject absolutely Senator Marty’s view that this country is either actively or passively in collusion with the United States of America on the extraordinary rendition issue. When this became an issue, Ireland was one of the first countries to seek meetings and speak directly to the Americans in respect of it. We questioned them in specific terms and we received an absolute, factual and categorical response, namely, that no such prisoners were brought

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through Shannon Airport. It has not happened in the past, it is not happening now and it will not happen in the future. It is important that all of us in this House understand the Government's position on this matter, which is consistent. It is not a mantra, as Deputy O'Sullivan said, rather it is a strong position under international law.

Mr. M. Higgins: No, it is not.

Mr. Sargent: The Minister should show us where that is the position.

Mr. Cullen: It is a strong and solid position and Ireland is one of the few countries that has dealt with this directly.

Private Members' Business.

Greyhound Industry (Doping Regulation) Bill 2006: Second Stage.

Mr. Deenihan: I move: "That the Bill be now read a Second Time."

I wish to share time with Deputy Jim O'Keeffe.

I am delighted to have the opportunity to introduce the Greyhound Industry (Doping Regulation) Bill 2006. This three-hour debate will provide an opportunity for me and Members on all sides of the House to voice our views on this important Bill and other issues concerning the greyhound industry.

I had the privilege of being responsible for Bord na gCon when I served as a Minister of State at the then Department of Agriculture, Food and Forestry from 1994 to 1997. It was a very exciting time for the greyhound industry after the downward cycle in the previous ten to 15 years when attendance figures slumped to approximately 580,000 from over 1 million in the late 1970s. With the aid of increased funding made available by the then rainbow Government, significant improvements in customer facilities and track surfaces took place in racing tracks across the country. In 1995, a new grandstand restaurant, hospitality suites, kennels and full bar facilities were provided at Shelbourne Park. These cost approximately €3.25 million, which was good value for taxpayers' money at that time.

This new development, complete with a strong marketing campaign made an immediate impact and Shelbourne Park became the place to go for evening entertainment and corporate functions. This was the catalyst the industry needed at the time and it resulted in remarkable increases in attendances and tote betting at Shelbourne Park. This model became the example to which the rest of the country aspired. A new grandstand restaurant and bar facilities were opened in Tralee in May 1997 at a cost of €2.3 million. This has been a major success, is part of the tourism infra-

structure of Kerry and provides state of the art facilities for owners, trainers and members of the public. New kennels were provided there recently for the comfort of the greyhounds.

I was involved in the relocation of the greyhound stadium in Cork, which resulted in the first new greyhound stadium to be built in the country since the late 1950s. I was also instrumental in the decision to retain Harold's Cross as a greyhound stadium. Before I was given responsibility for the industry, a decision had been made to sell off Harold's Cross and to centralise all greyhound racing in Dublin at Shelbourne Park. I did not agree with this strategy, however, and ensured that it did not proceed. It is heartening to see how well Harold's Cross is doing. A later major investment in Harold's Cross came mostly from the sale of some of the land there. At the time, Harold's Cross would have made very little money compared with what it makes now. It is an outstanding facility and serves as a community centre for that side of the city.

Between 1994 and 1997, the rainbow Government reduced VAT on greyhound feed from 21% to 12.5% and introduced an exemption from tax on income from stud fees in 1996. Between 1995 and 2005, attendances grew from 580,000 to 1.39 million, a return to the levels of the late 1970s. As a result, totalisator betting increased from €6.7 million in 1995 to €51.3 million in 2005 and bookmaker betting increased from €22.2 million to €90.5 million in the same period.

Prize money has increased from €1 million to €11.4 million and sponsorship from €600,000 to €1.9 million. The number of registered owners has increased from 8,277 in 1996 to 9,989 in 2005, which reflects the growing popularity of greyhound racing. It is heartening to see many syndicates made up of men and women who buy dogs, come to the track to support them and have great fun in the process. This is a trend across the country and represents a good way to keep people occupied and promote to social interaction. Greyhound centres are good social centres for their communities.

The greyhound industry, including the rearing and training of greyhounds, contributes in excess of €300 million to the economy and is an important source of income for many families, particularly in rural areas. It provides a considerable supplementary income to many farm families.

This dramatic improvement has taken place in Ireland since 1995 while the industry has declined in the UK and the USA. Receiving Government support has helped, especially with the introduction of the horse and greyhound racing fund in 2001. That was a major departure because it ensured guaranteed funding for the greyhound industry in the future. Bord na gCon received 20% of the total fund, which has contributed to the increase in prize money and to the capital development throughout the country.

The appointment of Pascal Taggart as Chairman of Bord na gCon in late 1995 was an important development. In the past 11 years, he has given his time to Bord na gCon free of charge. He declined to accept a director's fee or travelling expenses and must be recognised for that and for his contribution to the spectacular growth of the industry since 1995. He remains the chairman 11 years later, having been appointed by the rainbow Government, not on political grounds but on the grounds that he had business acumen and was supportive of the greyhound industry.

His predecessor, Kevin Heffernan, carried out a root and branch review of Bord na gCon in late 1994 and early 1995. He proposed the structures, which are still in place, to enable the industry to progress. The chief executives, Seán Collins and Michael Field, who served while I was Minister of State were very supportive. When I served in a junior ministerial capacity and, as a Deputy representing north Kerry, made proposals regarding the track in Tralee, there was a concern that there might not be money available to facilitate such a development. The then chief executive, Seán Collins, was very supportive of this proposal, as was Michael Dowling, Secretary General of the Department of Agriculture, Food and Forestry at the time. We sourced the first €500,000 to get the project off the ground from various funds and savings in the Department. They, together with the staff and Board members of Bord na gCon, can all feel justifiably proud of this success story. I acknowledge also the efforts and support of the former Minister for Agriculture and Food, Deputy Walsh, and of the Minister for Arts, Sport and Tourism, Deputy O'Donoghue, for the industry.

In late 1996, the Government also approved my proposal on new greyhound legislation. When I left the then Department of Agriculture, Food and Forestry in 1997, drafting of the Bill was well advanced. The Bill provided for a new greyhound racing authority to replace Bord na gCon. The board was to be larger than the existing board and broadly representative of the various interests of the industry. The Bill also proposed to establish a new independent control and appeals board, with a legal person in the chair and a veterinary expert on it.

Other sections of the 1958 legislation the Bill proposed to update included aspects relating to ethical standards associated with membership of the authority and the duration and number of times an individual could serve on the board, including the chairman. It was also intended to appoint an individual, or individuals, to the board who may not have been involved in the greyhound industry but who had a business, legal or marketing background. The Bill would also have assured gender balance on the board. When the rainbow coalition left office, there were three women on the board. Now there is none, which is a sad reflection on the Government's stated

commitment to ensuring gender balance on State boards.

The incoming Government dropped the legislation in 1997. Elements of the Bill were included in the Horse and Greyhound Racing (Betting Charges and Levies) Bill 1999 and the Horse and Greyhound Racing Fund Bill 2001. However, the Bill would have led to a comprehensive updating of the 1958 Act which, as the Minister accepted in the Dáil last week, needed major amendment and updating. Unfortunately, it has taken almost 12 years for the Government to acknowledge this fact.

The Bill I am introducing represents one of the initiatives contained in the proposed 1997 legislation. It is essential the industry is governed by an effective regulatory structure which has the confidence of all involved. Greyhounds must be allowed to compete on their merits. Trainers and owners must be allowed to compete in the knowledge that their animals will only be beaten on merit and not by a greyhound that has been given a performance enhancing substance. Similarly, people betting on greyhound races must be confident the greyhound they back will perform on its merits. There must be no room in the industry for cheats. For animal welfare reasons, greyhounds should not be raced if they require painkillers or other drugs to boost performance.

Since 1995, Bord na gCon has striven to improve its control procedures. In 1996, the board employed a regulation manager to oversee a radical improvement in the implementation of its control regime. In 2005, it spent approximately €2 million, a substantial part of its budget, on regulation. In 2000, the board tested 1,000 samples with a positive rate of 1.4%. In 2005, some 6,000 samples were taken, with a positive rate of 1.13%. Although this compares favourably with the World Anti-Doping Agency, which tested a total of 2,000 athletes in 2004 worldwide, both in and out of competition, it represents less than 4.5% of those runners competing — an average of 2.5 greyhounds out of 60 taking part on a normal track night.

The board currently tests two randomly chosen samples at each track on each night of racing. This process is supervised by a control steward assigned to each track. The samples are selected randomly from the race card, usually by a draw made by a member of the public. On occasion, testing is carried out by a stipendiary steward and an outside testing team which usually takes pre and post-race samples of a number of races on nights when there is major prize money at stake, usually high profile events.

The urine collection container is usually given to the handlers of the greyhound who collect the urine. They must sign a form indicating their satisfaction with the procedure and stating whether or not they want the sample split. The samples are then sent to the national greyhound laboratory in Limerick by registered post for

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analysis. Negative samples take two weeks to certify and positive samples usually take four weeks. If the sample is positive, the trainer is informed by letter and asked to provide an explanation for the presence of a prohibited substance.

A letter is also sent to the track control steward directing him or her to initiate an inquiry into the case. The regulation manager in Bord na gCon then submits a report to the control committee, including all documentation, for decision. The committee, consisting of the chairman of Bord na gCon, the chief executive and three board members, then decides on the penalty to be imposed on the individual. First time offenders have the option of accepting the findings of the test, a small fine and forfeiture of the prize money or of appearing before the control committee to present a defence. This arrangement has had some success, but it is obvious from recent events that it is not foolproof and people are questioning it. I understand, from the leaked reports I have seen in the newspapers, that the Dalton report will address this issue. If the leaks are correct, and I presume they are, that report proposes something similar to what I propose in this Bill. Perhaps Mr. Dalton read my Bill.

A number of people have expressed concern about the procedures in place for the testing of greyhounds in Ireland. They feel that because they have been in place for some time, it is now appropriate to update them. They are convinced that if we are serious about zero tolerance regarding drug use, we must ensure that our drug testing systems are credible, comprehensive and independent and act as a deterrent to anyone tempted to breach the rules.

The receptacles for taking samples are outdated and are not in keeping with modern standards owing to their design. Horse racing uses the ladle method which is more tamper proof.

The current system for drug testing racing greyhounds has in place a duplicate numbering system whereby one label is placed on the bottle that contains the urine sample after the handler has taken the sample from the greyhound and the other is part of a form signed by the handler in the presence of the person appointed by the board, who also signs that he or she has received the sample. The administrator or steward appointed by the board is obliged to offer the facility to split the sample so owners can also get it tested independently should they wish to do so.

Ireland allows persons taking samples from their dogs to walk freely into the middle of the track. The system in other countries is far superior with an area such as a sand pit reserved for the taking of samples. Sometimes when people walk into the middle of the stadium to collect a sample it could be the middle of winter and dark. This does not look well. In tracks in other countries a sandpit is reserved where people can

see the sample being taken. That should be the practice here.

As the receptacle that contains the urine sample is not sealed, other than by a screw top, it could be open to tampering between the time the sample has been taken and the time it reaches the area of administration, which is usually the staff canteen or a crowded weigh room. These bottled samples are placed in a small container, which has a screw cap, but as there is an abundance of them around the track, it is possible that a person could open them and swap a sample. The current system where there is no tamper-proof seal on the urine sample after it has been collected leaves the system open to tampering of samples by unscrupulous persons and would undoubtedly be open to legal challenge. We should remove that doubt. A facility such as a testing station that is locked all the time should be made available at all tracks, like a proper vet's room. In Ireland, no track has an area reserved for the sole purpose of administering testing procedures.

I understand stewards employed by the board do not have the power to randomly test a greyhound they deem to have run above or below form on any night and cannot test a greyhound the morning after a race. Will the Minister clarify that?

There is no testing carried out on greyhounds in semi-finals, which may encourage the use of illegal substances. This is on account of the length of time it takes for a sample to come back and because if the final of the race was the following week, it could be held up by a potential court case. It is a flaw in the system that dogs in semi-finals are not tested. The board, to its credit, tested the losers in the quarter-finals and semi-finals of last year's Irish Derby. Random testing should be the norm in Ireland but it is not. It would be far more advantageous to the board if stewards had the power to test greyhounds on spec. Post-race testing has been introduced in recent years to combat the alleged use of hard drugs. Given that some drugs enhance performance in seconds rather than minutes, they do not show up in urine samples for approximately 30 minutes, thereby making post-race tests useless. That is why there should be tests on the mornings after competitions and at various other times. I am also concerned that there is no testing at trials in Ireland.

Samples are placed in screw-cap containers which do not have seals, thereby defeating the purpose of taking samples in the first instance. The samples are transported by car and posted to head office without a chain of custody or an appropriate type of seal. The container carrying all the samples is screw-sealed, but there is nothing to stop anyone from changing the urine and replacing the samples in another container. Although there is a numbering system on the bottles containing the urine, there is no numbering or seal on the containers in which the

samples are transported from the track to the post office. Although the integrity of the people involved is not in question, this system leaves them open to legal challenge. We are aware that cases have been taken on the basis of problems with the carriage of samples. It happened in a celebrated case in about 1994.

I refer to arrangements in other countries for the sake of debate, in support of my argument and to highlight some of the weaknesses in the Irish system. There are individual trainers, owners and agents in Ireland, whereas at tracks in the United States there are kennel owners who supply greyhounds for racing each track. Greyhounds in that country are kennelled two hours before racing and nobody other than members of staff of the tracks is allowed near the dogs. The track staff who parade the greyhounds for racing are responsible for the care of the greyhounds to which they are assigned for each race.

It was recently announced that a new racing commission is to be established in England to deal with matters relating to the misuse of prohibited substances there. I am sure the Minister is familiar with the commission. Under the English procedure, which is to be commended, heavy fines or total disqualification are used to reprimand those who breach any rule concerning drugs. Samples are taken in a railed area in full view of the public prior to racing, which is an excellent method because it removes the risk of tampering with samples. Authorised track personnel, rather than handlers, take all the samples in England. The "flying squad" that is in operation in the UK carries out random testing on many sports at any time, day or night. The "flying squad" found that certain samples taken from greyhounds did not test positive unless taken after races. Post-race testing did not start here until 2005 and then only in a very limited form.

A leading Irish trainer received a substantial fine last year for using nandrolone in England, where it is prohibited. It is not a banned substance in Ireland, however. It is time to put in place an international agreement to standardise control procedures in various countries. There is a particular need for a bilateral agreement between England and Ireland, given that many English dogs race in Ireland and many Irish dogs race in England. We need to standardise all our procedures. Substances which are banned in England should be banned here and *vice versa*. I understand that a high profile trainer who was banned in the UK for using drugs got a licence to train in this country. When he returned to the UK, he was banned for a second time for the use of drugs, but he returned to Ireland to resume training here. He has never been detected for the use of drugs here. Perhaps he did not use any substances which are prohibited here. Some drugs which are being used here may not be allowed in England.

In Australia, guidelines are given to stewards and trainers on their rights and on how they should implement the rules. The stewards' rooms there are equipped with video recording. Nobody is allowed to refuse to co-operate with the system. Stewards have the right to question owners or trainers at any time and to issue on-the-spot fines to people in respect of dogs. I understand that under the system introduced in Australia, the samples from dogs which were tested on the Saturday night are back by the Monday morning. Any greyhound found positive in a semi-final is automatically disqualified from the final. Legislation is in place to ensure that nobody can challenge this rule. Drug tests are carried out by authorised people and are taken in a ladle, just as they are by the horse racing authorities here. The samples which result are untouched by hand. It is obvious that Bord na gCon's drug testing procedures need to be updated and made more comprehensive. If that requires more finance, I suggest it should be provided.

An independent body that is responsible for the independent regulation and control of doping and illegal drug use in the greyhound racing industry needs to be established. The Bill I am proposing this evening seeks to achieve that objective. I recommended this approach in a Bill I had ready for publication in 1997. I have repeated the view I expressed in several public statements when I was Minister of State on many occasions in this House since then. I have said many times that an independent control procedure is needed. If this legislation had been accepted when I proposed it in 1997, we would not now have the debacle in Bord na gCon. The industry has definitely been affected by the delay. Last week, when the House discussed the crisis that followed the Supreme Court decision, the Tánaiste accused the Opposition of failing to come up with a solution. The Minister, Deputy O'Donoghue, cannot point the finger at the Opposition in this instance. We were ready to put a Bill in place almost ten years ago and we have proposed since then that it be accepted, but we have been ignored.

I spoke in this House on 17 June 1999, which is almost seven years ago, during the debate on the Horse and Greyhound Racing (Betting Charges and Levies) Bill 1999. I said:

Control is most important and recent events in athletics demonstrate that people are much more conscious now of true and genuine performances. I question the application of control in the greyhound industry in terms of its effectiveness and the implementation of procedures. There is a need for manpower to carry out more spot checks. It is most important that the Minister introduces legislation to set up an independent controls board. If he does not do so, I will introduce a Private Members' Bill in an effort to do so because controls are

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important to the credibility of the greyhound industry.

I signposted my intention to introduce legislation a long time ago. The Minister said during the subsequent Seanad debate on the Bill that he could introduce an independent controls body, but he did not do so thereafter.

I appeal to the Minister to consider seriously accepting this well thought-out and balanced Bill, which will ensure that the members of the control group, or “an comhlacht” will be totally independent of Bord na gCon, will have legal and veterinary expertise and will have a good understanding of the greyhound industry. The establishment of such a group would ensure that all decisions on doping would be published and would not be questioned. It would avoid any conflict of interest on the part of board members who might be acquainted with or have associations with greyhound trainers or owners. Ireland is a very small country and everyone in the greyhound industry knows everyone else. They are very familiar with each other — it is a very closely-knit community. The Government’s failure to remove control and responsibility from Bord na gCon has placed the people to whom I refer in a compromised position. We will debate the Dalton report in the weeks ahead, after we have seen its contents. If the sentiments of the legislation I am proposing had been accepted in the late 1990s, we would not be facing the current crisis and debacle.

Mr. J. O’Keeffe: I compliment my Kerry colleague for introducing this worthwhile Bill. I must also declare an interest, having been a part-owner of a few dogs. However, as I have no personal knowledge of the matters under discussion, I have taken the precaution of speaking to some people who appear to be extremely knowledgeable in this regard and I was rather surprised by their conclusions. While Shakespeare wrote about something being rotten in the state of Denmark, my contacts allege that something is extremely rotten in the state of the greyhound industry. They claim that a considerable amount of doping takes place. I am unsure whether it is rare, regular, rife or rampant, as I have heard all four opinions from different sources. However, as doping does take place, Members have a duty and responsibility to establish what can be done about it. From such a perspective, this Bill constitutes an extremely constructive suggestion.

If the Bill is not accepted, the people involved in the industry should be consulted. I have been told, in graphic detail, that some handlers have a supply of cocaine in one pocket and bread soda in the other, and that this potent cocktail is a common weapon in the doping armoury at our greyhound tracks. I have also been assured that other drugs are employed. One of my informants mentioned that Viagra was commonly used,

albeit not for the purpose for which that drug was originally designed.

Mr. O’Donoghue: Does it enhance performance?

Mr. J. O’Keeffe: Members have a job to do and must confront and face up to the problem.

As for the question of greyhound dope testing, I have been told it is a joke. I have been told that picking a couple of dogs at random at a greyhound meeting is utterly inadequate. Furthermore, I have been told there are many ways of voiding and avoiding testing procedures and that doping samples are easily tampered with. One method involves dipping some bread soda into the urine, although I am unsure exactly how that works. Nevertheless, I have been assured the current system is quite ridiculous. A problem exists which is not being dealt with properly under the present regime. Consequently, the duty of Members as legislators is to take the matter in hand, as Fine Gael has done.

I know of the interests of the Minister for Arts, Sport and Tourism, Deputy O’Donoghue, in this area, as I knew of the interests of my constituency colleague, the former Minister for Agriculture and Food, Deputy Walsh. However, this problem has not been tackled and responsibility for that must lie with the Government. Hence, the controversy does not concern the row between the Minister and the chairman of Bord na gCon, Paschal Taggart, which is a matter for them to resolve and settle between themselves. The issue concerns the overall health of a most important industry.

I have seen leaks from the Dalton report, which is lying around, in the newspapers. While I do not know who takes responsibility for the leaks, the Government certainly does not take responsibility for anything. However, as far that report is concerned, I say publish and be damned. It should be released in order that people will learn of the views of a respected retired civil servant on this issue. Above all, there should be openness and transparency.

I do not know whether the Minister presides over a rotten system. However, if it is perceived to be so by many, Members should face both the reality and the perception once and for all. This is a basic duty for Members. From such a perspective, it is clear the present role of Bord na gCon in regulating the entire industry and having responsibility for doping simply is not working. This issue has been confronted in other countries and procedures have been put in place which work to a far greater degree than is the case here. There must be integrity and fair play in the greyhound industry.

Luckily, given the new facilities which have been developed in the past ten years or so, more and more people flock to our race tracks. This is a positive development which I love to see, and I go to meetings myself. At a minimum however,

customers and backers should have confidence that the greyhounds which they will back will win or lose fairly. Currently, that is not the perception, and there is a problem which must be dealt with. One way to do so is to accept the Bill proposed by Fine Gael.

Mr. Timmins: I also welcome the publication of this Bill. Bord na gCon is a commercial semi-State body which is responsible for the control and development of greyhound racing. A total of 17 tracks are licensed in the Republic, of which nine are owned by the board, with the remainder in private hands. It is important to note that the aforementioned nine tracks were purchased by the board at a time when it was not in receipt of State funding. While the board could have invested money in the development of the industry, it chose to purchase stadia such as Shelbourne Park, Harold's Cross, Cork, Limerick, Tralee, Galway, Clonmel, Waterford and Youghal. It did so out of concern that such tracks could have been sold on by private enterprise for development. Hence, it is important to acknowledge the board's foresight in purchasing these tracks at the time. The board is subject to the Freedom of Information Act and the industry now has prize money of more than €11 million, as well as sponsorship of slightly less than €2 million.

There are two aspects to greyhound racing. The first is the sporting tradition which is associated with many families. Members are familiar with people who are seen regularly late at night and early in the morning, exercising dogs on our roads. This aspect is extremely important. Members should not forget that it provides a pastime for many people, as well as an element of exercise for some who might not otherwise engage in it. This tradition has been associated with several families through the years and Members are familiar with many of the stories told. As the modern world might in a sense undermine this industry, perhaps the Minister will examine the concept of making a few feature films from the stories which surround the greyhound racing industry.

Mr. O'Donoghue: We did so with "Lassie".

Mr. Deenihan: They would be more successful than "Lassie".

Mr. O'Donoghue: We did it with a sheepdog.

Mr. Timmins: The Minister might examine the possibility of finding some funding for such a purpose.

Mr. O'Donoghue: I will.

Mr. Timmins: The other aspect concerns its importance as an industry in this country.

I discussed this matter with Deputy Wall earlier and we recalled a few great characters from our localities, such as the late Jim Byrne, a county chairman, and a former Army officer, Mick O'Farrell. The latter used his greyhound to telling effect after running into trouble with the Defence Forces authorities for having kept the dog within military quarters. He aptly named his next dog Command Adjutant, after the individual who was responsible for administering discipline in the area. There is a lesson to be learned in this respect. If the problems surrounding the industry are not resolved in the immediate future, some greyhounds with telling names may run at Shelbourne Park or wherever.

As for the industry, this year approximately 1.5 million people will attend a race meeting. Gate receipts and levies on bookmakers are used for reinvestment in the facilities. Greyhound racing is attractive for many people who one might not necessarily associate with it. It can provide an excellent family entertainment day and many political parties carry out fundraisers at the various race meetings.

One of the main attractions is that the time between races is very short. While the amount of money betted is not phenomenal, many people place a lot of small bets. Moreover, the facilities at many racetracks are excellent and have improved dramatically in recent years. One must thank the chairman and the board of Bord na gCon in recent times for investing this money in the facilities. They are second to none and leave many other sporting organisations in the shade in terms of what they offer to people. For the industry to thrive, it is important the public has faith in racing's integrity. While people might associate bookmakers with horse racing, much of their turnover comes from greyhound racing. Moreover, the numbers of spectators who attend greyhound races is almost on a par with those who attend horse racing.

In recent years, the industry has globalised and Irish racing is now available in the United States. Consequently, it is important to send out a message that Ireland has a well-run system. This is why this Bill is extremely important, as no group can self-regulate. Deputy Deenihan's Bill should be accepted by the Minister. If he does so, and I expect he will at least accept its principles, it will lead to a situation whereby people will not be put in difficult positions and will not be compromised. When such people will make a decision in what they consider to be the industry's best interests, it will not be open to misinterpretation by some.

Modern greyhound racing has its origins in coursing and the first recorded attempt to race greyhounds on a straight track occurred in 1876. The sport developed in its current form in 1912, following the invention of the modern hare by O.P. Smith. It only took off in its current form in Ireland in 1927. Deputy McCormack thinks it has

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been in use longer but that is not the case. Between 1958 and 1989 Bord na gCon received no State funding to augment prize money, with the exception of one grant of £50,000. I support the Bill. It is important that an independent body be established to ensure the integrity of the industry.

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): One learns something new every day and I did not realise until this evening that Viagra enhances a greyhound's performance. They must not be giving it to the greyhounds in which I have an interest.

Mr. Timmins: The Minister should try some.

Mr. O'Donoghue: I wish to share time with Deputies Wilkinson and Cregan.

All of us in the House are in agreement that it is important that the greyhound industry is governed by the most effective regulatory regime and that this regulatory structure provides the necessary transparency to ensure confidence in its integrity procedures by all those involved in the industry. Deputy Deenihan will be aware that this is one of the issues which has been addressed in the Dalton report. I have made it clear throughout the process that, given the nature of the issues under investigation, it was essential that the investigation should be carried out in a thorough manner with due regard for the rights of all the parties involved. Because of this, I have taken the line that it would be entirely wrong to address issues highlighted by Mr. Dalton until his investigation had been completed. I am, therefore, somewhat surprised that Deputy Deenihan should propose the Bill at this stage, given our exchanges in this House last week when I replied to parliamentary questions on the matter.

I will recap the circumstances that have given rise to concerns about the approach of Bord na gCon to dealing with certain sensitive issues, which resulted in the current controversy and which, presumably, have figured in Deputy Deenihan's decision to activate his proposed legislation at this stage. On 26 January last, the board of Bord na gCon decided to terminate the employment contract of its chief executive. This was the culmination of a series of events surrounding the chief executive, which included a direct communication from him to me alleging shortcomings in corporate governance practice at Bord na gCon and that procedures dealing with doping infringements by the doping control committee were not in accordance with best practice.

On 1 February 2006, I requested Mr. Tim Dalton, former Secretary General of the Department of Justice, Equality and Law Reform, to carry out an independent assessment of issues relating to corporate governance in Bord na gCon as well as its management of positive tests for banned substances. The terms of reference of the

independent investigation were as follows: to review the allegations of shortcomings in corporate governance practice at Bord na gCon made by the chief executive in his letter of 18 January to the Minister for Arts, Sport and Tourism and the response dated 30 January 2006 of the chairman of Bord na gCon to these allegations; taking into account the possibility of legal proceedings taking place, to examine the circumstances surrounding the decision of the board of Bord na gCon on 26 January 2006 to terminate the contract of employment of the chief executive of Bord na gCon with immediate effect; to report, when and if possible in light of the said legal proceedings, his findings to the Minister for Arts, Sport and Tourism and, in any event, to advise on actions considered necessary to ensure adherence to best corporate governance practice; and to consider the way in which Bord na gCon procedures dealing with doping infringements are carried out, to comment on the adequacy of existing procedures and to advise whether changes or modifications should be put into effect.

I received Mr. Dalton's draft report at the end of April and my Department immediately sought guidance from the Office of the Attorney General on how to proceed with the issues raised in his report. The Attorney General advised that to ensure the principles of due process were observed, all parties mentioned in the report should be afforded the opportunity of commenting on the references made to them. Accordingly, these parties were given copies of the relevant extracts from the Dalton report on a confidential basis to afford them an opportunity to submit observations on the report to my office by close of business on Wednesday, 31 May. A total of nine submissions were received by that date and these are being evaluated by Mr. Dalton. I understand he will complete this process in a day or two and will decide to what extent it will be necessary for him to revise his draft report.

As soon as Mr. Dalton has completed his work, I will arrange for further consultation with the Attorney General's office to seek confirmation that the requirements of due process have been observed in full. It is my intention then to present proposals to my Cabinet colleagues for dealing with the recommendations made in the Dalton report and to seek approval for the publication of the report, hopefully, next week. I emphasise the importance I attach to strict adherence to due process. It is for this reason that I consider the timing of Deputy Deenihan's Bill to be particularly ill-judged.

It is unfortunate that parties to the investigation have not observed my frequently expressed requests to them to refrain from comment, as a number of the issues in the public domain have been taken out of context and they are being presented in the media in a manner that does little to inspire continuing public confidence

in this very important industry. I will deal fully with all these issues as soon as I am in a position to do so and my objective will be to provide assurance that the industry is being soundly and responsibly managed.

While I am not prepared to go into detail at this stage on Bord na gCon's current doping control procedures for greyhounds, I assert the importance I attach to ensuring the integrity of our drug control procedures not only in the greyhound sector, but in sport in general. Ireland has an excellent record internationally as a country where sport, in all its wide variety, is highly valued and pursued with enthusiasm, good nature and a sense of fair play and honesty. Deputies will be well aware of the high regard in which our national anti-doping programme, operated by the Irish Sports Council, is held throughout the world. WADA, the World Anti-Doping Agency, is using Ireland's anti-doping rules as a model of good practice for other countries to follow.

We pursue success in Irish sport, but we seek to achieve it in a fair and honest fashion where competitors, spectators and the punter can feel confident the highest standards of integrity are maintained before, during and after the match, the event or the race. While responsibility for ensuring such standards has to be shared by everyone in the sport, it is up to the appropriate authorities to ensure fair systems, effective structures and transparent procedures are put in place to ensure compliance by all concerned. While we expect the highest standards and probity from competitors, trainers and coaches in sport, because of human frailty, we need to have appropriate systems and sanctions in place to catch the cheats and administer effective and painful penalties to help prevent further transgression. Such high standards of behaviour and practice at the track and in the anti-doping system is of vital significance in the sport of greyhound racing, given the scale of activity and the money involved.

The greyhound industry in Ireland is a significant contributor to the economic well-being of all those involved and contributes in excess of €300 million in revenues on an annual basis. The industry, with the support of the horse and greyhound racing fund, which was introduced in 2001 under the Government parties, has undergone significant transformation in recent years. In the five years to date, the fund has provided guaranteed funding to Bord na gCon and Horse Racing Ireland, which, by the end of 2005, amounted to €261 million and €65 million, respectively. This funding, which is generated by and large from off-course betting tax, has been well invested leading to undeniable benefits for both sectors and has marked a revival of interest in both sports, to the benefit of the entire economy. Over the years, this fund has not only helped towards providing some top class racing venues and facilities, it has also underpinned significant employment in both industries and the prize money it has facilitated

has been an important boost for both horse and greyhound breeding and, thus, for the rural economy.

The fund was extended by the Government in 2004, with the agreement of the House, up to and including 2008 with its limit increased to €550 million. The fund has contributed in excess of €25 million to Bord na gCon's capital development programme, which has transformed all aspects of the industry in recent years. For instance, total betting in 1995 increased from €28.9 million to €142 million in 2005. Most importantly, the prize money distribution to owners increased from €1 million in 1995 to €11.4 million in 2005, with a further 7% projected increase in the current year. The state of the industry has also been positively recognised by sponsors with track attendances at 1.4 million in 2005. The industry has achieved great success with its intertrack product, which generates a turnover of €7 million per year. The next phase of the board's plans will involve the development of an Internet platform with live race streaming, which is scheduled for 2007. Total capital expenditure between 1995 and 2004 exceeded €85 million and included the redevelopment of Shelbourne Park, Curraheen Park, Harold's Cross, Lifford, Dundalk, Tralee, Mullingar, Newbridge, Waterford and Galway tracks. The board also hopes to embark on the second and final phase of its development plan, which will include projects at Limerick, Kilkenny, Clonmel and a number of other locations.

The extent of the industry places a demand on Bord na gCon to operate in accordance with best practice in every area. Bord na gCon is governed by the provisions of the Greyhound Industry Act 1958 and is the statutory agency responsible for the promotion and development of greyhound racing in Ireland. The Act confers on Bord na gCon wide powers to regulate all aspects of greyhound racing, including integrity management and anti-doping controls. In that context, Bord na gCon commits approximately €2 million per year to effect its regulatory responsibilities. In 2000, the board tested approximately 1,000 samples, with a positive rate of 1.4%. By 2005, this had increased to 6,000 samples, with a positive rate of 1.13%. The board currently tests two randomly chosen samples at each track on each night of racing and this process is supported by pre and post-race testing conducted for all runners in major finals and on other random occasions throughout the year.

In the past five years, the board more than doubled the personnel resources in its laboratory to cater for the increased level of testing and has invested approximately €500,000 in laboratory equipment to ensure that it operates to the highest international standards. The board's laboratory is the only dedicated greyhound testing laboratory in the world to achieve an ISO 9000 accreditation. However, there can be no room for doubt in this industry and I assure Deputies that

[Mr. O'Donoghue.]

I will put the most rigorous practices in place to control doping.

In respect of Horse Racing Ireland, which is the statutory body responsible for the horse racing industry in Ireland, all drug testing on horses is carried out independently of HRI by the Turf Club. HRI allocates funding to the Turf Club in respect of this. Some 3,000 samples are tested each year, including the winner and the first four finishers in grade one races. Poorly performing favourites are also tested and there is random testing in point-to-point races. Details relating to all positive tests, which amount to fewer than ten per year, are published.

In conclusion, I restate my disappointment with Deputy Deenihan's decision to propose his legislation at this stage, given last weeks exchanges in the Dáil, during which I made it absolutely clear that the individuals mentioned in the Dalton report would be allowed due process and sufficient time to submit their observations. The introduction of this Private Members' Bill can only damage the process of allowing due process to all parties to the Dalton inquiry.

Mr. Deenihan: This Bill has nothing to do with the Dalton report. The Minister has not addressed the Bill whatsoever.

Mr. O'Donoghue: It smacks of political opportunism on the part of the Deputy and seems to be contrary to the spirit of impartiality, openness and fair play that he appeared to espouse when preparing the Bill.

Mr. Deenihan: I was not being politically opportunistic in introducing this Bill.

Acting Chairman: The Minister without interruption.

Mr. O'Donoghue: While I can understand his interest in promoting this issue, I must urge him not to press this draft Bill to a vote.

Mr. Deenihan: No other opportunity was available to me between now and the summer. I would have to wait until next September if I did not take advantage of this opportunity.

Acting Chairman: I ask the Deputy to allow the Minister to continue.

Mr. O'Donoghue: I would be happy to engage with him on aspects of his proposal if and when I am in a position to do so but if he forces a division on the matter at this stage, I will have no option but to oppose it.

Mr. Deenihan: The Minister accused me of political opportunism but did not once refer to the contents of the Bill.

Acting Chairman: I have no control over the Minister's reply.

Mr. Deenihan: It is no way to address a Private Members' Bill to which I devoted months of my time in order to solve a problem.

Mr. Wilkinson: I welcome the opportunity to speak on this Bill. It is a pity that the issue of doping should arise in a sport that has made such strides in recent years. Although I was interested in greyhound racing in my earlier years, I missed out in more recent times, probably as a result of my political commitments. I recently attended the opening ceremony of the Waterford dog track, during which the Minister acquitted himself well. I was amazed at the changes that have taken place in the sport and to see the people and families who came to the track for a night out, a meal and some wonderful entertainment. It is a great sport but we must face the problem of doping.

I come from a county which is famous for greyhounds. Many Deputies will remember Master McGrath and I am sure the ballad was often sung late at night to commemorate the wonder dog born a short distance away from where I live. There is a great tradition of greyhound racing in the area, with tracks in Youghal, Cork, Clonmel and Waterford. Many town and rural dwellers keep a dog or two for entertainment.

In past years, when one would hear stories of people trying to slow down a dog, the greatest attempt at doping involved a pound of sausages. If an extra yard was wanted, a drop of poitín was rubbed into the dog's tail. I do not know the effect of either tactic.

Mr. O'Donoghue: As long as the dog did not drink it.

Mr. Wilkinson: It is a pity that this serious issue has arisen. During the last Olympic games, Ireland was thrilled to see a horseman win an Olympic medal but doom and gloom set in after certain allegations were substantiated. It was a grave disappointment to the people of Ireland, so I commend the Minister on his efforts to resolve this issue. While it will not be easy to do so, it is very important that something should be done.

A range of fund-raising events are held at race meetings. How many schools have raised thousands of euro from a night at the races? However, we live in a serious world and problems have to be resolved.

The Minister is opposing this Bill because it would be premature to accept it prior to the finalisation of the Dalton report on certain matters affecting Bord na gCon.

On 26 January, the board of Bord na gCon decided to terminate the employment contract of its chief executive. This was the culmination of a series of events surrounding the chief executive, which included a direct communication from him

to the Minister alleging that there were shortcomings in corporate governance practice at Bord na gCon and that procedures dealing with doping infringements by the doping control committee were not in accordance with best practice.

On 1 February, the Minister established an independent investigation, to be carried out by Mr. Tim Dalton, former Secretary General of the Department of Justice, Equality and Law Reform, into issues pertaining to corporate governance in Bord na gCon, as well as its management of positive tests for banned substances. The terms of reference of the independent investigation were: to review the allegations of shortcomings in corporate governance practice at Bord na gCon made by the chief executive in his letter of 18 January to the Minister and the response of the chairman of Bord na gCon to these allegations; taking into account the possibility of legal proceedings, to examine the circumstances surrounding the decision of the board of Bord na gCon to terminate the contract of employment of the chief executive of Bord na gCon with immediate effect; to report, when and if possible in light of said legal proceedings, his findings to the Minister; to advise on any actions considered necessary to ensure adherence to best corporate governance practice; to consider the way in which Bord na gCon procedures dealing with doping infringements are currently carried out; and to comment on the adequacy of existing procedures and advise on whether any changes or modifications should be put into effect.

At the end of April, Mr. Dalton presented his report to the Minister and guidance was immediately sought from the Office of the Attorney

8 o'clock General on how to proceed with the issues raised. In accordance with the Attorney General's advice copies and, in some cases, extracts of the Dalton report were sent to persons referred to in the report on a confidential basis to afford them an opportunity to submit observations on the report to the Minister by close of business on Wednesday, 31 May 2006. These submissions have been made available to Mr. Dalton to allow him to finalise his report following which the Minister will present proposals to his Cabinet colleagues for dealing with the recommendations made in the Dalton report. The Minister will seek approval for the immediate publication of the report.

The Minister, Deputy O'Donoghue, has made it clear as recently as last week when answering parliamentary questions, that all those mentioned in the Dalton report would be allowed due process and sufficient time to submit their observations. He stated he does not intend to comment on any aspect of the Dalton report until it is formally in the public domain. The introduction of the Bill is premature. The Minister is deeply interested in seeing that things are done well and properly and that a sport that has been immensely beneficial to the rural and national

economy is put on a good, sound footing. Everything that can be done to eliminate doping in this sport will be done. It has given entertainment and pleasure to many people. A wonderful tradition exists in Irish greyhound racing and it will be maintained. With the changed population attending the racing tracks, for example families on a night out and having a meal, it is important that this happens. I support the Minister in his efforts.

Mr. Cregan: I welcome the opportunity to comment on the greyhound industry. While I do not doubt Deputy Deenihan's sentiments and belief in the industry, the Bill is premature and opportunistic and puts us at risk of talking down the industry. We should talk it up and be more positive. The recent controversy resulted in an independent inquiry. The Minister appointed Mr. Dalton, an eminent retired civil servant, and when he reported to the Minister last April, his Department immediately sought guidance from the Attorney General's office on how to proceed.

In accordance with the Attorney General's advice copies and, in some cases, extracts of the Dalton report were sent to persons referred to in the report on a confidential basis to afford them an opportunity to submit observations on the report to the Minister by close of business on Wednesday, 31 May 2006. These submissions have been made available to Mr. Dalton to allow him to finalise his report following which the Minister will present proposals to his Cabinet colleagues for dealing with the recommendations made in the report. The Minister will seek approval for the immediate publication of the report. That is due process and must happen.

I praise the Minister for his personal interest not only in the greyhound industry but in sport in general throughout the country. Yesterday we saw his significant commitment to sport and how he has ensured he has provided substantial financial resources from the Government for sport throughout the country including the greyhound and horse industries, GAA, rugby and many others, including local and voluntary organisations. That is to be commended. I also commend the chairman and members of Bord na gCon for the fantastic and positive strides they have made in recent years towards putting infrastructure in place in many tracks throughout the country leading to extensive participation by the general public in greyhound racing, as has been mentioned by my colleagues. Many social occasions take place at greyhound racing tracks, including fundraising for voluntary clubs, schools and political and other organisations that depend on fundraising events. Greyhound racing is a great occasion and its use as a venue for fundraising is to be welcomed. Some 1.5 million people attend race nights because they have proper facilities and infrastructure. That has been done by this

[Mr. Cregan.]

Government and this Minister and we should not lose sight of that.

Mr. Deenihan: That is an exaggeration. Fine Gael built Shelbourne Park.

Mr. Cregan: I will be parochial briefly. Unfortunately many of my local fundraising events have to take place in Curraheen Park in Cork or in Tralee.

Mr. Deenihan: We provided the stadium in Tralee.

Mr. Cregan: We travel in strong numbers to both venues to support the various events that take place. Thanks to this Minister and Government we look forward to a new, state-of-the-art greyhound racing track in Limerick. We have a fantastic tradition of greyhounds in Limerick including trainers, breeders and many thousands of participants through the years. We have difficulties with facilities and it is not attractive to people to fundraise there. However, it is still strongly supported in an effort to ensure the decision by the Minister will happen, which has occurred and is welcome. Although the Minister was criticised and castigated recently by a failed politician and self-appointed journalist the people of Limerick welcome his commitment to the greyhound industry in Limerick by ensuring we will have a new, state-of-the-art track. I distance myself from remarks that have been made by a self-appointed journalist who several times tried to get a mandate from the people of east Limerick and failed miserably. That speaks for itself.

It is an opportune time to speak positively about the industry. I listened to people tonight talk about the membership of Bord na gCon. It is important to take the opportunity to encourage the Minister and impress on him the importance of appointing a woman to Bord na gCon. Gender balance is important in keeping with Government policy.

Mr. Deenihan: I appointed three women to the board in my time.

Mr. Cregan: I am sure the Minister will be open to this. He is a good listener and will not be found wanting in this and will hopefully appoint a woman to the board.

I want to speak about the horse and greyhound racing fund and its importance in enhancing the infrastructure of this industry throughout the country. The horse racing and greyhound fund was established under the Horse and Greyhound Racing Act 2001 to give support to both racing industries. Under the provisions of the Act the fund received a guaranteed level of finance based on excise duty on off-course betting in the preceding year subject to a minimum level based on

the year 2000 with the amount adjusted for inflation. Any shortfall in the amount generated by excise duty is made up by direct Exchequer intervention. In accordance with the Horse and Greyhound Racing Act, 80% and 20% of the fund each year are distributed to Horse Racing Ireland and Bord na gCon, respectively. The fund is not earmarked for specific purposes but gives people discretion to spend it as they see fit, which they are able to do and on which I compliment them. Since 2001 the fund has been used by both bodies to increase prize money levels, which is important for the trainers and owners who invest much of their hard-earned money and take a gamble, as we all do from time to time. It is important that risk is recognised, and it has been through this fund. It has also been used to meet administration of integrity costs alongside a capital investment programme that has underpinned growth in both sectors. I welcome the Minister's comments asserting the importance he attaches to ensuring the integrity of all drug-control procedures not just in greyhound racing but for sports in general and I quote his words from tonight's speech: "Ireland has an excellent record internationally as a country where sport, in all its wide variety, is highly valued, and pursued with enthusiasm, good nature and with a sense of fair play and honesty". That is important. We all look for that in the sports we support and in which we participate. The general public asks for no less of us. We have to have fair play and honesty in whatever we compete in. The Minister added:

Deputies will be well aware of the high regard in which our national anti-doping programme, operated by the Irish Sports Council, is held throughout the world. Indeed the World Anti-Doping Agency is using Ireland's anti-doping rules as a model of good practice for other countries to follow.

We have had a controversy and a debacle. The Minister has acted quickly, efficiently and properly to take this on board and to investigate and appoint an independent adjudicator who has held a thorough and full inquiry. Due process must be given to all parties concerned. It is important to recognise that some of the people who have been tarnished or damaged have made a valuable contribution to greyhound racing.

Mr. Deenihan: Where did the leaks come from?

Mr. Cregan: I wish to put that on the record. Mr. Dalton has observed due process in dealing with all parties. Fair play is fine play.

Mr. Deenihan: What about Government leaks?

Mr. Cregan: He listens to the stories and then adjudicates. I have full confidence in the manner in which the Minister has handled the matter. The result of the inquiry and the enactment of Mr.

Dalton's recommendations will stand in good stead. This industry will go upwards and onwards.

Mr. Deenihan: This Bill will be one of the recommendations.

Mr. Wall: I welcome the motion and commend Deputy Deenihan on tabling it. No right-thinking lover of sports should tolerate doping. Doping and drug abuse pose the greatest threats to the integrity of sport. From athletics to horse racing to Gaelic games, the use of performance-enhancing substances stands alone as the biggest scourge on the participation of young people and attendance at sporting fixtures. Ireland's two most recent achievements at the Olympic Games, at Atlanta in 1996 and Athens in 2004, were tarnished by allegations of drug abuse. Sport in Ireland is vulnerable to allegations of doping of humans and animals.

The effect of such allegations should not be underestimated. Forty years of cheats being caught has ruined the reputation of the Olympic Games, the European Championships and the Commonwealth Games. The use of performance-enhancing substances has ruined the spectacle of the games and in some cases athletes have been sent home before the games commence, undermining the competition.

All competitions are televised, benefiting organisations that try to entice young people to participate in sport. However, this is undermined by the prominence of drugs in these games. Instead of the success of the competitor being highlighted, drugs are seen to dominate. This aspect will rear its ugly head at the next Olympic Games, causing major problems. Every gold medalist in these games is now suspect. Given the extensive list of those who have been caught, suspicions exist, to the detriment of sport. The viability and integrity of international sport has been damaged, particularly in respect of athletics. The issue of doping must be confronted.

I recognise the efforts made in recent years in this country. It was pleasing to read the Irish Sports Council anti-doping report of 2005 and to note that no Irish athlete tested positive for a banned substance that year. We should use this in advertising sports. A strict anti-doping regime exists in Ireland and I hope that this will continue. The confidence in the Irish Sports Council anti-doping programme will be a positive measure rather than finding someone who took drugs to falsely give the impression of being a better athlete. Testing and monitoring of athletics has become more stringent. I do not underestimate the task of weeding out those who resort to cheating but the recent report was positive news in a depressing international outlook.

The spotlight has been placed on doping in the greyhound industry in recent times. These events led to the commissioning of the Dalton report by the Minister for Arts, Sports and Tourism earlier

this year. Despite this report being complete, the people mentioned in the report being made aware of its findings and large sections appearing in the newspapers, it has not yet been published.

I am disappointed to hear the criteria announced by the Minister. If this had been done during Question Time two weeks ago, we would feel more confident in the structure. Instead, a drip-drip system of leaks has occurred and Opposition spokespersons were given no indication of when the report would be seen besides the Minister's announcement of the final date for submissions. The Minister should have explained the procedure and announced a timeframe. That this did not happen is to the detriment of the industry, the Minister and Bord na gCon.

No one would deny due process to a person in this situation because of the importance of the industry. Announcing a timetable would allow us to look forward to each section of the report and speak to those who make representations to us on this matter, highlighting due process, the timetable and the debate on the report in the House. Will no action be taken on the Dalton report before the summer recess? The report will be published next week, allowing a real debate. Much interest has been generated by this matter.

From my involvement in syndicates, I see many young people are attending race tracks and joining syndicates. Bord na gCon and various Ministers must be congratulated on the amount of money allocated. I remember going to Newbridge when one needed two coats to break the wind blowing in from the Curragh. Now, Newbridge race track brings a new dimension to entertainment for young people. Many young people regularly attend at the weekend and experience the wonderful achievement of having a dog run, creating a new level of interest. Some 1.5 million people have attended race tracks over the past year and we will see an increase in this. We must use the Dalton report as a marker. It will indicate that this sport is beyond reproach and will not be caught in the conundrum we see at international level in other sports. With the horse racing industry, we have seen the matter dealt with by an independent body. We wish to see a similar independent body applied to the dog racing industry.

We should all work together to ensure that the 17 tracks will be successful and that there will be interaction between the tracks. I stated in the Chamber on numerous occasions that there should be a competition that would involve all the tracks competing against each other. I do not see a reason this cannot be done.

I know, for example, people from Waterford with dogs racing in Newbridge and people from Newbridge with dogs racing in Mullingar etc. The home turf is these people's own track. In that regard, I am sure interaction between the tracks can take place. Such a competition might conclude with a final meet in Shelbourne Park. It would create a wider image and support group

[Mr. Wall.]

than we have now. I can imagine a derby night in Shelbourne Park if such a mechanism was put in place. There is no reason it should not be done.

Last year a great number of people attended greyhound tracks around the country and a large amount of money was put through horse and greyhound racing. We were fully supportive of that, as we can see what it can do in the overall context of the greyhound and horse racing industry, and how it affects employment. I would like to know the number of people employed in the greyhound industry. I do not know if it has been calculated, but the number is growing by the week. Different studs are being created, training tracks are being used and trainers have to hire staff to help train dogs. That was unheard of until now. Such action is continuing to develop the industry.

There should be a relentless drive for transparency. Whether it comes about in this Bill, which I support, or legislation put forward by the Minister after the Dalton report, we must have transparency as a matter of urgency. We have heard different aspects of the methods being used with regard to drug testing and the use of drugs to enhance greyhound performance. Nobody wants such drug-induced enhancement and it is not part and parcel of the sport we want to enjoy.

We must ensure that people get a fair crack of the whip and, if a dog is backed, that it has an equal chance of winning. With my knowledge of greyhounds, it may not be the dog one thinks will win that will pass the post first. Although it will have a chance going into the box, it might not always come out of it favourably. The element of chance is still there.

With regard to preparatory work, the Minister has stated that if the Bill is pushed to a vote tomorrow, he will oppose it. If that happens, I hope that in the short term, as a result of the Dalton report, we debate it next week. It should be an intensive debate over a shorter period of time. I hope the legislation needed to provide independent and transparent investigation of drug misuse in the sport will be put in place as soon as possible. It is imperative that is done.

There are one or two international meetings in the year. There is one after the derby in Dundalk, for example. There is an ideal opportunity to develop this further. The stadia here are now a major factor, and I was recently in Shelbourne, Newbridge, Galway etc. Much work is being done in every area. There is now no fear of using those facilities with regard to attracting tourists, especially English tourists. We have always discussed the problem in getting tourists outside the Pale, or outside Dublin. We have an ideal opportunity to do this because of the interest that English people have in the greyhound industry.

We can try to build in a more international dimension to some of our race meetings, as we have done with the horse racing industry. We

now have the Galway races, Punchestown and other festivals. We must build up similar events in greyhound racing. If one goes to the greyhound track on the Friday and Saturday after the Galway horse races, there is a huge attendance. These people know that when they go from the horse racing track to the greyhound track, there will be fully equipped restaurants etc. there. This interlink should be developed. On its own, the international dimension of the greyhound industry can be developed further.

Another issue has raised its head in recent weeks — I put down related questions to the Minister and the Minister for the Environment, Heritage and Local Government — that is the unfortunate matter of when greyhounds retire. Money has been made available by Bord na gCon to some of the agencies which deal with retired greyhounds, but it is not enough. These agencies are very anxious for money. Perhaps something can be done by the Department in this regard.

I think that the Department of the Environment, Heritage and Local Government, through local authorities and dog shelters, should act in this area. It has told me it cannot, that the matter is for Bord na gCon. Bord na gCon has stated it does not have enough funding for the issue, and that may be the case. The issue should be addressed as some of the retired greyhounds may be exported. Over a number of years, we have seen dogs being ill-treated after being moved or exported to some of the lesser-known tracks across Europe.

I will speak on the advantage the tracks have provided with regard to charity nights. Schools, sporting organisations and some political parties have used such events. They have generated an interest among people who may never have gone to the dogs, but go to such an event. They may then be attracted to greyhound racing. They may become involved in a syndicate or go on to purchase a dog.

This reflects on what this Bill is about. The Bill must ensure that fair play and transparency are part and parcel of the greyhound industry. I hope the debate we have had this evening and the debate we will have tomorrow will lead us to make the definitive decision that legislation on this aspect of the sport is required in the short term rather than the long term. One would expect to see legislation, or at least the heads of a Bill, being prepared and put in place as a result of publication of the Dalton report next week. I hope to see those before the end of this session of the Dáil.

Section 6 and section 18 are the most relevant in the Bill. Section 6 sets out the general functions of the board in controlling doping in the greyhound industry and in making regulations to perform that function, as well as the position of an appeals court in this respect.

Debate adjourned.

Adjournment Debate.

Health Services.

Mr. O'Dowd: I thank the Ceann Comhairle for allowing this matter to be debated. There is great concern in County Louth for the future of its acute hospitals. This concern is accentuated by the lack of consultation between the Health Service Executive and hospital management, people working in hospitals, public representatives and the public in general. There is a real fear, due to leaks of reported meetings of the HSE in *The Irish Times* and stories in *The Sunday Business Post* about whether there would be one new hospital, no new hospital or whether hospitals would close. The only thing we know is that this report is in the hands of the HSE and I ask the Minister to publish its content.

The report is by Teamwork Management Services and is entitled *Safety and Achieving Better Standards — An Action Plan for Health Services in the North East*. The report has been published in a climate where significant cuts were announced this morning on the national airwaves to the acute hospitals in the north-east region. I express my concern at the fact there will be no new developments at Louth County Hospital or at Our Lady of Lourdes Hospital in Drogheda; that the proposal to appoint a new oncologist in Drogheda may not go ahead in order to save €600,000 in the HSE; that there will be a ban on recruiting agency nurses, which will be under very strict rules; and that MRSA sufferers will now be removed from private rooms and placed in rooms with fellow MRSA sufferers. Is this an improvement in services? Does this improve patient safety? Will this achieve better standards? It clearly will not do so. Maintenance will be reduced by almost €500,000 in the acute hospitals in Drogheda and Dundalk. At what price are these cutbacks taking place? It has also been announced that equipment will not be replaced. Renal dialysis in Cavan is also under challenge.

The health services are in an absolute mess. The Minister and the Minister of State could not care less about it and are not funding services in the north east. It now looks like they want to close a number of hospitals in the region. We believe that all the acute hospitals should be kept open in the north east, which means not closing the hospitals in Dundalk and Drogheda. This report was carried out with no consultation with hospital staff. If administrators were not in the hospitals, the staff were not spoken to. There is no transparency and no openness in the HSE. I ask the Minister to publish this report immediately so we can discuss this outcome.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I am taking this matter on behalf of the Tánaiste and Minister for

Health and Children, Deputy Harney. I thank the Deputy for raising this matter.

Under the Health Act 2004, the Health Service Executive has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Issues relating to the provision of acute hospital services in the north east have been the subject of much debate in the House in recent years. There has been a number of reviews carried out on hospital services in the north east. These have included North East Hospitals — the Next Five Years, published in 1998, Report on Maternity Services in the North Eastern Health Board, published in 2000, Risk Assessments on the Cavan/Monaghan and Louth/Meath Hospital Groups, published in 2001, Maternity Services Review Group to the North Eastern Health Board, published in 2001 and Comhairle na nOspidéal Report on Maternity and Related Services in the North Eastern Health Board Area, published in 2003. In addition, there has been a number of hospital-specific reviews and reports carried out by bodies such as the Royal College of Surgeons in Ireland and the Medical Council, and by external risk assessors and consultants.

Earlier this year the HSE commissioned Teamwork Management Services to undertake a comprehensive review of acute hospital services in the north east and to provide an action plan for achieving the best possible acute care for patients in the region. The terms of reference for the review were to determine with reference to international best practice the optimal configuration of hospital services and consultant staffing for the geographic area and population of the north east in order to provide safe, sustainable, cost-effective and high quality services, which should take account of the existing transport infrastructure and the availability of services in adjacent areas; to evaluate the benefits and risks associated with current provision of acute hospital services on five sites serving a population of approximately 350,000; to review the current capacity, usage and deployment of consultants, beds, theatres, day case, outpatient, accident and emergency facilities, diagnostic and other facilities in the hospitals in the region and compare them to international norms; to consider the current and potential contribution of primary care services, including out-of-hours GP services, ambulance and advanced paramedical services in reducing risk to patients; to take account of current and projected demographic trends affecting the north east; and to make recommendations to the CEO of the HSE on the above considerations, including short-term and long-term recommendations on the future configuration of acute hospital services and consultant staffing, which will minimise risk to patients and provide high quality and safe services to patients with reference to international best practice.

[Mr. T. O'Malley.]

The review began in March 2006 and has recently been completed. The report, entitled *Improving Safety and Achieving Better Standards — An Action Plan for Health Services in the North East*, was received and endorsed by the board of the HSE last week.

The CEO of the HSE has been instructed by the board to engage with staff and other stakeholders in the north east during the coming weeks. The manner and timing of publication of the report is a matter for the HSE.

Regional Policy.

Dr. Cowley: I am very grateful that the Minister is here for this very important topic. When the Minister was with us recently in Knock airport, he insisted that a huge investment was being made in the BMW region. He stated this in spite of the fact he told me in the Dáil in May that gross expenditure in the region is running €3.8 billion behind its target. The Taoiseach told us recently that the BMW region has fared best in employment and in investment. He stated this in spite of the fact the State's spending on national roads in the region under the national development plan is €500 million behind schedule. The average GDP income in the west is still one third lower than that of Dublin.

When one tries to talk to anyone who is involved in trying to bring industry to the west, one realises where the buck stops. I met representatives of IDA Ireland in Castlebar to ask why it does so badly in attracting industry to the west. I was informed that the simple reason is that the infrastructure is inadequate. The lack of proper roads, rail, broadband and power mean it is not a competitive area for enterprise.

Anyone who knows Ireland will be aware that this small State differs remarkably from east to west. All one needs to do is cross the Shannon to see the difference in roads. The road from Castlebar to Belmullet is an absolute disgrace. It is little more than a dirt track — a glorified bog track. It is a dangerous road and is full of bad turns and is extremely narrow in parts. The Minister for Finance, Deputy Cowen, would like to state that matters are different. Perhaps when he visited the he wanted to put a good face on matters.

It is difficult to see the logic in what the Minister states when one sees the figures. The facts speak for themselves. They include an underspend of €3.8 billion in the BMW area — estimated to be a 30% underspend in the national development plan — and an underspend of €500 million on BMW national roads. EU figures for cohesion funding for the years 2000 to 2003 show that while the southern and eastern regions of the State received at least 79% of the available funding, the BMW region received only 14%.

The situation is not improving. In fact, it is getting worse. The gap in gross value added, GVA, per person between the BMW and the south and

east regions widened every year from 1996 to 2002, the year for which the most recent figures are available. Let us compare this to the investment in the southern and eastern regions. Both received more than their promised allocations, with at least an extra €2 billion spent. So much for balanced regional development and the national spatial strategy.

Give us the investment we are due so that we can compete like other regions. This would make a great deal of sense when one considers the cost of catering for the population explosion in the greater Dublin area, which is getting worse. It is important that the Government should address the situation in a serious manner. The Minister must take on the NRA and challenge it on its extremely poor record of delivery in the BMW area.

The national development plan for the period 2000 to 2006 expires at the end of this year. What will come after is more uncertain. We want to avail of the opportunities and the jobs that exist in other regions. I ask the Minister to exercise his Cabinet collective responsibility and give us a future as is our right. We are, after all, citizens of this country. Just because we live on the other side of the Shannon does not mean that we do not have the same needs, desires for our children and hopes for their future. To exist, we need proper sustainable employment and to have that we need to be a competitive area able to attract industry. I hope the Minister will indicate how this will be achieved. Only six months remain in lifetime of the national development plan. I know the Minister will state that matters will be alright and that we will receive the capital underspend we did not receive. Will he explain how this will happen?

Minister for Finance (Mr. Cowen): I am delighted to have another opportunity to try to dispel the misrepresentations and misunderstanding which seem to be occasioned by those political opponents who continue to misrepresent what has been done and continues to be done by this Government for the BMW region. I also represent that part of the world.

I wish to reiterate what I stated recently. The simple fact is that Exchequer spending in the BMW region on the economic and social infrastructure operational programme, which is the largest of the operational programmes, was 13% ahead of profile in the six years to the end of 2005. In cash terms, that is an excess of €500 million. Exchequer spending on that programme was more than €500 million ahead profile at the end of last year.

I also cited data which showed that Exchequer spending on the employment and human resources programme, which at €3.7 billion is the second largest of the programmes, was 96% of the profiled amount for the six years. Taken together, these two programmes are well ahead

of profile. That said, there are issues with implementation rates in both the BMW region and the south-east region as compared with profile in some aspects of the overall picture. The reasons for this are common to both regions. The national development plan contains more than Exchequer spending. It also has EU and private sector components.

Regarding the EU component, while the original commitment profiles were shown as spread over seven years to the end of 2006, the actual spending can lag these commitments by two to three years. Strictly speaking, therefore, comparing profiles with actual spending does not compare like with like. Unfortunately, there is no way around that because under the rules, the commitments of EU money must be profiled over the seven-year period, even though everyone knows that the actual spending continues beyond that point.

I regret to have to make this somewhat technical point but it is absolutely essential to grasp if one wants to have a genuine understanding of how matters are progressing compared with what was planned. Anyone familiar with EU spending rules knows this, which is why we have always emphasised that it will be some time beyond 2006 before we obtain the final picture. What I can tell the House is that progress on this front is monitored closely by the managers of the individual operational programmes and by an overall monitoring committee chaired by my Department. Only two weeks ago, that committee reviewed progress across the full spectrum of the programmes and we remain confident that available EU funding will be fully drawn down.

I will now deal with the private sector component. Here, it can at times be a matter of horses, water and whether the horse is thirsty. At the end of last year, the productive sector operational programme ran at approximately one third of the profiled amount. This operational programme has a large demand-led component where Exchequer funding and EU funding respond to private sector initiatives. If, for whatever reason, these initiatives do not arise to the extent which was hoped, total spending on the programme including the Exchequer element will be below profile. This, together with delays in the start-up phase in 1999 and 2000, is why spending is behind profile in some key components.

A huge amount of information is available on this topic and it seems that some people are tempted to be extremely selective in what they choose to highlight. In this regard, they do a serious disservice to the facts. I wish to make it as clear and simple as possible. The Exchequer is more than doing its part. At the end of last year, Exchequer spending in the BMW region totalled 88% of the profiled amount for the first six years. This is a healthy implementation rate in view of the slow start-up in some areas at the beginning, the relatively disappointing response in certain

demand-led schemes and the fact that Exchequer spending on the structural fund operational programmes for the 1999 to 2006 period will continue up to 2008. I am absolutely confident the record will then show, if any of the current critics will at that time be interested in checking it, that this Government will have delivered on its undertakings under this national development plan.

I want to briefly recall what I stated elsewhere about projects delivered in keeping with those undertakings. In terms of infrastructure development, significant investment has taken place in the region. Up to December 2005, €1.5 billion was invested under the NDP in the region in national roads. Major projects have included the M1 Dundalk western bypass, the N4 Kinnegad bypass, the N2 Carrickmacross bypass, the Sligo inner relief road, the N5 Strokestown to Longford road and the N15 Ballyshannon to Bundoran road, to name but a few. Investment in non-national roads in the BMW region up to December last year stands at €1.1 billion, meaning that more than 26,000 km of roads have been improved, restored or maintained. These investments are evident to all who live and work in the region. They will not finish with the current NDP but are part of an ongoing process of investment to improve the region and to achieve more balanced regional development, which is a key Government priority.

Large investment has also taken place nationally in public transport and the BMW region has benefited from investment of €283 million in resignalling and trackwork projects. By the end of next year, the Ballina and Westport lines will have been resignalled, which means that all rail lines will have been completed, with consequent reductions in journey times. Iarnród Éireann took delivery of 36 new modern diesel railcars and most have been allocated to the Dublin Sligo route. It also placed an order worth €324 million on 150 new high specification intercity railcars which will begin entering service from 2007 onwards on the Dublin-Galway, Dublin-Westport and Dublin-Ballina routes, improving frequency, comfort and safety for passengers.

Our commitment to developing the economic infrastructure of the region is not limited to the traditional categories of investment. We also made significant investments in enabling and driving the knowledge economy in the region. Responding to market failure to provide broadband access to many parts of the State, the Government, in 2002, decided to target the widespread availability of open access, affordable “always on” broadband infrastructure throughout the State. To date, total public expenditure on broadband amounts to €70 million in the BMW region with more than 90 towns selected for open access infrastructure.

Acting Chairman (Mr. Stanton): As the Minister's five minutes are exhausted, the remaining information will be noted in the Official Report.

Mr. Cowen: I am glad. I hope everyone reads it.

Additional information not given on the floor of the House.

The Deputy inquired about spending plans for the region from now until 2008. I take it he refers to the fact that, as I already explained, investments will continue to take place under the current programme beyond 2006 in both regions. Under the structural fund regulations, expenditure on co-funded measures can continue to the end of December 2008 and will be eligible for the drawdown of structural funds from the 2000 to 2006 allocation. This means further spending up to 2008 on all of the main operational programmes which currently benefit the region. The areas covered by this spend will be the economic and social infrastructure operational programme, the employment and human resources operational programme, the productive sector operational programme, the BMW operational programme and the peace operational programme.

The Government's commitment to the region will not cease when the current funding round draws to a close. Last November, the Government announced a significant additional investment plan in transport worth more than €34 billion over a ten year period. The Transport 21 framework will build upon the investment already taking place under the National Development Plan 2000-2006 and will be a key part of the successor national development plan covering the period 2007 to 2013 announced by the Government last August. Major investment will be made under Transport 21 for road and rail projects in the BMW region including developing the Atlantic corridor road network running from Letterkenny through Sligo, Galway, Limerick, Cork and Waterford, and the reopening, on a phased basis, of the western rail corridor, as well as the development of Galway commuter rail services, and the extension of the rural transport initiative.

Regarding some remarks made about the economic progress or lack thereof in the BMW region, people have been fairly creative in their use of statistics on this topic. They misused GDP statistics to make a case that the BMW region is failing to catch up on other regions. They do not seem to know what GDP means. GDP measures what a region produces. It is not a measure of the income, nor in the case of Ireland is it a good indicator of average income per person. We all know many people who live in one region and work in another, thereby adding to the output but not to the income of that region.

To use GDP figures to make a point about the income of a region skews the picture and this selective use of data misrepresents the actual

position. A person who lives in the BMW region and who works, for example, in the Dublin area, has his or her contribution to national wealth by reason of the output from his job measured in GDP terms in the south and east region, but the income from his salary is spent in the main in the BMW region where he or she lives. This simple example shows how important it is to use statistical data properly, and not misuse it to distort the actual position.

The BMW region shares and contributes fully to the modern success story that is the Irish economy. I will examine the key facts which really matter. Some of us may be old enough to remember the work of the late John Healy, the journalist who penned the series of articles "No one shouted stop", which bemoaned and decried the seemingly irreversible decline of the economy in the west of Ireland. This Government has shouted stop. In my opinion, the single most important economic indicator is the rate of unemployment. Combined with the participation rate, it essentially measures whether the region sustains itself. The BMW region has all but closed the gap with the south east region in that respect and, in doing so, has achieved a rate of employment up there with the highest in the European Union. Who would have thought when John Healy wrote those articles that we would now have an unemployment rate of 4.7% in the BMW region? This represents an historic turnaround and, in all fairness, one cannot do much better than that.

I will now examine income. Some people wrongly use GDP data to state that the gap between the two Irish regions in terms of living standards is widening. In fact, the reverse is true. The available statistics indicate that the gap in living standards is narrowing and even those statistics do not tell the whole truth. Unfortunately, the most recent year for which county income statistics is available is 2002. These show a substantial difference at the time, but the key point is that it had narrowed appreciably since the NDP was launched. In 2000, the income gap was 13.4% but by 2002, it had narrowed to 11%. Furthermore, given that house prices in particular and the cost of living in general are highest in the south-east region, the real difference in living standards is almost certainly a lot lower than the raw income data suggests.

Data available post 2002 indicates that the BMW region may be continuing to catch up. Employment and participation rate data have been significantly stronger for the BMW region than for the south east in recent years. In the five years to the third quarter of 2005, numbers employed increased by 20% compared with 13% in the south east; the labour force increased by 19% compared with 13% for the south east and participation rates increased by 6%, double the rate of increase for the south east. Taken together, this shows clearly to anyone who wants

to make a genuine comparison that not only is the BMW region doing very well indeed, it is on many highly important economic measures doing rather better than the south east.

As I stated at the 20th anniversary of the opening of Knock airport last week, the philosophy of Fianna Fáil is to pursue a constructive agenda which delivers development and progress. The prophets of doom and gloom were always found in the ranks of those who oppose the Fianna Fáil Party, and the people of the west know that. I hope that the House will overlook my last remark because in truth one should not joke about these matters. They are indeed quite serious and are the essence of what this Government tries to deliver in terms of its economic agenda. Anyone who looks dispassionately at the record will see two matters very clearly. First, this Government delivers an unparalleled period of economic success in Ireland. Second, both of our regions have substantially benefited from and contributed to this success.

Real improvements in people's lives are delivered every day in the BMW region through the national development programme, including more jobs and job opportunities, better living standards, greater participation in education, more affordable houses and child care facilities. The new national development plan will build on those achievements with a particular focus on bridging the remaining infrastructure deficits both regionally and nationally.

Special Educational Needs.

Ms C. Murphy: I am pleased that this matter was selected on the Adjournment. A purpose built unit was constructed in 2003 in Celbridge specifically for children with autism. Three years later, the two classrooms, which would cater for up to 12 children, have not been opened. This is not because no children require these places. I am personally aware of several children who require such a place within a short distance from the school.

The reason it remains closed is because of a dispute between the Department of Education and the board of management about resourcing the unit. In a reply to a recent parliamentary question I tabled on the subject, the Minister outlined that two teachers and four SNAs would be required to open the unit, in addition to the provision of appropriate therapies by the HSE and grant aid to address administration costs. These are not unreasonable requirements. However, no expected timeframe was given for removing the impasse. People want this unit opened in September and information in that regard was not contained in the reply. One of the children seeking a place in the unit lives within a ten-minute walk of the school. The child is in a playschool in County Meath which is unrecognised by the Department of Education and Science. The fees are paid by the State but unless the child gets

a place, the stopgap measure will be employed for another year. A considerable financial burden is being carried by the child's family to pay for school transport. Since the preschool is not recognised by the Department, it does not pick up the cost. Parents will often go to the ends of the earth if they believe it will make a difference for their child, particularly those with a special need. The child in question is just one of a number who require a place.

It is not just that appropriate intervention is required in the case of autism, it is often required in a very timely manner because there are very definite windows of educational opportunity, as the Minister knows. Autism, given its nature, is not a condition in respect of which chopping and changing can be carried out with regard to children. By delaying educational intervention, the life chances of a child can be affected adversely.

It is clear that appropriate educational intervention creates the chance of independent or semi-independent living. There should be no question of skimping in such areas as speech and language therapy or occupational therapy when these are clearly needed. They should be invested in over the child's entire life cycle.

I very much suspect the experience in schools with existing special units was such that they expected speech and language services or occupational therapy to follow once they had opened those units only to discover, to their dismay, that there was nothing automatic about their provision. Such experiences made the board of management of the school in question very determined to ensure the range of resources required will be available from day one so the school can do its job fully. The board is anxious that the special unit will not drain resources from the rest of the school.

Are the problems being encountered in this case a symptom of a wider problem? I refer to the survey conducted by principals whose schools have special units. The survey was handed to the Minister in a clear attempt on the part of those principals to highlight a real problem. I am aware, through a parliamentary question, that the Minister has a copy of the survey but that she is conducting or intends to conduct her own survey on the area in question. I am worried that the required response to schools such as the one in Celbridge will be postponed by virtue of the fact that this survey is to be carried out.

I have no doubt that there are 12 children to occupy the places in question once the school is opened fully. It is not unreasonable to ask that it be opened this September, three years after construction commenced. I hope a commitment will be made to open it.

Mr. Cowen: I am pleased to have been given the opportunity to clarify the position of the Department of Education and Science on the matter referred to by the Deputy. She will be

[Mr. Cowen.]

aware of the commitment of the Department to ensuring that all children, including those with autism, receive an education appropriate to their needs. The unit in question was completed as part of a new school development in 2003 and is designed to cater for up to 12 pupils. Such an enrolment attracts a staffing allocation of two full-time teachers and four special needs assistants.

The school submitted a request to the Department for staffing supports of three teachers and four special needs assistants for the unit. The school was to make a request for therapeutic services for the children attending the unit to the Department of Health and Children and the Health Service Executive.

Officials of the Department of Education and Science confirmed to the school that a staff of two full-time teachers and four special needs assistants would be available to support the classes. The school subsequently requested a third teacher. A number of meetings have been held between officials of the Department and the school authorities in an effort to progress matters. The Department's officials explained that it is not possible to accede to the request for the additional teaching post but the Department offered the school an administrative grant to facilitate the operation of the unit. In March 2006, the school advised the Department that, in its opinion, the grant did not meet its needs or those of the children entering the unit and that a third teacher was still required.

Officials in the Department of Education and Science are liaising between the board of management of the school, the National Council for Special Education and the HSE to progress the opening of the unit. Staffing ratios, the provision of appropriate therapies by the HSE and grant aid to address administration costs are among the issues under active negotiation. I understand that the HSE recently wrote to the school confirming the level of grant assistance it could make available towards therapeutic supports for the unit.

The Department of Education and Science shares the Deputy's desire to see this purpose-built facility for children with autism utilised to its full potential and the Minister remains confident that the remaining issues will be resolved.

Social Infrastructure.

Mr. Broughan: I thank the Minister of State for attending. The development taking place in the north fringe of Dublin city, or the south fringe of Fingal county, is perhaps one of the largest urban developments in the history of the State. New areas are being developed in places such as Beauparc, Clongriffin and Belmayne. From Clonshaugh to Belcamp through Clare Hall and Donaghmede, and on to Baldoyle-Portmarnock, well over 20,000 housing units, mostly apartments, are being built, approved or passing through the

planning process. Similar large developments are being constructed as part of the continuation of the north fringe in the Minister of State's constituency, Dublin West and Dublin Mid-West.

In response to my campaign and that of local residents and other development bodies, Dublin City Council prepared a north fringe action plan six years ago. However, this was little more than a very basic high-density urban design strategy laid out in the form of a few simple maps and pious aspirations about "block layouts", "urban gain" and "maximising potential linkages" through public transport. It only referred to a part of the north fringe. In spite of fleeting references to public transport, there was no reference to community infrastructure, be it associated with preschools, schools, third level institutions, hospitals, primary care centres, Garda stations, security facilities, youth and recreational facilities, sports facilities or facilities for seniors.

The outgoing city manager, John Fitzgerald, who will be retiring in the next few months, and county managers Willie Soffe and John Tierney have signally failed to address the great infrastructural challenges posed by building this new city on the northside. Even professional planners and architects believe the area has the potential for a major planning disaster, a soulless Milton Keynes imposed on Dublin North-East and a repetition of the grave errors of an earlier generation of county and city managers, architects and planners in north and west Dublin.

An example of the abysmal failure of the local government system in this regard is the almost total lack of co-operation between the two local authorities concerned. In a previous debate I compared the relationship to that between Croatia and Serbia.

On my suggestion about three years ago, city manager John Fitzgerald agreed to the establishment of the north fringe forum, which was intended to be a representative forum for all the stakeholders, including local residents and development bodies, local representatives, Dublin City Council and Fingal County Council, the Departments of Health and Children, Education and Science, Justice, Equality and Law Reform, and Transport, An Garda Síochána, CIE, the HSE, An Post, Eircom, the Northside Partnership and others. Despite the best efforts of the forum's chairperson, Mr. Clive Brownlee, the north central area manager, Declan Wallace, the deputy manager, Ms Celine Reilly and their staff, the forum has essentially become a talking shop that meets every quarter.

I asked the Taoiseach several times in this House to establish the north fringe forum as a statutory body like the Dublin Docklands Authority but he has consistently refused to do so. Why could this not be done? In the central area of the development, a very serious issue has arisen as to why the city manager and his planners permitted and approved plans for over 7,000

apartments and a huge ancillary development without any significant new open space. It is true that Father Collins Park is being upgraded, following a design competition won by an Argentinian firm, but the park was laid out for the existing residents of Donaghmede and Ayrfield.

Six years after the issuing of the plan, there is no definite proposal for a primary care or new hospital facility, despite reports to the forum that Beaumont Hospital, the nearest hospital, is at 120% plus capacity. The Department of Justice, Equality and Law Reform has refused point-blank to countenance a new Garda station for the new city. We are only promised community gardaí on mountain bikes.

I contacted representatives of the two main churches in the country to ask if they had any plans for primary education in the area. Educate Together has been proactive in this regard. However, on the Stapolin-Baldoyle side of the development there is no firm plan for a school. There is no educational vision, at any level, to address the needs of perhaps 50,000 new residents who are to move into this district up to 2014.

I was looking at the statue of Thomas Davis behind me and thought of his ideal of a national education system, yet 170 or 180 years later we are nowhere near achieving this. One has to ask for sponsors. There is no national education system at all and the Minister for Education and Science presides over a private system.

On public transport, a new station on the DART line was supposed to be the centrepiece of the developments but key road network plans are way behind schedule and An Bord Pleanála inexplicably agreed to allow a huge section of Clongriffin to be inhabited before the opening of the new station, which is to be as late as 2008 or 2009. Currently the new inhabitants of Beauparc and Clongriffin have not even got a weekend bus service. The postal service was recently taken out of one of the older parishes of Friarswood, but there are no plans, whatsoever, for the north fringe. During the planning process I inserted the requirement for a fibre optic broadband link to every home and business in this new city. If this is happening, nobody knows or has a clue. No one is invigilating it.

A key depressing feature of the proposals submitted by the developers is the attempt to continually make more dense this already high density plan. People in Dublin north east have been ignored by the two local authorities and their political masters in this House, the Taoiseach and the Minister for the Environment, Heritage and Local Government, Deputy Roche. It is still not too late to establish the north fringe forum on a statutory basis, like the Docklands Authority. It is not too late to look at the possibility of a strategic development zone. There are no plans as yet as regards a major chunk of this development, despite the developer, Mr. Gannon, trying to

jump the gun a year ago. The Department of the Environment, Heritage and Local Government should call in the two managers concerned, the outgoing manager of Dublin City Council and the Fingal manager, and ask them for full accounting.

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): I emphasise to the Deputy that direct responsibility for the planning and delivery of the north fringe development rests with the local authorities involved, that is, Dublin City Council and Fingal County Council. The achievement of sustainable communities is a key objective of the Government's housing policy. A wide range of policies and measures has been put in place to ensure that housing development in Ireland is planned for in a manner that supports the creation of sustainable communities within a high quality environment.

Guidelines for planning authorities on residential density were published in 1999. These include a specific objective of reducing urban sprawl and promoting greater efficiency in the use of energy, transport and natural resources.

My Department will review and up-date the residential density guidelines later this year, focusing in particular on the quality of new developments. We have also commissioned a research study into apartment size and space standards to inform revised planning guidelines on residential densities as well as urban design.

The north fringe framework development plan was prepared by Dublin City Council in 2000 and it sets out the objectives for the area, the site context and the urban design framework. The plan emphasises the need for a quality bus service and the provision of community facilities, including primary and secondary schools, a library, sports facilities, a community building and landscaped and other public spaces. Planning permissions in the north fringe have been granted in line with the framework plan and, as such, it is clear that the provision of the community facilities mentioned in tandem with the housing development is seen as key in the development of the area. I understand the scale of developments expected in the north fringe area is over 15,000 housing units — I note the Deputy said up to the 20,000 and perhaps he is right — with a new residential population of 35,000.

Commercial development of at least 220,000 sq m is planned, including office, retail, leisure, community, health and educational facilities. A new railway station is being designed, with bus links to the Malahide QBC, while several new roads are included in the plans. It is envisaged that approximately 2,500 units will be ready for occupation by the end of this year and a further 3,500 by 2009, with the remaining 9,000 coming on line over the following five or six years. As the Deputy mentioned, in recognition of the scale and importance of this new town, the Dublin City

[Mr. N. Ahern.]

Manager invited all relevant agencies and groups to participate in a cross-authority-agency forum, which meets quarterly to monitor the development's progress.

Mr. Broughan: That was my motion.

Mr. N. Ahern: Perhaps it was, I do not know.

Mr. Broughan: The Minister of State was there.

Mr. N. Ahern: The membership includes Dublin City Council and Fingal County Council senior officials, residents' groups and representatives from other statutory bodies such as the HSE, the Department of Education and Science, the Garda Síochána, Dublin Bus and Iarnród Éireann.

The objectives of the forum include the provision of regular bus services, construction and operation of a new train station, the provision of crèche facilities, the provision and financing of a primary school, the provision, financing and staffing of health centres, the provision of a Garda station, a needs assessment for secondary schools and the provision of sports and community facilities.

I understand agreement has already been reached on delivery of many of the above services, including the crèche facilities and identification of sites for a primary school, health centre and Garda station. The provision of regular bus services as soon as houses are occupied

and the construction and operation of a train station have also been addressed.

The forum has established a security sub-committee to consider the anticipated policing problems of the north fringe development area and to make recommendations on the evolution of a policing plan for the development. I am confident that the north fringe development will be delivered in a way that integrates social and economic infrastructure and delivers sustainable communities for the future.

I note what the Deputy is saying. I am not totally *au fait* with everything that is going on there. However, if the forum is as toothless as the Deputy maintains——

Mr. Broughan: It is well intentioned, but it has no power.

Mr. N. Ahern: Things can be made to happen without necessarily having legislative power. I hear what the Deputy is saying, but I do not know whether his view is formally conveyed from members of the forum. They seem to be happy enough and if they are not, they should say so. However, I hear what the Deputy is saying about special and strategic development zones and putting the measure on a statutory basis. I shall pass that view to the Minister, Deputy Roche. If members of the forum feel as strongly as the Deputy does on the issue, they should make their views known.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Thursday, 8 June 2006.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 8, inclusive, answered orally.

Questions Nos. 9 to 53, inclusive, resubmitted.

Questions Nos. 54 to 60, inclusive, answered orally.

Driving Tests.

61. **Mr. S. Ryan** asked the Minister for Transport the steps he intends to take to introduce a more thorough training schedule for driver testers. [21983/06]

Minister for Transport (Mr. Cullen): My Department, with the assistance of external consultants, has recently concluded a major review of the training provided to driver testers. This review suggested changes in the structure and delivery of the training of recruit driver testers.

The amended training course has been implemented and was used in the training last February and March of the 7 staff redeployed from the Department of Agriculture and Food. The new course will also be used in the forthcoming training of the 11 new testers, which is due to commence in June.

The position will be reviewed again when this training is completed and a revised programme is also expected to be introduced once the current backlog is close to elimination. This is addition to the ongoing training received by all staff in my Department, including driver testers, in response to general performance development and management needs.

Rail Network.

62. **Mr. Noonan** asked the Minister for Transport when he will make a decision to commence work on the western rail corridor; if he remains confident that phase one of this project will be

opened by 2008; and if he will make a statement on the matter. [21945/06]

84. **Ms O'Sullivan** asked the Minister for Transport when he expects to reach a decision on Iarnród Éireann's submission on the western rail corridor; and if he will make a statement on the matter. [21967/06]

111. **Mr. Crowe** asked the Minister for Transport his plans to bring forward the completion date of the western rail corridor; if he has had meetings in relation to same; and if he will make a statement on the matter. [21905/06]

131. **Aengus Ó Snodaigh** asked the Minister for Transport his plans to extend the western rail corridor; if he has received requests in relation to same; and if he will make a statement on the matter. [21909/06]

277. **Mr. P. Breen** asked the Minister for Transport if an application has been made to the European Union for EU funding for the re-opening of the western rail corridor; and if such an application has been made, the decision which has been forthcoming in respect of same. [21584/06]

282. **Mr. P. Breen** asked the Minister for Transport if he has applied for structural or cohesion funds for phase one of the Western Rail Corridor project; the funding which is available for projects of this kind; if he has not applied for funding when he expects to; and if he will make a statement on the matter. [21754/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 62, 84, 111, 131, 277 and 282 together.

As a central component of Transport 21, the Western Rail Corridor will be re-opened. In this context Iarnród Éireann has submitted to my Department detailed business proposals relating

[Mr. Cullen.]

to Phase 1 (the reopening of the Ennis to Athenry section) and Phase 2 (re-opening of the Athenry to Tuam section). These proposals have been assessed by my Department and I will be reporting on them to Government in the very near future.

The question of whether to make an application for Structural Fund aid under the 2007 — 2013 round of EU Funding will be considered in the context of the new Structural Fund Regulations.

As part of the phased reopening of the Western Rail Corridor, Transport 21 provides for the reinstatement of the line between Ennis and Claremorris and the preservation of the remaining alignment as far as Collooney.

Subject to Railway order approvals the expected completion date of the Ennis to Athenry section is 2008 with work expected to commence this year while the Athenry to Tuam section is expected to be completed in 2011.

Public Transport.

63. **Mr. Ring** asked the Minister for Transport if his attention has been drawn to the conditions which prevail on many commuter trains; if he has requested Irish rail to address this issue; and if he will make a statement on the matter. [21953/06]

Minister for Transport (Mr. Cullen): I am informed by Iarnród Éireann that demand for rail travel on Iarnród Éireann's commuter routes is currently increasing at between 5% and 10% per annum. In response to this rise in demand for services a significant increase in rail capacity and frequency has been provided on commuter rail services in recent years.

For example, total passenger capacity of the fleet has increased on the DART service from 14,000 to nearly 27,000 and on suburban rail services in Dublin area from approximately 7,000 to over 26,000 over the period 2000-2005.

Total capacity will be increased further by a number of development projects provided for under Transport 21 including: — The Kildare Route Project, involving the four-tracking of a critical section of the Kildare line between Cherry Orchard and Hazelhatch, which will allow separation of long distance and commuter services and improve speed and capacity for commuter, regional and intercity services. Subject to the outcome of the Railway Order process, construction work on the project will begin towards the end of 2006 and is due for completion at the end of 2010, — The introduction of 67 new carriages into service this year on the Dublin-Cork line will increase service frequency by year-end to an hourly service. Capacity will increase in line with that. — The introduction of 150 railcars into service over the period 2007/2008 on the remain-

der of the intercity routes will allow the redeployment of commuter railcars to the busiest commuter routes. — The construction of the new Docklands railway station which will allow for an increase in services on the Western line and also cater for services on the proposed Dunboyne/Navan rail link once that is operational. — The construction of the Cork-Midleton line which will provide a commuter rail service from Mallow to Midleton, through Cork City with an initial frequency of 30 minutes increasing to 15 minutes as demand grows.

These development projects, together with the investment in suburban rail and DART services in recent years in the Dublin area, will result in significant increases in the quantity and quality of commuter and intercity rail services.

Road Safety.

64. **Mr. Gilmore** asked the Minister for Transport his preparations for a follow-up strategy to the current road safety strategy; and if he will make a statement on the matter. [21958/06]

Minister for Transport (Mr. Cullen): The Government Road Safety Strategy 2004-2006 sets a primary target of a 25% reduction in road collision fatalities by the end of 2006 over the average annual number of fatalities in the 1998 — 2003 period.

Achievement of the target would result in no more than 300 deaths per annum by the end of the period of the Strategy. This is an ambitious target and one that requires the continued commitment to a strategic, integrated approach by all of the road safety agencies. The achievement of progress in the areas of speeding, drink driving and seat belt wearing remains central to the implementation of the Strategy.

My current priority is to get the Road Traffic Bill, 2006 enacted before the Summer recess as it contains some of the final legislative provisions (such as those relating to mandatory alcohol testing and the outsourcing of speed cameras) which underpin the delivery of the current Road Safety Strategy.

The new Road Safety Authority will be responsible for the preparation and submission to me for my approval of the next Road Safety Strategy and this will involve consultation by the Authority with all the relevant stakeholders.

65. **Mr. Penrose** asked the Minister for Transport the reason there has not yet been a change to maximum heavy goods vehicles height regulations. [21976/06]

Minister for Transport (Mr. Cullen): There is currently no height limit for goods vehicles. I am currently considering the introduction of a height limit for vehicles taking account of the wide-rang-

ing submissions received arising from the public consultation on the matter last year. I expect to make a decision in this matter shortly.

In the event that it is decided to introduce a statutory height restriction for vehicles, it will be necessary to submit the draft Regulations to the European Commission for consideration and for referral to other Member States in accordance with the Technical Standards and Regulations Directive (Directive 98/34).

Industrial Relations.

66. **Mr. Noonan** asked the Minister for Transport if he shares the view, expressed on 31 May 2006 by an Aer Lingus spokesperson, that a final deal with the trade unions on the flotation of Aer Lingus, will be reached by 10 June 2006; and if he will make a statement on the matter. [21944/06]

116. **Mr. Callely** asked the Minister for Transport the progress made by Aer Lingus management regarding the mandate to negotiate with the trade unions on a package of measures with the view to resolving issues of concern identified by the unions in relation to the proposed IPO of shares in Aer Lingus; the process in place to allow staff concerns to be addressed; the number of meetings that have taken place; the issues raised; and if he will make a statement on the matter. [21854/06]

130. **Mr. Sargent** asked the Minister for Transport when a final offer to trade union parties in the Aer Lingus flotation negotiations will be made; if a provision for compulsory redundancies will be included therein; and the deadline which will be set for the acceptance or rejection of same. [21895/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 66, 116 and 130 together.

Following the decision on 4th April this year to proceed with an investment transaction by means of an initial public offering (IPO) of shares in Aer Lingus, I mandated Aer Lingus management to engage with the trade unions on the key concerns of staff in relation to a third party investment transaction which were job security, pensions and potential dilution of the employee shareholding in the company in the context of new shares being issued in the company.

I have been informed by Aer Lingus that since that mandate was given the Chief Executive has met with Impact and SIPTU on 7 occasions and has met with IALPA and the Craft Group of Unions on 6 occasions. Some of these were joint meetings while others were held individually. In addition, I understand that many other meetings have taken place with the trade unions at the

level of the HR Department and local line management.

In response to the question raised about whether there will be a provision for compulsory redundancies in any final offer to the trade unions, my understanding is that the company has already tabled proposals in response to concerns about job security. I have been informed by the company that it expects to be in a position to put a final offer to the trade unions on all issues before the end of this week. I believe that it will be possible for both sides to agree a package of measures that will both address the key concerns of staff and facilitate a timely investment transaction for the company in the interests of all concerned.

Rail Network.

67. **Mr. Stanton** asked the Minister for Transport further to parliamentary questions, if he has received the railway order application in respect of the railway line between Glounthaune and Midleton; if construction is still expected to begin on this project in 2006; and if so, when; and if he will make a statement on the matter. [21903/06]

Minister for Transport (Mr. Cullen): I received Iarnród Éireann's application for a Railway Order for the Cork to Midleton Railway line on the 15th of May 2006. I acknowledged it on the 22nd of May 2006. On the 26th of May I directed that a Public Inquiry be held into the application for a Railway Order. I will shortly appoint an inspector to the Public Inquiry under section 42(1) of the Transport (Railway Infrastructure) Act 2001.

Subject to the outcome of the inquiry and the granting of a Railway Order construction of the line is expected to commence at the end of 2006.

Tourism Industry.

68. **Mr. Deenihan** asked the Minister for Transport if he has had recent discussions with the coach tourism representatives regarding the impact of the new drivers hours rules; and if he will make a statement on the matter. [21063/06]

Minister of State at the Department of Transport (Mr. Gallagher): Officers from my Department have met with representatives from the Irish Tour Operators Association and Coach Tourism and Transport Council to discuss the issues surrounding the new drivers hours Regulations. These new Regulations will come into effect on 11 April 2007.

Road Safety.

69. **Mr. Costello** asked the Minister for Transport his views on the banning of unaccompanied

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driving by holders of provisional licences and the licence categories this will apply to. [21963/06]

70. **Mr. McGinley** asked the Minister for Transport the proposals to reform the existing driving test and the driver licensing system; when such reforms will come into force; and if he will make a statement on the matter. [21929/06]

103. **Mr. Perry** asked the Minister for Transport his proposal for graduated driving licences; and if he will make a statement on the matter. [21943/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 69, 70 and 103 together.

The Road Traffic Bill 2006 contains provisions to enable the reform of the driver licensing regime to discourage long term reliance on provisional licences. The implementation of any such licensing reforms is dependent on the current unacceptable driver testing backlog being cleared.

The Road Safety Authority will be examining the driver licensing and testing system and will make recommendations as to what further reforms might be introduced in the interests of road safety.

I should point out that at present provisional licence holders are generally required to be accompanied by and under the supervision of a person qualified to drive the category of vehicle being driven. The only exception to this is where the driver holds a second provisional licence in respect of a car or is the holder of a provisional licence to drive motorcycles or tractors/work vehicles.

71. **Mr. Gogarty** asked the Minister for Transport if there have been impediments to the introduction of the new 30 km/h speed limits in designated areas here; and if his attention has been drawn to the application of this speed limit in any local authority area to date. [21890/06]

Minister for Transport (Mr. Cullen): The application of a special speed limit at any location in lieu of a default speed limit is a matter for the individual city councils or county councils through the making of special speed limit by-laws.

I issued guidelines in April 2005 on the application of special speed limits and the local councils, when proposing to apply a special speed limit of 30 km/h, must only do so in accordance with those guidelines. There is no indication of any impediments being encountered in relation to the policy framework contained in the 2004 Act. I do not have details in relation to the application of special speed limits of 30 km/h as they arise across the country.

Employment Rights.

72. **Ms C. Murphy** asked the Minister for Transport the liability the Government will assume in the event of the sale of Aer Lingus to the workers transferred from Aer Lingus to Team Aer Lingus; the status of the guarantees and assurances given to the workers by the Government at the time; and if he will make a statement on the matter. [21852/06]

161. **Ms C. Murphy** asked the Minister for Transport if, in the event of the part privatisation of Aer Lingus, the commitment by Government to employees seconded to FLS and then Team Aer Lingus will be carried by both the State and those purchasing the balance; if so, the estimated liability for the earnings and pension shortfall; the way in which it is intended to enforce the workers rights in view of the fact that the Governments share is intended to be a minority shareholding; if Government advisors have addressed this issue in the context of the potential sale of a portion of the company; if so, the advice in relation to same; and if he will make a statement on the matter. [20551/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 72 and 161 together.

The arrangements agreed between Aer Lingus and those workers who were transferred to TEAM Aer Lingus was a matter for the company. I understand from the company that those workers who opted to move to the new owner (FLS) waived all their rights in this regard at the time of the sale and those who did not returned to the employment of Aer Lingus and, therefore, have all of the protections afforded to the employees of Aer Lingus.

Public Transport.

73. **Mr. Quinn** asked the Minister for Transport the level of funding provided for quality bus corridors in 2006; the information available to his Department on the way in which this is spent; the amount and percentage of such funding drawn down in each of the past five years; the information available to his Department on the total number of bus lane kilometres in greater Dublin; the information available to his Department on the different splits between different QBCs and the number of pinch points for buses on each route; the total percentage of each route where a bus lane exists; if he is satisfied with the level of QBC provision in greater Dublin; and the legislative measures he proposes to speed up bus priority measures. [21968/06]

Minister for Transport (Mr. Cullen): The development of Quality Bus Corridors in the Greater Dublin Area is funded through the Traffic Management Grants Scheme, adminis-

tered by the Dublin Transportation Office, and implemented by the local authorities of the Greater Dublin Area through the Quality Bus Network Project Office. This year, I have made almost €38m available for QBC development, of which €24.7m has been allocated so far; details of projects and their costs are set out in Table 1, which is included with the hard copy of this reply.

Details of funding in over the past five years are as follows:

Year	Spend on Bus Priority	% of Total Traffic Management Grant
	€m	%
2005	29.543	84
2004	27.542	79
2003	14.719	37
2002	15.065	53
2001	23.402	70

I am informed by the DTO that the current length of Quality Bus Corridors in the Greater Dublin Area comes to 139 km, of which 72.3 km comprises inbound bus lanes and 52.5 km, out-bound lanes. There are also a further 20 km of non-QBC corridors with bus priority measures. There are 11 QBCs in operation in the GDA. Table 2 sets out the various details sought by the Deputy and is included with the official hard copy of this reply.

On the issue of pinch points, the annual monitoring exercise undertaken by the DTO shows where bus priority infrastructure continues to require an improvement in performance in terms of protecting bus operations from the effects of traffic congestion. The results of these monitoring exercises are used by the DTO to inform the development of the bus priority scheme programme. I am informed by the DTO that a significant portion of the Quality Bus Network Office's 2006 programme addresses urgent needs such as pinchpoints. The Deputy may care to examine the reports for Winter 2002, 2003 and 2004, which are available on the DTO website at www.dto.ie/web2006/qbcmmon.htm.

I am happy to see the continuing progress on developing a Quality Bus Network in the Greater Dublin Area. There is scope for further progress and therefore, under Transport 21, I have committed to doubling the Quality Bus Network by making €600m available to the Traffic Management Grants scheme over the period 2006 — 2015. I am not aware of any legislative measures being required to speed up bus priority matters.

Road Traffic Offences.

74. **Mr. Boyle** asked the Minister for Transport his views on the proposal by the public against road carnage campaign that all drivers involved in road traffic accidents should be automatically breathalysed, or have their blood or urine alcohol

levels determined immediately after road traffic accidents; and if he will make a statement on the matter. [21886/06]

93. **Mr. Gilmore** asked the Minister for Transport his policy in relation to the lowering of the blood alcohol concentration limit; and if he will make a statement on the matter. [21957/06]

162. **Mr. McCormack** asked the Minister for Transport his proposals in relation to a zero alcohol limit for learner drivers; when such a measure will be introduced; and if he will make a statement on the matter. [21939/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 74, 93 and 162 together.

The position in relation to drivers involved in road accidents and testing for alcohol levels is outlined in the Road Traffic Acts. The Road Traffic Act 1994 makes provision that a member of the Garda Síochána may require a person in charge of a mechanically propelled vehicle to provide a preliminary breath specimen where the vehicle is involved in a road collision. The Road Traffic Acts also provide that a person may be arrested for a drink driving offence without recourse to a preliminary breath test. Those Acts also enable a Garda to require a driver to submit to a roadside breath test where the Garda believes he or she has committed a road traffic offence or where the Garda is of the opinion that he or she has consumed alcohol.

The Road Traffic Bill 2006 will extend the powers of the Gardai to allow them to operate a system of roadside mandatory alcohol testing checkpoints, additional to the existing powers I have described above. I do not propose, however, to alter the legislation to make it mandatory to breathalyse all drivers involved in road accidents.

There may be circumstances, especially in the context of a road collision, where it may not be possible for a member of the Gardaí to require that a person submit to a preliminary breath test. Garda discretion in relation to the use of preliminary roadside tests is an integral and important element of the enforcement provisions relating to the laws applying to drink driving.

The Road Traffic Acts also place an obligation on a person to provide a blood or urine sample in a hospital at the request of a member of the Gardai. This applies where an event occurs involving a vehicle which results in a person being injured, or a person claiming or appearing to have been injured, where the person is admitted to or attends a hospital, and a member of the Gardai is of the opinion that, at the time of the event, the person had consumed an intoxicant. An intoxicant includes alcohol and drugs or any combination of alcohol and drugs.

With regard to the possibility of lowering the blood alcohol concentration limit generally or introducing a zero alcohol limit for learner driv-

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ers, I have asked the CEO designate of the Road Safety Authority to examine these issues in the context of the formulation of the next Road Safety Strategy.

Public Transport.

75. **Mr. Gormley** asked the Minister for Transport if he intends to extend the Metro to Donabate in view of projected population increase to 30,000 in the area. [21893/06]

Minister for Transport (Mr. Cullen): Transport 21 includes a provision for a Metro line from the City Centre to Swords via Dublin Airport. This does not include an extension to Donabate, nor was such a link envisaged in the Dublin Transportation Office's strategy "A Platform for Change".

It is intended that the Metro line will terminate north of Swords at Lissenhall. However, there is a major park and ride site planned at the terminus, which will benefit people from Donabate, Portrane and other areas of North Dublin, Meath and Louth travelling to the airport or onwards to the City Centre. It will be possible to park at the terminus and take the Metro line to the airport or onwards to the City Centre. The Park and ride facility at Lissenhall would also include a bus interchange. The Metro journey time from the terminus to the airport will be under 10 minutes. The journey time from the airport to the City Centre will be under 20 minutes.

Road Network.

76. **Mr. Stagg** asked the Minister for Transport the progress made in preparing legislation to allow for open-road tolling. [21979/06]

Minister for Transport (Mr. Cullen): The preparatory work on the draft legislation to facilitate open-road tolling is well underway in my Department. I anticipate, subject to Government approval and other priorities on the legislative programme, that this legislation will be published in the Autumn.

National Car Test.

77. **Mr. Connaughton** asked the Minister for Transport his views on the correspondence received by him from the Competition Authority in relation to the National Car Test; and if he will make a statement on the matter. [21936/06]

Minister for Transport (Mr. Cullen): The views of the Competition Authority in relation to the car testing arrangements will be considered carefully by my Department in the context of preparing proposals for Government in due course on the arrangements to apply to the National Car Test post-2009 when the current contractual arrangements will have concluded.

Public Transport.

78. **Mr. Deenihan** asked the Minister for Transport the additional buses he has agreed to grant to Dublin Bus in view of the company's expansion plans contained in its recent network review; and if he will make a statement on the matter. [21940/06]

154. **Mr. Rabbitte** asked the Minister for Transport the reasons he has not yet sanctioned the funding for 200 buses requested by Dublin Bus; and if he will make a statement on the matter. [21973/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 78 and 154 together.

My Department is currently considering an application from Dublin Bus for funding for 200 additional buses to be delivered in 2006 and 2007. The application is being considered in the context of Transport 21, the bus network review completed recently by Dublin Bus and the bus market reform process. I will make a decision on the application having regard to the outcome of my deliberations on the reform of the bus market, which I intend to conclude in the coming weeks.

79. **Mr. G. Murphy** asked the Minister for Transport if he will provide details on the proposed installation of GPS systems on Bus Éireann services; when this system will be installed; the cost of same; his views on its introduction on all forms of public transport; and if he will make a statement on the matter. [21925/06]

94. **Mr. Bruton** asked the Minister for Transport if his attention has been drawn to the progress made to date in relation to the introduction of real time information on all forms of public transport; and if he will make a statement on the matter. [21930/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 79 and 94 together.

Bus Éireann and Bus Átha Cliath are both proceeding with the introduction of automatic vehicle location technology.

On 30 April 2006 Bus Éireann announced it is to roll out satellite navigation based automatic vehicle location technology across its entire fleet of 700 vehicles, enabling customers across the country to access real time information on arrivals on the Web — via text message and at bus stations. Bus Éireann have informed me that this development represents an investment of €4.2 million.

Bus Éireann have also informed me that the first phase of the roll-out will commence in September 2006 on selected Expressway services to and from Dublin. Full nationwide roll-out will start in 2007 on all Expressway and Commuter coaches across the country and on city buses in Cork, Limerick, Galway and Waterford.

In addition in April, Bus Átha Cliath commenced a public procurement for an Automatic Vehicle Location and Control system. This is to be introduced over a 5-year period on a depot-by-depot basis and will also facilitate the introduction of Real Time Passenger Information. Both Irish Rail and Luas already deploy real time information systems.

Further consideration will be given to the future direction of integrated real time information strategy when institutional arrangements, particularly in the Greater Dublin Area, are clarified.

School Transport.

80. **Ms Enright** asked the Minister for Transport when an audit of school bus safety will commence; and if he will make a statement on the matter. [19870/06]

97. **Ms O. Mitchell** asked the Minister for Transport if he is satisfied with the situation whereby Bus Éireann carries out its own safety and maintenance works; and if he will make a statement on the matter. [21933/06]

122. **Ms O'Sullivan** asked the Minister for Transport if he will ensure that a full audit of the condition of all buses in the school fleet, including those hired from the private sector, is carried out in the wake of an unprecedented number of incidents relating to bus accidents in the past year; and if he will make a statement on the matter. [19882/06]

123. **Ms Enright** asked the Minister for Transport if a full safety audit will now be put in place for all school transport vehicles; and if he will make a statement on the matter. [19835/06]

160. **Ms O. Mitchell** asked the Minister for Transport if he has received the details of the audit carried out by Bus Éireann on the safety and conditions of its fleet; the action he intends to take on foot of this audit; and if he will make a statement on the matter. [21932/06]

274. **Ms O. Mitchell** asked the Minister for Transport if he shares the view that it is not best practice that Bus Éireann carries out its own safety checks and maintenance audits; if so, the measures he intends to enact to alter this situation; and if he will make a statement on the matter. [21902/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 80, 97, 122, 123, 160 and 274 together.

In accordance with Directive 96/96/EC relating to compulsory periodic roadworthiness testing of vehicles, buses are liable to testing when they are 1 year old and every year thereafter. The Directive, in relation to the testing of goods

vehicles and buses, is currently transposed into Irish law by the European Communities (Vehicle Testing) Regulations 2004. The regulations provide that testing is carried out by testers appointed by city and county councils. The Department specifies the requirements for premises, test equipment and qualifications for testers for appointment as an authorised tester. The items to be tested, the method of testing and the reasons for failure of the test are set down in vehicle testing manuals published by the Department. Supervision of the performance of individual authorised testers is the responsibility of the relevant local authority. A local authority may suspend or terminate an appointment as an authorised tester.

Currently 7 Bus Éireann garages hold appointments from local authorities as authorised testers for the purposes of carrying out compulsory roadworthiness testing. 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. This review includes buses used in connection with the school transport scheme. I have requested that the review be completed as soon as possible and that a copy of the report be forwarded to me as soon as it is available. Separately, I have requested the Chief Executive designate of the Road Safety Authority to undertake a fundamental review of the arrangements for the compulsory periodic roadworthiness testing of goods vehicles and buses.

As part of that review, the matter of Bus Éireann undertaking such roadworthiness tests on their own vehicles will be examined. I understand that the Chief Executive designate has already commenced preparatory work in connection with the review.

Question No. 81 answered with Question No. 60.

Traffic Management.

82. **Mr. Durkan** asked the Minister for Transport the way in which it is proposed, in the context of Transport 21 or otherwise, to resolve the ongoing traffic chaos on the M50 with particular reference to Palmerstown Interchange; and if he will make a statement on the matter. [21827/06]

Minister for Transport (Mr. Cullen): The planning, design and implementation of national road improvement projects, including the M50 roadwidening scheme, is a matter for the National Roads Authority (NRA) and the local authorities concerned. I have no function in relation to the day-to-day operation of these projects.

Traffic management in general is a matter for the appropriate local authority and in the case of the M50, that authority is Dublin City Council.

Road Safety.

83. **Mr. Kenny** asked the Minister for Transport his views on recent media reports that members of the Gardaí would be involved in training learner motorcyclists; his further views on such a proposal; and if he will make a statement on the matter. [21950/06]

Minister for Transport (Mr. Cullen): The Road Safety Strategy 2004-2006 stated that compulsory initial practical training for motorcyclists would be introduced. A working group comprising of motorcycle interests has been considering the appropriate standards that will apply in this area and the standards that instructors must comply with. Overseeing the introduction of such training will be the responsibility of the proposed Road Safety Authority.

Primary legislation is necessary to facilitate the introduction of compulsory initial practical training for motorcyclists and the necessary amendment to the Road Traffic Acts 1961 to 2004 is contained in the Road Traffic Bill 2006. I do not envisage Gardai being directly involved in the provision of training.

Question No. 84 answered with Question No. 62.

Airport Development Projects.

85. **Mr. Timmins** asked the Minister for Transport if he has been informed by the Dublin Airport Authority that it is considering increasing the size of the proposed second terminal at Dublin Airport from its original plan; if so, the level of increase which is envisaged; and if he will make a statement on the matter. [21920/06]

145. **Mr. Crawford** asked the Minister for Transport if his attention has been drawn to when work will commence on the second terminal at Dublin Airport; if he has satisfied himself regarding the temporary measures in place at Dublin Airport to allow for increased passenger numbers at the airport; and if he will make a statement on the matter. [21916/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 85 and 145 together.

Following on from a Government decision of 18 May 2005 on capacity at Dublin Airport, the Dublin Airport Authority (DAA) is working towards the provision of additional terminal capacity, and particularly the development of Terminal 2, in line with the timetable envisaged at the time of the Government decision. The actual specifications of the new terminal, with regard to size and design, are currently the subject of discussions with airport users and so I am not in a position to provide the Deputy with that information at this stage.

A number of functional options for the terminal are being evaluated by the DAA at

present. This will be followed by design work to allow for a planning application to be submitted to Fingal County Council. The DAA is working towards a target operational date of 2009 for the new terminal.

When making the decision on Terminal Two, the Government approved a triple safeguard to ensure maximum efficiency and cost effectiveness of the new terminal. As part of that safeguard, the specification and cost of the new terminal will be independently verified by consultants appointed by my Department and this work has also been underway for some months.

In the period April to October this year it is expected that more than 15 million passengers will pass through Dublin Airport. This will be a 21% increase over the same period for last year. The DAA has confirmed to me that they are taking all possible and appropriate measures to cope with the increased passenger numbers, given the tightly constrained nature of the existing terminal and related facilities. I am informed that a temporary boarding lounge with eight additional gates has just been opened and a range of measures to improve space and facilities have been put in place in the terminal.

Greenhouse Gas Emissions.

86. **Mr. Gogarty** asked the Minister for Transport the measures his Department intends taking to reduce the level of greenhouse gas emission from the transport sector; and the forecasts for a possible future increase or decrease in greenhouse emissions from the transport sector. [21891/06]

Minister for Transport (Mr. Cullen): The National Climate Change Strategy (NCCS) published by the Department of the Environment and Local Government in 2000, sets out Ireland's approach to meeting its Kyoto Protocol target. This document is currently under review in the light of developments at national, European and international levels since its publication.

A study was carried out by ICF Consulting and Byrne Ó Cléirigh to inform the Government how to allocate the national greenhouse gas (GHG) emissions budget for the period 2008 — 2012. This study developed projections of CO₂ emissions for each sector, including transport, up to 2012, based on policies and measures already announced that will directly and indirectly impact Ireland's GHG emissions profile. A copy is available on the website of the Department of the Environment, Heritage and Local Government. Emissions from transport are projected to increase from 5.16 Mt in 1990 to an annual average of 13.03 Mt in the period 2008 — 2012 taking account of policies and measures published in NCCS (2000). However, the calculation of these projections did not include the impact of Transport 21 on CO₂ emissions from transport. Forecasts of the impact of any new measures, such as

Transport 21, on greenhouse gas emissions from transport are being considered in the context of the review of the NCCS.

Transport emissions must be considered in the context of the sector's pivotal role in supporting economic prosperity, regional development and social inclusion. Growth in transport emissions is driven by strong transport demand associated with our sustained economic growth. In the context of strong population and household growth, high employment rates and increased passenger and freight movements, reducing or slowing the growth of transport emissions represents a considerable challenge.

In recognition of this challenge, my Department identified sustainability as a key objective in the Statement of Strategy 2005-2007 and is seeking to incorporate the economic, social and environmental dimensions of sustainability into the development and delivery of transport policy.

Transport 21 points the way forward. It provides for total capital funding of over €34 billion in transport over the next ten years, and represents a major rebalancing of investment in favour of public transport, which will facilitate modal shift to public transport. It will see public transport capacity in the Greater Dublin Area almost double over the period of this investment programme. A substantial portion of the Dublin suburban rail network will be electrified. It will also see major investment in the national rail network, with improved and more frequent mainline rail services and the development of the Western Rail Corridor and the Cork suburban rail network. There will also be significant investment in regional and local bus services.

Transport 21 also provides funding for a range of sustainable transport initiatives. The purpose of these initiatives is to facilitate the mainstreaming of sustainability criteria into transport investment decision-making and to make cleaner, more environmentally-friendly vehicles available, embracing public transport, the haulage industry and taxis. These initiatives include pilot projects for biofuel and hybrid-electric technologies, and eco-driving. My Department is engaging with the relevant sectors to progress these initiatives.

Emission reductions from the new vehicle fleet can be achieved through vehicle efficiency improvements undertaken by vehicle manufacturers and Ireland supports the EU Voluntary Agreements negotiated between the Commission and the motor industry. My Department has responsibility for implementing EU vehicle standards and ensures that each new vehicle entering into use in Ireland conforms to the relevant standards, including emissions. Complementary to this, optimal vehicle operation enhances fuel efficiency. The National Car Test, which was introduced in 2000, facilitates such improved vehicle standards.

Tackling the impact of transport emissions requires a cross-Departmental approach involv-

ing a number of Government Departments. I am determined to ensure that my Department will continue to play its part in ensuring that the transport sector makes its contribution to the important task of achieving Ireland's national greenhouse gas emissions targets under the Kyoto Protocol, and to deliver on an increasingly sustainable transport provision.

Rail Network.

87. **Ms McManus** asked the Minister for Transport the progress made on the revision of commuter rail zones; and if he will make a statement on the matter. [21975/06]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply to Dail Question No. 184. The position remains unchanged.

Traffic Management.

88. **Mr. Eamon Ryan** asked the Minister for Transport if and when he intends to ratify the Dublin City Council's proposed heavy goods vehicle strategy; and if he will make a statement on the matter. [21884/06]

Minister for Transport (Mr. Cullen): Preparation and adoption of the Heavy Goods Vehicle (HGV) Management Strategy to ensure optimum use of the Dublin Port Tunnel by HGV traffic is a matter in the first instance for Dublin City Council.

My officials and I are consulting with all stakeholders, including Dublin City Council, to ensure that a co-ordinated strategy is developed for the opening of the Dublin Port Tunnel. The Heavy Goods Vehicle (HGV) Management Strategy is an important part of this process.

My Department's formal role will be to put in place the necessary regulations regarding traffic and related matters to support the strategy. This work is underway.

Rail Freight.

89. **Mr. Bruton** asked the Minister for Transport the nature of his discussions with private sector rail freight operators; if he supports the entry of such operators into the market; if so the action he intends to take to encourage such a process; and if he will make a statement on the matter. [21931/06]

Minister for Transport (Mr. Cullen): The European Communities (Access to Railway Infrastructure) (Amendment) Regulations, 2005 (S.I. 780 of 2005), transposes Directive 2004/51/EC on the development of the Community's Railways. In line with developments across the EU, these Regulations allow for the opening of the freight market to competition from 1 January 2006, in the case of international freight, and from 1 January 2007 for domestic

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freight operations. The rail freight industry across the EU is aware of these developments.

No formal applications have been received by my Department for a railway undertaking licence or for track access. In 2005, my Department received a communication from an operator stating their intention to establish themselves as a freight operator. My Department was in touch with the operator, but no formal application has been received to date.

As I have said on a number of occasions, I welcome the development of a liberalised rail freight market and I am open to considering proposals from interested parties on any innovative or new approaches to rail freight which offer value for money, where a real and tangible return on Exchequer investment can be demonstrated.

Parking Regulations.

90. **Mr. Gregory** asked the Minister for Transport the steps he will take to facilitate the introduction of a residents only parking scheme in areas adjacent to stadia on the occasions of major sporting or concert events; and if he will make a statement on the matter. [21866/06]

271. **Mr. Gregory** asked the Minister for Transport the steps he will take to facilitate the introduction of a residents only parking scheme in areas adjacent to stadia on the occasions of major sporting or concert events; and if he will make a statement on the matter. [21865/06]

283. **Ms O. Mitchell** asked the Minister for Transport if he will state where responsibility lies for implementing special one day parking schemes outside of or in addition to the standard parking scheme in operation within a particular area; if it rests with him or with the local authorities; and if he will make a statement on the matter. [21797/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 90, 271 and 283 together.

I am aware of complaints by residents in relation to parking problems on the roads in the environs of stadia on match days and at concert events when a large influx of motorists from outside the area park on residential roads for the duration of the events. Dublin City Council has also contacted my Department in relation to this matter.

My Department is examining the current legislative provisions that are available to road authorities when applying restrictions and prohibitions on the parking of vehicles to ascertain if the existing provisions can accommodate this type of situation.

Public Transport.

91. **Mr. J. O’Keeffe** asked the Minister for

Transport his views on a recent proposal by Bus Éireann to purchase new buses which are not wheelchair accessible; and if he will make a statement on the matter. [21927/06]

Minister for Transport (Mr. Cullen): While there has been significant progress in the development of accessible buses for urban, commuter and other local inter-urban services, I am informed that the availability of accessible coaches, mainly for intercity services, has not kept pace with these developments.

My Department’s Sectoral Plan under the Disability Act 2005 will be published shortly and it will address the question of accessible coaches in the light of the COST 349 Report. The Report, based on a major 4-year European research project, made recommendations in October 2005 in respect of accessibility matters for coach type vehicles. A number of manufacturers are now beginning to put the recommendations into practice on their vehicles. The COST 349 report follows the contract placed for new buses by Bus Éireann in July 2005.

My Department with assistance from a team under the Public Transport Accessibility Committee (PTAC) including Bus Éireann and the National Disability Authority is monitoring developments in the design and availability of accessible coaches and the outcome of these discussions will determine future procurement policy. I will address the issue of accessible coaches in the context of my Departments’ forthcoming sectoral plan under the Disability Act.

Road Safety.

92. **Mr. Hogan** asked the Minister for Transport the progress made to date in progressing the roll-out of speed cameras nationwide; and if he will make a statement on the matter. [21914/06]

Minister for Transport (Mr. Cullen): The Government is pursuing the commitment given in the Road Safety Strategy to introduce a network of privatised speed cameras.

A Working Group chaired by the Department of Justice, Equality and Law Reform and representing my Department, the Garda Síochána and other relevant agencies, has carried out an in depth examination into the issue of the engagement of private sector interests in the operation of speed cameras.

The Group’s report, which has been presented to the Government, makes a series of recommendations, which include proposals that require the introduction of changes to the current Road Traffic Acts.

The Government approved the priority drafting of a new Road Traffic Bill in April and the Road Traffic Bill 2006 was published last week. This Bill contains the necessary legislative provisions to provide for the private operation of

speed cameras. It is proposed that the Bill will be enacted during the current Dáil session.

The Department of Justice, Equality and Law Reform has commenced the tendering process to select an operator. This work will run in parallel to my Department's legislative efforts.

Question No. 93 answered with Question No. 74.

Question No. 94 answered with Question No. 79.

95. **Mr. Gormley** asked the Minister for Transport the measures he intends taking to improve safety conditions for cycling in view of the recent death of two cyclists in Dublin city; and if he will make a statement on the matter. [21892/06]

Minister for Transport (Mr. Cullen): The provision of cycle tracks and traffic signal facilities to support cycling at any location is a matter for each road authority. Responsibility in this area rests at local level and I have no power to direct that cycling facilities be provided at any particular location.

A draft of a revised Rules of the Road was published on my Department's website www.transport.ie last week for public consultation. Awareness is being drawn therein to the need for motorists to be aware of the road safety requirements of vulnerable road users including cyclists and also in relation to matters that cyclists must be mindful of. Feedback received from the public consultation process on these aspects will be considered and feed into the shaping of the final version of the Rules of the Road to be published later this year.

I would add that there is a significant provision in Transport 21 for traffic management, including improved facilities for cyclists.

Driving Instruction.

96. **Mr. S. Ryan** asked the Minister for Transport when he intends to introduce regulations governing the driving instructor sector; the basis for the proposed outsourcing of the regulation of driving instructors; and the way in which he intends to award credit to existing drivers who have already completed training under the driving instructor register. [21995/06]

Minister for Transport (Mr. Cullen): Proposals developed by my Department for the regulation and quality assurance of driving instruction will involve a test of the competence of individual instructors. A working group comprising representatives of my Department and of instruction interests has formulated the design of the standards that a driving instructor must meet. The standard will set out criteria for entry to the driving instructor profession and the three part exam comprising a written exam, a practical driving test

and a test of instructional capability that instructors will have to pass in order to be registered.

Responsibility for implementing the standard of driving instruction and establishing a register of driving instructors will be with the Road Safety Authority. I am considering what arrangements will be put in place to oversee implementation of the standard in the context of the establishment of the Authority. As part of this process the standard referred to above will form the basis for a consultation document to be issued shortly which will set out the requirements that driving instructors will have to comply with in order to be registered.

Question No. 97 answered with Question No. 80.

Public Transport.

98. **Mr. Quinn** asked the Minister for Transport the progress made to date on integrated ticketing; the amount expended on this project; the time-scale the project is working to; and the interim measure being taken to provide greater compatibility among ticket providers and between modes of transport. [21969/06]

159. **Mr. J. O'Keeffe** asked the Minister for Transport the amount spent on the introduction of integrated ticketing, including ticket machines, which will be compatible with a future system; when integrated ticketing will apply to all forms of public transport; and if he will make a statement on the matter. [21926/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 98 and 159 together.

I set out the position in relation to the Integrated Ticketing Project and interim measures being taken in my responses to Parliamentary Questions Numbers 70, 83 & 130 on 3rd May 2006.

The Peer Review of the project has since been completed and a report has been submitted to my Department. My Department is considering this review and a separate independent review completed in April 2006. Both RPA and my Department are keenly aware of the need to ensure compatibility of ticketing equipment amongst transport agencies and I understand that this was also considered by both reviews.

My Department will complete its considerations in the very near future and will immediately make a recommendation to me on the next steps for the project, including associated timelines.

The amount of money drawn down from the Exchequer in relation to the Integrated Ticketing Project from the commencement of the project to end-May 2006 is just under €10 million.

Road Safety.

99. **Ms McManus** asked the Minister for Transport the arrangements that he has made for the rules of the road booklet to be updated on an ongoing basis in tandem with changes in road traffic law. [21962/06]

Minister for Transport (Mr. Cullen): My Department has been working on the revision of the Rules of the Road booklet. There has been a very considerable amount of work involved in that many significant changes in the overall area of road traffic law have to be reflected in the revised booklet.

This work is now substantially complete and I am pleased to state that the revised draft Rules of the Road booklet was placed on the Department's website last week for public consultation. Comments on the draft document from the public or interested parties can be made until the end of June. It is anticipated that the new booklet will be finalised and published by the end of the Summer.

The new booklet will be made available for sale. It will also be made available on-line by the new Road Safety Authority to ensure that, in the future, the booklet will provide up-to-date information on changes in traffic law on an ongoing basis.

100. **Ms Shortall** asked the Minister for Transport the basis for his decision to seek an exemption in respect of the compulsory wearing of seat belts by children of three years of age or over travelling in a small public service vehicle on a seat, other than a front seat, if no appropriate child restraint is available; if the National Safety Council or Road Safety Authority was consulted in regard to this exemption; and if he will make a statement on the matter. [21961/06]

Minister for Transport (Mr. Cullen): Directive 2003/20/EC relating to the compulsory use of safety belts and child restraint systems in motor vehicles permits Member States to allow a child of any age to travel without a child restraint in the rear of small public service vehicles (taxis, hackneys and limousines) if a restraint is not available. In transposing the Directive into national law, this option was availed of because it was considered it would be unreasonable to expect that small public service vehicles would always have the appropriate child restraint available. However, a child of 3 years of age or more who is 135 centimetres or more in height travelling in the rear of a small public service vehicle where a child restraint is not available must use a safety belt.

The Directive, including the aforementioned provisions relating to small public service vehicles, were discussed with the Chief Executive designate of the proposed Road Safety Authority

prior to the making of the regulations to transpose the Directive into national law.

101. **Mr. McEntee** asked the Minister for Transport if his attention has been drawn to the fact that the National Roads Authority intends to introduce a higher speed limit on all national dual carriage ways; what this new speed limit will be; when same will be introduced; and if he will make a statement on the matter. [21941/06]

Minister for Transport (Mr. Cullen): Section 9 of the Road Traffic Act 2004 sets out the range of special speed limits that may be specified in special speed limit bye-laws by city or county councils for application in lieu of default speed limits.

The 2004 Act introduced a special speed limit of 120 km/h into this range and indicated that it may be applied in respect of a dual carriageway that forms part of a national road that is not a motorway. The 2004 Act stipulates that this special speed limit can only be applied in accordance with guidelines issued by the Minister for Transport.

It is not proposed therefore to apply this special speed limit of 120 km/h to all dual-carriageway roads across the public road network.

I issued guidelines in April 2005 on the application of special speed limits, including specific criteria as to the road and engineering standards and conditions that apply to the application of the special speed limit of 120km/h. A copy of the guidelines are available in the Oireachtas library and on my Department's website www.transport.ie.

Rail Network.

102. **Mr. O'Dowd** asked the Minister for Transport his views on the use of the Phoenix Park rail tunnel as an interim measure to increase rail capacity into the city centre; if he has had discussions with Irish Rail in relation to this issue; and if he will make a statement on the matter. [21948/06]

Minister for Transport (Mr. Cullen): The Phoenix Park Tunnel is an existing railway line connecting Heuston Station with Connolly Station and North Wall Freight Yard. I am informed by Iarnród Éireann that the line is in good condition and is in regular use for freight services and transfer of rolling stock. The line is also occasionally used for passenger trains for major sporting events at Croke Park e.g. football and hurling All Ireland finals when trains from Cork and Kerry go direct to Connolly Station.

The railway line is not used for commuter services from the South West or as a commuter link between Heuston Station and Connolly Station because it would not be possible to accommodate additional peak train services into Connolly Station. The lines into and out of

Connolly Station are already at full capacity and any additional capacity created in the future will be needed to cater for growth on the DART, Northern Suburban and Maynooth lines. Connections between Heuston Station and Connolly Station are provided by LUAS and Dublin Bus services.

Iarnród Éireann regards the Interconnector tunnel as the best option for providing additional cross city capacity. Approval has been granted for design development for the InterConnector alignment and its proposed station locations and layouts. This is expected to be completed in mid 2007.

The new city centre rail station being constructed in the Docklands area will provide additional capacity on the Maynooth line, pending the construction of the proposed Interconnector tunnel.

Question No. 103 answered with Question No. 69.

Airport Development Projects.

104. **Mr. Sargent** asked the Minister for Transport the reason for the failure to undertake a comprehensive cost-benefit analysis for the second runway proposed for Dublin Airport; and if analysis has been undertaken of the implications of the second runway for vehicular traffic on the M50. [21894/06]

149. **Mr. Howlin** asked the Minister for Transport his views on the need for another airport in Leinster to act as a counter-balance in terms of environmental concerns, traffic, competition and so on to Dublin Airport. [21989/06]

150. **Mr. G. Murphy** asked the Minister for Transport if his attention has been drawn to plans to develop a third terminal at Dublin Airport; and if he will make a statement on the matter. [21924/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 104, 149 and 150 together.

Proposals in relation to the development of Dublin Airport, including the planning and provision of runway capacity, are in the first instance a matter for the Dublin Airport Authority (DAA) which has statutory responsibility to manage, operate and develop the airport and to provide such facilities and services as it considers necessary for aircraft and passengers.

Accordingly, the issue of cost benefit analysis in relation to the proposed second runway at Dublin Airport is a matter which falls within the responsibility of the management and board of the DAA. The DAA are of course required to comply with the capital appraisal guidelines issued by the Department of Finance.

I understand from the DAA that included in the submission documents for planning per-

mission for the proposed second runway is a detailed economic impact study, supported by an alternatives study, which firmly supports the development of the new runway, having examined other possibilities for providing the required capacity in a cost effective manner.

Infrastructural planning in relation to the environs of Dublin Airport is being co-ordinated by Fingal County Council in conjunction with the DAA and the National Roads Authority. This includes an examination of how future projections of traffic will interact with the M50 motorway and other national and non-national roads in the vicinity of the airport.

I understand that Fingal County Council has included provision for a third terminal at Dublin Airport in its recently published Draft Dublin Airport Masterplan. While a third terminal will not be needed until about 2015, given current passenger traffic forecasts, the Government decided in May 2005 that the current legal and regulatory framework governing Dublin Airport would be examined to identify any changes that may be necessary to facilitate the development of a third terminal. This would ensure that when passenger volumes determine the need for additional capacity beyond that offered by Terminals 1 and 2, the required additional capacity could then be brought on stream.

I have no proposals for the development of another airport in Leinster. Subject to the granting of planning permission, I am confident that the DAA will provide needed capacity through the expansion of existing facilities and infrastructure at Dublin Airport.

Because of its location and the scope that exists there for extensive expansion, I am convinced that Dublin Airport will continue to remain the country's main airport serving the needs not just of the travelling public in the Greater Dublin Area but also, as a core transport asset, serving the needs of the tourism, business and freight sectors nationally. Notwithstanding the greatly welcome increase in traffic at Shannon and Cork airports, and at the regional airports, in recent years, Dublin Airport will remain crucial to the well-being of the national economy. In this regard, passenger traffic through Dublin Airport is forecast to grow from 18.5 million last year to an estimated 30 million by around the middle of the next decade.

I am confident that Dublin Airport has the scope and potential to expand to cater for future growth in air traffic for the foreseeable future.

Public Transport.

105. **Mr. Rabbitte** asked the Minister for Transport the progress made to date on both Metro projects. [21971/06]

137. **Mr. Callely** asked the Minister for Transport the progress made on the Metro system in Dublin; the expected timescale for delivery of the

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Metro system; and if he will make a statement on the matter. [21853/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 105 and 137 together.

Transport 21 includes two Metro lines — Metro North from St. Stephen's Green to the north of Swords, in the vicinity of Lissenhall, to be completed in 2012 and an orbital line, Metro West, linking Tallaght with Ballymun and serving Clondalkin, Liffey Valley and Blanchardstown which is scheduled for completion, on a phased basis, by 2014.

I launched a public consultation process by the RPA on the route of Metro North on 28 February 2006. The consultation concerns three potential routes. The views of the public and key stakeholders are being sought on the three routes and the station locations along the three routes, as well as any other options which stakeholders may consider relevant. Arising from the public consultation process, the RPA will decide during the Summer which alignment it proposes to proceed with.

Metro West, when completed will provide a high quality public transport alternative for the increasing number of people travelling along the corridor between Tallaght and Dublin Airport and provide an alternative public transport option to the M50. The proposed route for the Metro West line will connect with the Luas Red Line at Tallaght, the Kildare and Maynooth suburban rail lines, the new Lucan Luas line and with Metro North at Ballymun. It will serve Clondalkin, Liffey Valley and Blanchardstown. The RPA have commenced alignment studies for this project.

Rail Network.

106. **Mr. Neville** asked the Minister for Transport if he is confident that the Spencer Dock station will be fully operational by 2007; the progress made to date in developing this project; and if he will make a statement on the matter. [21947/06]

Minister for Transport (Mr. Cullen): Iarnród Éireann has informed me that planning permission for the Docklands Station was granted by Dublin City Council on 9th May 2006, with 11 conditions attached. Iarnród Éireann is planning to have the station complete and in operation in Summer 2007.

Public Transport.

107. **Mr. M. Higgins** asked the Minister for Transport the way in which he will integrate new Metro, DART, rail and LUAS lines in view of the distances between many of the stops of different modes as proposed; the person who has overall charge of integrating these new projects with

existing transport services and proposed ones; and if he will make a statement on the matter. [21974/06]

Minister for Transport (Mr. Cullen): At the launch of Transport 21, in November last, and many times since, I indicated that an important feature of the overall rail plans under the programme was the development of an integrated network that would enable passengers to transfer between suburban rail, Luas and DART at a number of interchange stations. All of the relevant rail projects within Transport 21 will provide the optimal level of interchange and the map of the Greater Dublin Area Rail network, that was circulated at the launch, clearly shows the integrated rail network that will be in place by the end of 2015 and gives an indication of where the interchange points are likely to be located.

The definitive location of interchange points involving any new line will be finally determined only when public consultations and statutory planning processes are complete.

A high level of cooperation between the Railway Procurement Agency and Iarnród Éireann is essential in ensuring that adequate interchange facilities are available for passengers.

I have made it clear to the two agencies that they are to develop their projects as part of an integrated network and I know that both are working hard together to find suitable interchange locations for each project that meet their respective operating and technical requirements. In addition, my Department has established a number of mechanisms to ensure that the required level of collaboration is taking place between all of the agencies with responsibility for implementing the projects in Transport 21. For example, my Department has actively encouraged Iarnród Éireann and the RPA to agree a location that provides for high quality and convenient interchange between Metro North and the Maynooth line.

I expect to bring proposals to Government shortly for the establishment of a Dublin Transport Authority, one of whose major functions will be the delivery of Transport 21 for the Greater Dublin Area. The Authority will take all necessary steps to ensure that an integrated rail network is put in place.

Air Services.

108. **Mr. Connaughton** asked the Minister for Transport the progress made in relation to a deal on open skies; and if he will make a statement on the matter. [21937/06]

Minister for Transport (Mr. Cullen): As I have stated in previous Questions the text of a first-phase EU-US Open Skies agreement was unanimously endorsed at the December 2005 Transport Council subject to sufficient progress by the

US side on opening up ownership and control of US airlines to EU investors. It had been expected that the US would have completed the process of changing the ownership and control rules early in 2006 so that a final decision could be taken at the June Transport Council. However, the rule-making process has been extended and the US authorities here indicated that the matter will be concluded in August in time for agreement at the October Transport Council. It is expected that the issue will be resolved at the October Transport Council.

Road Safety.

109. **Mr. Naughten** asked the Minister for Transport the steps he is taking to reduce speed limits within the vicinity of schools; and if he will make a statement on the matter. [21850/06]

110. **Mr. Naughten** asked the Minister for Transport his plans to provide funding to local authorities for speed limit signage within the vicinity of schools; and if he will make a statement on the matter. [21851/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 109 and 110 together.

A new speed limit policy framework is provided in the Road Traffic Act 2004 that gives greater flexibility to city councils and county councils in the application of special speed limits in lieu of a default speed limit.

It is a matter for each council to assess the position in relation to the speed limits that apply on public roads in the vicinity of schools in their area and, where appropriate, to apply a special speed limit or a special periodic speed limit. In addition to putting a new legal framework in place that is operative since 20 January 2005, I issued guidelines in April 2005 on the application of special speed limits including guidance regarding the deployment of periodic speed limits in the vicinity of schools.

The review of speed limits and the application of special speed limits at any location is a matter for the local councils. I have no role in relation to the determination of what speed limit should apply in the vicinity of any individual school premises.

The funding for the provision of traffic signs, including speed limit signs, is a matter for the National Roads Authority in the case of national roads and individual road authorities in the case of non-national roads. Exchequer funding was given to road authorities to support the provision of over 59,000 new metric speed limit signs by 20 January 2005. The 2005 metrication changeover funding was a once-off measure and I have no proposals to provide direct funding for any other traffic signs.

Question No. 111 answered with Question No. 62.

112. **Mr. Cuffe** asked the Minister for Transport the principle engineering measures that are being pursued to reduce road deaths and injuries in view of the fact that a road safety strategy requires education, engineering and enforcement measures to prove successful. [21888/06]

Minister for Transport (Mr. Cullen): The major investment in the upgrade of the national roads network (almost €1.5 billion in 2006) is delivering major road safety dividends, for example in that motorways and dual carriageways almost eliminate the possibility of head-on collisions.

Safety is of paramount importance in the design of national roads as new roads, constructed to best practice standards, help to reduce road accidents and fatalities.

All works that involve a permanent change to the existing layout of a national road require a road safety audit. Road safety audit involves the evaluation of new road schemes during design and construction to identify potential hazards that may affect road users; and to agree the appropriate measures to eliminate or mitigate any such hazards. The National Roads Authority incorporated road safety audits into the Design Manual for Roads and Bridges which became the design standard for national roads in 2001.

Light Rail Project.

113. **Ms Shortall** asked the Minister for Transport the business case for providing the BX LUAS line in preference to other mode prioritisation options in Dublin city centre; the traffic and user modelling work upon which the project has been justified; and if he will make a statement on the matter. [21972/06]

Minister for Transport (Mr. Cullen): In November 2005 I announced the commencement of public consultation for Line BX the city centre link between the Red and the Green lines of the Luas system. Since then a comprehensive review of the five route options put forward for consideration has been undertaken by RPA and this is now nearing completion.

The route options for Line BX, in common with all other major transport proposals, must be assessed against a broad range of objectives which focus on environmental, economic, safety, accessibility and transport integration themes. Importantly however, Line BX is just the first part of a Luas line from St. Stephen Green north through the city centre to serve Grangegorman, where major investment in a DIT campus facility is planned, and then via the disused Broadstone rail alignment to Liffey Junction where it will permit interchange with the suburban rail services. In the longer term, this route also has the potential to be extended further northwards.

The economic assessment of the project has been conducted in accordance with guidelines established by the Department of Finance and as

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specifically set out in 'Guidelines for the Appraisal and Management of Capital Expenditure Proposals in the Public Sector' (February 2005).

Traffic modelling has, I understand, been based on the transport model of the Dublin Transportation Office (DTO) which has been further refined by the DTO for the city centre area. A key input to this modelling work has been traffic counts undertaken by RPA to assist in model validation and robustness.

Demand modelling has been based on the RPA demand model and for the economic assessment of the route options, RPA has, I understand, incorporated information provided by Dublin Bus in relation to bus passenger numbers and services so that these can be included in the appraisal.

In this respect the economic appraisal has assessed the impacts on users and non-users of the system. The net effect of the scheme indicates a very positive economic return.

Discussions are ongoing between RPA, Dublin City Council and Dublin Bus and I understand that initiatives are being advanced by the RPA which, if implemented, could offer significant priority for the bus services in the city centre in tandem with the provision of Luas Line BX.

Once the preferred route option for the Line BX scheme is identified an outline business case will be prepared by RPA and submitted to the Department of Transport for review.

Road Accidents.

114. **Mr. Howlin** asked the Minister for Transport the input his Department has into the improvement of Garda road collision report data; if better information will be collected on foreign drivers, left-hand drive vehicles, novice drivers and so on; and the reason there is no continuous data available on the number of provisional drivers involved in collisions when such information is collected by Gardaí. [21988/06]

Minister for Transport (Mr. Cullen): Statistics relating to road accidents are based on information provided by the Garda Síochána, and are currently published by the National Roads Authority (NRA) in their annual Road Accident Facts reports. The most recent report, now entitled "Road Collision Facts", relates to 2004 and is available in the Oireachtas Library and on the NRA website. Statistics relating to 2005 are not yet fully analysed or authenticated.

The 2004 report refers in particular to the various contributory factors to collisions where such data is available. In that context the Report in respect of 2004 notes that driver error accounted for 88% of all contributory factors in respect of all collisions where such were identified. Pedestrian error was the next most listed factor at 8% with road factors accounting for 2% of all of

those listed. The remaining factors listed related to vehicle and environmental factors.

The annual road collision reports provide a significant degree of knowledge that supports and informs the deployment of road safety measures, which are pursued within the planning framework of the multi-annual Road Safety Strategies.

The Road Safety Authority (RSA) will have a significant input into advancing the road safety agenda in the future. The functions assigned to the Road Safety Authority include a mandate in relation to the collation of all relevant data and statistics.

The new Authority, as part of its remit, will examine what information is currently available and what information is required on road traffic accidents from all the relevant Departments and Agencies, including the Gardai. This may include the extension of the collection of data on matters raised by the Deputy.

Public Transport.

115. **Mr. Ring** asked the Minister for Transport the number of proposals he has received from local authorities in relation to the provision of park and ride facilities; the amount of funding allocated for this purpose to date in 2006; if he has satisfied himself in relation to the response; and if he will make a statement on the matter. [21952/06]

Minister for Transport (Mr. Cullen): Park and Ride facilities have an important role in making it easier for people to access and transfer to public transport. As the Deputy will be aware, last Summer I approved a Dublin Transportation Office (DTO) strategy for rail-based Park and Ride facilities, which envisages facilities at 22 locations on the existing and proposed rail network within the Greater Dublin Area (GDA).

I have made available in 2006, €5 million in capital funding for the development of appropriate Park and Ride projects in the Greater Dublin Area. There will also be capital funding in succeeding years under TRANSPORT 21. These applications will be evaluated according to their business cases, and against the strategic value they offer, as assessed against the DTO strategy.

Funding is also being made available under TRANSPORT 21 for Park and Ride in the regional cities. While no formal applications have yet been received, there have been several expressions of interest which are being followed up.

Question No. 116 answered with Question No. 66.

Question No. 117 answered with Question No. 60.

Road Safety.

118. **Mr. Sherlock** asked the Minister for Trans-

port when he will introduce regulations for compulsory initial practical training for motorcyclists; when he will introduce regulations on the compulsory display of L-plates on motorcycles; and when he will reach a decision on the use of bus lanes by motorcyclists. [21981/06]

Minister for Transport (Mr. Cullen): A working group, including motorcycle interests, has been considering the appropriate standards that will apply to compulsory initial practical training for motorcyclists. Overseeing the introduction of such training will be the responsibility of the Road Safety Authority. Primary legislation is necessary to facilitate the introduction of compulsory initial practical training for motorcyclists and appropriate provision is being made in the Road Traffic Bill 2006.

It is also my intention that a requirement that motorcyclists with provisional licences must display L-plates will be introduced. The necessary regulatory provisions are currently under consideration having regard to the need for amendments to the Road Traffic Acts in the light of a recent Supreme Court decision which found that primary legislation underpinning regulations to transpose EU Directives must, notwithstanding any powers already contained in the legislation, contain a power to make regulations for the purpose of transposing EU Directives. Appropriate provision is contained in the Road Traffic Bill 2006 to deal with the Supreme Court decision.

In relation to the use of bus lanes by motorcyclists the Road Safety Authority has requested that the issue of allowing motorcyclists use bus lanes be considered and there will be discussions between the RSA and my Department on the matter.

Aer Lingus.

119. **Mr. G. Mitchell** asked the Minister for Transport if he has set out a date for the flotation of Aer Lingus; if he remains committed to such a flotation; and if he will make a statement on the matter. [21934/06]

125. **Mr. Durkan** asked the Minister for Transport if he has finalised his plans for the future development of Aer Lingus; and if he will make a statement on the matter. [21826/06]

157. **Mr. M. Higgins** asked the Minister for Transport the progress made on the partial sale of Aer Lingus; and the timescale now envisaged. [21970/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 119, 125 and 157 together.

In May 2005, the Government agreed to the State reducing its shareholding in Aer Lingus whilst retaining a significant stake. The Government mandated myself and the Minister for Finance to appoint advisors to advise on the nature,

scale and timing of an investment transaction and to revert to the Government with proposals for the implementation of the proposed transaction.

In accordance with that mandate, following consideration of the report prepared by our advisors, the Minister for Finance and I agreed proposals for the implementation of an investment transaction and those proposals were noted by the Government at its meeting on 4 April 2006. The transaction will take place by means of an initial public offering of shares in Aer Lingus. The transaction will be implemented as soon as possible taking into account market conditions and the regulatory requirements that need to be fulfilled before the IPO can take place.

Road Network.

120. **Mr. English** asked the Minister for Transport if his attention has been drawn to when the Dublin Port Tunnel will be fully operational; and if he will make a statement on the matter. [21955/06]

155. **Mr. Wall** asked the Minister for Transport when he expects the Dublin Port Tunnel to fully open to traffic; and the regulations he will introduce to facilitate traffic management in and around the tunnel, particularly in relation to lane use. [21978/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 120 and 155 together.

The planning, design and implementation of national road improvement projects, including the Dublin Port Tunnel, is a matter for the National Roads Authority (NRA) and the local authorities concerned, 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 tunnel's operational and safety features, including the training of operational and emergency staff.

Traffic management in general is a matter for the appropriate local authority in the area. In this instance, the traffic management and control arrangements that will apply following the opening of the Tunnel, including lane use, are matters for Dublin City Council and the National Roads Authority (NRA).

My officials and I are consulting with all stakeholders, including Dublin City Council and the NRA, to ensure that a co-ordinated strategy is

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developed for the opening of the Tunnel. My Department's formal role will be to put in place the necessary regulations regarding road signage and related matters to support the strategy. This work is underway.

Rail Freight.

121. **Mr. O'Shea** asked the Minister for Transport when he intends to produce a policy on rail freight subsidisation. [21991/06]

292. **Mr. Durkan** asked the Minister for Transport his plans to transfer a greater amount of freight traffic to the railways; and if he will make a statement on the matter. [21877/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 121 and 292 together.

The Strategic Rail Review, commissioned by my Department, contained a comprehensive examination of the rail freight business and its realistic potential to support economic development and contribute to sustainable development.

Iarnród Éireann, in responding to the challenges contained in the Review, developed a business plan with regard to freight. The company's goal is to return the rail freight business to profitability. To help achieve this turnaround, Iarnród Éireann withdrew from loss-making groupage, palletised and single container rail transport in the recent past. However, Iarnród Éireann continues to pursue a policy of growing its rail freight business where opportunities present.

Since 1999, Iarnród Éireann has invested over 1.5 billion euro in rebuilding the railways, with Government and EU support for the investment programme. This has delivered improvements in new trains, upgraded infrastructure and customer facilities. While such investment has primarily focused on improving passenger services, the investment in improving rail infrastructure also has a direct beneficial impact on freight activities.

Iarnród Éireann has made progress in growing the rail freight business in areas where it holds a competitive advantage over road haulage, including mineral ore and pulpwood. For example Iarnród Éireann has: — increased the trainload pulpwood business by modifying surplus wagons and providing additional services for Coillte between the West of Ireland and the South East; — recently altered rail schedules and is currently providing three additional trains per week for Tara Mines with a potential to carry an extra 85,000 tonnes of lead and zinc between Navan and Dublin Port per annum, — modified surplus platform wagons to provide a trainload service for containers between Ballina and Waterford Port.

I have introduced the European Communities (Access to Railway Infrastructure) (Amendment) Regulations 2005 (S.I. No. 780 of 2005), implementing EU Directive 2004/51 on the develop-

ment of the Community's Railways. These Regulations open the freight market to competition from both domestic and foreign operators, from 1 January 2006 in the case of international freight, and from 1 January 2007 in the case of domestic freight operations.

I should add that Iarnród Éireann has undertaken extensive engagement with industry and transporters around the country to try and identify long-term sustainable business opportunities. They have had genuine difficulty in identifying business opportunities that offer reasonable volumes of business on a regular basis. It is not feasible to run trains with one or two containers and Iarnród Éireann has not identified sufficient business to group a number of separate activities together to form a viable trainload. Most Irish industry is focused on 'just in time' transport and as our road network continues to expand and improve across the country, the role of rail freight becomes more problematic because all rail journeys involve road movements at each end of the logistics chain. Furthermore, in Ireland distances are short. The experience across Europe is no different. Rail freight activities are most economic where distances are long, where there are large volumes to be transported and where the freight to be carried is not time sensitive.

I am open to any views on how we can expand rail freight but the business environment is such that I have not seen any real opportunities identified. The market for rail freight will be fully liberalised in a matter of months and if there were opportunities I would welcome expressions of interest. The question of providing capital funding for sidings is often mentioned as a stimulus to rail freight but again no firm proposals have been received.

It remains my priority that any additional Exchequer subvention should focus on expanding passenger services to meet the continuing unmet demand for such services, in seeking to address the adverse social and economic impacts caused by traffic congestion.

Questions Nos. 122 and 123 answered with Question No. 80.

Pension Provisions.

124. **Mr. P. Breen** asked the Minister for Transport the proposals to deal with the deficiency in the pension funds of Aer Lingus and Team Aer Lingus; and if he will make a statement on the matter. [21918/06]

Minister for Transport (Mr. Cullen): In the context of the planned initial public offering (IPO) of shares in Aer Lingus, I have said that the Minister for Finance and I are open to considering the question of the company using part of the proceeds from issuing new shares to address the funding position in the company's pension scheme in the context of an overall sol-

ution involving increased employer and employee contributions going forward. Any money raised by Aer Lingus in this manner would be used to address its own portion of the scheme. I have mandated Aer Lingus management to engage with the trade unions to address the key concerns of staff in relation to a third party investment, including pensions and that process is currently underway.

Question No. 125 answered with Question No. 119.

Proposed Legislation.

126. **Dr. Upton** asked the Minister for Transport when he intends to introduce whistleblowing legislation for the transport sector; and if he will make a statement on the matter. [21992/06]

Minister for Transport (Mr. Cullen): Section 54 of the Railway Safety Act 2005 provides for staff of a railway undertaking or a person working under contract of services with a railway undertaking to inform the Railway Safety Commission of any information relevant to an investigation of a railway incident or of any risk to the railway in terms of its staff and passengers arising from the operations of the undertaking. The Act also provides that the member of staff cannot be disciplined or disadvantaged in any way following the provision of such information.

Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation includes an option for Member States to develop a confidential reporting system. Work is under way to transpose this Directive into Irish law. I have no further proposals at present in relation to whistleblowing legislation.

Road Safety Authority.

127. **Mr. Costello** asked the Minister for Transport the steps he has taken to ensure that a representative of young people sits on the board of the Road Safety Authority. [21964/06]

Minister for Transport (Mr. Cullen): The individuals that I have appointed to the interim board of the Road Safety Authority have a wide variety of skills, experience and professional commitment whom I am confident will represent the concerns of all sectors in society. Advisory panels, comprising of a broad range of road safety stakeholders, whose function will be to advise the Board on policy, its implementation and impact will also be established.

Public Transport.

128. **Mr. Eamon Ryan** asked the Minister for Transport further to the recent announcement by Dublin Bus to run five of their tour buses on 5 per cent plant oil and 95 per cent conventional

diesel mix, the plans which exist for the introduction of similar measures to the remainder of the Dublin Bus fleet and other bus fleets. [21885/06]

Minister for Transport (Mr. Cullen): Dublin Bus has advised me that the company is in the process of evaluating a trial of bio-diesel and until this trial is complete and a full evaluation takes place, no further decision regarding the extension of the trial will be made.

Road Safety.

129. **Mr. Coveney** asked the Minister for Transport the reason the recommendation of the Metrication Review Group that the speed limit on all non-national roads should be 50 km/h, and which according to his Department would as a result reduce the speed limit on roads where 60 per cent of fatal crashes are taking place, (details supplied) has not been implemented; and if he will make a statement on the matter. [21956/06]

Minister for Transport (Mr. Cullen): The Report of the Working Group on the Review of Speed Limits contained a recommendation that a default speed limit of 80 km/h (50 mph) be introduced for non-national roads. I can confirm that this recommendation was taken on board in the new speed limit structures contained in the Road Traffic Act 2004. From 20 January 2005 a default speed limit of 80 km/h (replacing the previous limit of 60 mph) applies to rural regional and local roads.

Question No. 130 answered with Question No. 66.

Question No. 131 answered with Question No. 62.

Rail Network.

132. **Mr. Boyle** asked the Minister for Transport if the North Esk rail freight yard will remain connected to the rail network following the forthcoming end to Diagio keg traffic on the line and the re-signalling of the Cork Cobh line. [21887/06]

Minister for Transport (Mr. Cullen): I am informed by Iarnród Éireann that the works planned on the Cork — Cobh line will have no impact on the North Esk freight facility and the freight yard will remain connected to the rail system.

Road Traffic Offences.

133. **Mr. Penrose** asked the Minister for Transport the progress on reaching an agreement with the Northern Ireland authorities on the mutual recognition of penalty points. [21980/06]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply to PQ No 17441/06 on Tuesday 9 May 2006.

As I indicated at that time, Northern Ireland has the lead role for transport matters in the British Irish Council, and the authorities in that jurisdiction are taking the lead in considering this issue. Officials are examining the issues and will, I understand, report back in the next few weeks. However at that point further consideration regarding feasibility will be necessary.

Great Southern Hotels Group.

134. **Mr. Allen** asked the Minister for Transport the progress made to date with regard to the sale of the Great Southern Hotels; when it is anticipated that this deal will be finalised; if he has the power to decide where the proceeds of this sale will go; if so, his decision in relation to same; and if he will make a statement on the matter. [21922/06]

Minister for Transport (Mr. Cullen): As I have stated previously in this House, decisions in relation to the sale of the Great Southern Hotels (GSH) are matters for the Boards of Dublin Airport Authority (DAA) and the GSH and I have no function in relation to them.

GSH is a wholly owned subsidiary of the DAA and I understand that any proceeds of the sale, net of all applicable liabilities and costs and after repayment of capital invested by DAA, will accrue to the company and not to the State. The application or re-investment of any such proceeds will be a matter for the board of DAA to determine in the context of its commercial mandate under the State Airports Act 2004.

The hotels were advertised for sale by public tender on 17 May 2006 and the closing date for receipt of tenders is 7 July 2006. It is expected that the sale process will conclude in 2006.

Question No. 135 answered with Question No. 59.

Road Network.

136. **Mr. English** asked the Minister for Transport if a decision has been taken on the future method of tolling to be applied on the M50; the details of this proposal; when same will be implemented; and if he will make a statement on the matter. [21954/06]

Minister for Transport (Mr. Cullen): At the outset, I should explain that the statutory power to levy tolls on national roads, to make toll by-laws and to enter into toll agreements with private investors in respect of national roads is vested in the NRA under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000).

In January of this year, the National Roads Authority decided to replace the West-link toll by a single point barrier-free toll in 2008.

The planning permission granted for the M50 upgrade requires that a scheme of specific demand management measures for the motorway corridor be published no later than three years after completion of the upgrade, which is anticipated to be in 2010. For this reason, the barrier free tolling arrangements will need to be adaptable to meet the medium to long term needs that arise. Comprehensive research and analysis is being undertaken by the NRA and will continue in the coming years in order to address the post 2010 situation.

The NRA will bring forward specific proposals for the single-point free-flow toll arrangement for consideration later this year. Independent consultants have been engaged by the NRA to advise on the technology aspect of free-flow tolling.

Question No. 137 answered with Question No. 105.

Taxi Regulations.

138. **Ms Lynch** asked the Minister for Transport the reasons for the delay in commencing Section 36 (1) of the 2003 Taxi Regulation Act. [21965/06]

Minister for Transport (Mr. Cullen): Section 36 of the Taxi Regulation Act 2003, as amended by section 36 of the Road Traffic Act 2004, provides for a system of automatic mandatory disqualification from applying for or holding a small public service vehicle driver or vehicle licence in respect of persons who have been convicted of certain specified offences. These include the offences of murder, manslaughter and various sexual, drug trafficking and other offences.

As a first step in giving full effect to the provisions of section 36 as amended, I have recently made an order commencing subsections 2(A), 3, 3(A) and 4 of the section. This has been done in consultation with the Commission for Taxi Regulation, An Garda Síochána, the Courts Service, my Department and the Office of the Attorney General.

The measures in these subsections give existing licence holders or licence applicants who have been convicted of specified offences an appropriate period to apply to the Courts to be allowed to apply for a licence under such terms and conditions as the court may direct. I would urge any person in this category to regularise their position. I expect to make later in the year the necessary order to commence the provisions of the section in full.

Road Traffic Offences.

139. **Mr. P. Breen** asked the Minister for Transport the arrangement to allow the Gardaí to con-

fiscate the driving licenses of UK drivers in the event of such driver committing road traffic offences will be implemented; and if he will make a statement on the matter. [21919/06]

Minister for Transport (Mr. Cullen): The Road Traffic (Licensing of Drivers) Regulations, 1999 requires that the driving licence of a person disqualified from driving be delivered to the Court within 5 days of the coming into operation of the Court order. This applies to Irish driving licences and driving licences from other jurisdictions.

National Car Test.

140. **Mr. Crawford** asked the Minister for Transport if he has published the review of the National Car Test; if not, the reason thereof; when reform of the National Car Test will be implemented; and if he will make a statement on the matter. [21917/06]

165. **Ms B. Moynihan-Cronin** asked the Minister for Transport when he will publish the review of the National Car Test; and if he intends introducing a statutory watch-dog for NCT. [21986/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 140 and 165 together.

I expect to make a decision shortly in relation to the recommendations contained in the report on the outcome of the mid-term review of the national car testing service conducted by PricewaterhouseCoopers (PwC) for my Department. As soon as I have made that decision I will publish the PwC report on my Department's website.

My Department monitors the performance of National Car Testing Service Limited to ensure that it delivers the service in accordance with the contract requirements. To assist the Department in that function, a Supervision Services Contractor (a consortium involving PricewaterhouseCoopers and the Automobile Association with engineering, financial, legal, IT and operational expertise) has been engaged and is working to an agreed programme for the Department. Under the Road Safety Authority Act 2006 the Road Safety Authority will be assigned responsibility for vehicle testing matters, which would include oversight arrangements in relation to the car testing service.

Question No. 141 answered with Question No. 60.

Industrial Relations.

142. **Mr. G. Mitchell** asked the Minister for Transport the number of times he has met with the Aer Lingus trade unions to deal with their issues in relation to the proposed partial sale of Aer Lingus; and if he will make a statement on the matter. [21935/06]

Minister for Transport (Mr. Cullen): Prior to the Government decision in May last year to reduce its shareholding in Aer Lingus to facilitate equity investment in the company whilst retaining a significant stake, I had consulted with the trade unions on the future ownership structure and funding requirements of the company as is required under the terms of Sustaining Progress.

Since then, and prior to the decision in April this year concerning the basis on which an investment transaction is to take place, I met with a delegation of the Aer Lingus trade unions and officials from Congress on three separate occasions, in June 2005 and on 2 March and 3 April this year.

State Airports.

143. **Dr. Cowley** asked the Minister for Transport his views on whether Knock International Airport is one of Ireland's international airports; his further views on an investment programme for Knock International Airport which will provide increased levels of service to the area as a whole and also increase tourism in the region and encourage economic growth; and if he will make a statement on the matter. [21869/06]

Minister for Transport (Mr. Cullen): My Department assists Ireland West Airport Knock through a range of financial support mechanisms. Since 2000, the airport has received in the region of €6.5 million in operational and capital support directly from the Exchequer. This ongoing support has greatly assisted the airport to maintain viable operations and to grow its business, particularly on UK routes operated by low-cost air operators, and I understand the airport is constantly seeking to expand its range of services.

My Department will continue to assist Ireland West Airport Knock, in line with the relevant EU Guidelines on financing of airports and Department of Finance Capital Appraisal Guidelines.

A total of 100 million Euro will be available for investment in development and safety related infrastructure in all regional airports under the Transport 21 framework. As well as the continuation of grant assistance for essential safety and security capital expenditure under the NDP, Ireland West Airport Knock will also be eligible for capital expenditure grants where demand for additional air services can be demonstrated and where an economic case can be made to justify increased investment. My Department has now produced a draft of this scheme, which it believes is fully compliant with the relevant EU guidelines and I expect to be in a position to announce details shortly. Meanwhile, for the sake of legal certainty, this proposed scheme has been formally notified to the EU Commission for clearance under the EU Guidelines already mentioned. In anticipation of this clearance, my Department is considering a number of projects which are intended to enable the developing Airport to

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comply with international standards to meet future passenger demand.

In addition to the proposed new capital grants programme, a new scheme for subvention of airport operations, to the extent that these cannot otherwise be financed from airport revenues, is currently being developed in line with the EU Guidelines and will be launched shortly.

My Department also supports regional air access through the Essential Air Service Programme, by providing financial compensation to air carriers on PSO routes, such as Knock-Dublin, where carriers would not be prepared to operate on a commercial basis.

Road Safety.

144. **Mr. McGinley** asked the Minister for Transport his views on the introduction of road safety leaflets in each workplace; and if he will make a statement on the matter. [21928/06]

Minister for Transport (Mr. Cullen): The National Safety Council (NSC) is the agency mandated with responsibility for road safety advertising and education.

In addition to media advertising, the Council has published road safety leaflets that are also available in several languages. These leaflets have been distributed widely through newspapers that are in circulation in this country and throughout the relevant communities. The leaflets can be downloaded free of charge by any individual or employer from the website (www.nsc.ie) should they wish to make them available for general circulation at their workplace. The leaflets are also available to the Gardai for distribution as they see fit.

Question No. 145 answered with Question No. 85.

Road Traffic Offences.

146. **Dr. Upton** asked the Minister for Transport if he has reached a conclusion on the proposal made to him by the Dublin cycling campaign on 23 February 2006 in relation to the repeal of the requirement for cyclists to use a mandatory cycle lane where one is provided. [21993/06]

Minister for Transport (Mr. Cullen): No conclusion has yet been reached on this matter. From 3 April 2006 it is a penalty point offence to drive a vehicle on or along a mandatory cycle track during the hours of operation of the track. The scheduling of this offence under a Road Traffic Act 2002 to be a penalty point offence was to enforce compliance with road traffic law and provide an increased level of safety for cyclists required to use that type of cycle track.

Question No. 147 answered with Question No. 60.

148. **Mr. McCormack** asked the Minister for Transport if all public transport vehicles and public service vehicles must have a fire extinguisher; if so, the manner in which this requirement is enforced; the penalties enforced for breach of such a regulation; and if he will make a statement on the matter. [21938/06]

Minister for Transport (Mr. Cullen): Large public service vehicles are required under Article 79(1) of the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963 to carry a fire extinguisher.

The annual roadworthiness test on these vehicles includes a check that the fire extinguisher is fitted, fully charged and secure.

The penalties for non-compliance with this requirement are a fine not exceeding €800 in the case of a first offence, a fine not exceeding €1,500 in the case of a second or subsequent offence, and a fine of €1,500 or to a term of imprisonment not exceeding 3 months or both in the case of a third or subsequent offence in a period of 12 consecutive months. Enforcement of road traffic regulations is a matter for the Garda Síochána.

Questions Nos. 149 and 150 answered with Question No. 104.

Question No. 151 answered with Question No. 60.

Vehicle Regulations.

152. **Ms Burton** asked the Minister for Transport when he expects to introduce regulations under Article 8 of EU Directive 2005/66/EC to curb the sale of bull bars sold as separate technical units. [21994/06]

Minister for Transport (Mr. Cullen): My Department is considering how best to implement control of the sale and use of component bull-bars pursuant to Directive 2005/66/EC.

Road Traffic Offences.

153. **Mr. Sherlock** asked the Minister for Transport when he will activate the penalty point category of driving unaccompanied on a provisional licence other than a second provisional licence. [21982/06]

Minister for Transport (Mr. Cullen): Where a person does not fulfil the conditions attaching to a provisional licence the offence is driving without a licence which is one of the offences in the First Schedule to the Road Traffic Act, 2002. It is proposed in the Road Traffic Bill, 2006 to amend the penalty points attaching to such an offence. The commencement of this provision will be con-

sidered in due course following enactment of the Bill.

Question No. 154 answered with Question No. 78.

Question No. 155 answered with Question No. 120.

Driving Tests.

156. **Mr. Broughan** asked the Minister for Transport the deadline for the upgrade of software for driving test applications in Ballina; his estimate for the final cost of this upgrade; the amount of funding set aside for the project; the amount so far drawn down; and if he will make a statement on the matter. [21960/06]

Minister for Transport (Mr. Cullen): The existing system is adequate for the needs of RSA over the next 18 months to two years. Some limited improvements will be made to the system over the next 12 months to make it more efficient. However, in relation to the future needs of the RSA, detailed planning is required by them to scope their IT requirements. The information requested by the Deputy on the upcoming project to completely refurbish or replace the driver testing application system is not therefore available at this time.

Question No. 157 answered with Question No. 119.

Road Traffic Offences.

158. **Ms Lynch** asked the Minister for Transport the way in which he proposes to legislate in order that fixed charge penalties may be applied to non-resident non-national drivers in foreign registered vehicles. [21966/06]

272. **Ms Shortall** asked the Minister for Transport the steps he intends to take to ensure that fixed charge penalties may be applied to foreign drivers; and if he will make a statement on the matter. [21897/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 158 and 272 together.

I am conscious that enforcing penalties on non-resident non national drivers raises many legal, organisational and procedural issues which make it very difficult for any one State to enforce such penalties. For that reason, my Department is pursuing this question at the European, British/Irish and north/south levels where mutual recognition and cross border enforcement possibilities are being considered.

Question No. 159 answered with Question No. 98.

Question No. 160 answered with Question No. 80.

Question No. 161 answered with Question No. 72.

Question No. 162 answered with Question No. 74.

National Development Plan.

163. **Mr. Neville** asked the Minister for Transport if he has had discussions with the Department of Finance in relation to the under spend on public transport and other transport infrastructure on the Border Midland Western region in relation to that promised under the existing National Development Plan; his proposals in relation to the way in which shortfalls can be overcome; and if he will make a statement on the matter. [21946/06]

Minister for Transport (Mr. Cullen): My Department is the Managing Authority for the Economic and Social Infrastructure Operational Programme (ESIOP) and in that capacity chair the Monetary Committee on which the Department of Finance and other relevant agencies are represented. The Programme provides for a total capital investment of some €26 billion in key capital investment areas including national roads and public transport over the seven year period from the start of 2000 to the end of 2006. The Economic and Social Infrastructure Operational Programme is the largest multi-infrastructure investment programme in the history of the State, accounting for almost 50% of total investment under the National Development Plan 2000-2006.

The total volume of investment originally envisaged for the BMW Region under the ESIOP was some €7 billion for the period 2000-2005. Annual spend in the BMW Region under the ESIOP has been rising progressively. In the year 2000 the spend in the region was €641 million. In the year 2005 the spend in the region had almost doubled to €1.12 billion. In cumulative terms expenditure in the region in the period 2000 to 2005 inclusive came to €5.4 billion. This represents 92% of the original forecast for the period of €5.9 billion, a very creditable performance over a period of 6 years.

Cumulative expenditure in the BMW Region in the case of national roads at €1.6 billion and in the area of public transport at € 283 million respectively represent 76 % and 63% of target. As regards national roads, there has been a significant ramping up of construction activity and related expenditure in the last few years. This momentum is being maintained.

The reason for the slow start in spending in the case of national road projects in the BMW Region is that in the early years of the Programme a smaller number of major projects were under construction or ready for construction in

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the region. To assist in advancing projects to construction as rapidly as possible, increased funding was provided for the planning and design of projects. Through the help of this funding there has been a sharp increase in the number and size of road projects brought forward to construction in the region. This is reflected in a record level of spend in 2005 of € 416 million, and in 2006 expenditure is expected to top this at €431 million. Substantial national road investment in the region will continue under Transport 21.

The BMW Region will see significant progress on public transport under Transport 21. For example it provides for the reopening of the Western Rail Corridor on a phased basis. Iarnród Éireann has submitted to my Department business cases relating to Phase 1 (the reopening of the Ennis to Athenry section) and Phase 2 (reopening of the Athenry to Tuam section) and I will be taking my proposals on the matter to Government very shortly. The introduction of the intercity railcars which are currently on order will also permit the improvement of mainline rail services from Dublin to the region.

It should also be noted that, during this period, the BMW Region benefited from track renewal, resignalling, rolling stock acquisition and station redevelopment across the rail network which has contributed to the improvement of services for intercity customers.

Road Safety.

164. **Mr. Wall** asked the Minister for Transport the change to regulations he proposes in relation to the roadworthiness testing of buses, and in particular to address the practice of self-regulation in certain sectors. [21985/06]

Minister for Transport (Mr. Cullen): I have requested the Chief Executive designate of the Road Safety Authority to undertake a fundamental review of the arrangements for the compulsory periodic roadworthiness testing of goods vehicles and buses. As part of that review, the matter of authorised testers carrying out roadworthiness tests on their own vehicles will be examined.

Question No. 165 answered with Question No. 140.

Public Transport.

166. **Mr. Kenny** asked the Minister for Transport the measures he has taken to date in 2006 to introduce competition into the Dublin bus market; the number of meetings which have taken place in 2006 on this issue; the main obstacles to opening up the Dublin bus market; when same will occur; and if he will make a statement on the matter. [21951/06]

Minister for Transport (Mr. Cullen): I have given a public commitment to modernizing the regulatory framework governing public transport and the provision of bus services by both public and private operators, not just in Dublin, but nationally. In particular, at the launch of Transport 21, I said that I was convinced that we need a new approach to transport in the Greater Dublin Area, delivered through a single authority with the power to ensure joined-up thinking and delivery across all transport modes.

In advancing the regulatory agenda, a range of meetings have taken place with the key stakeholders including the CIE Companies, the Unions and representatives of private bus operators. These discussions form part of a process of engagement that will facilitate and inform the determination of the appropriate structure for the new framework and supporting legislation.

This process is also being informed by the work of the Establishment Team which was appointed to finalise the remit, structures and human resource requirements of the proposed Dublin Transport Authority. I have now received the report of the team. A draft Memorandum for Government is currently the subject of consultations with other Minister's and will be submitted to Government in the near future.

I will finalise my consideration of how best to proceed with public transport reform and further market opening in the context of the institutional structures recommended by the team. I would hope to be in a position to publish legislation on the matter in the current year.

Driving Licences.

167. **Mr. Stagg** asked the Minister for Transport the progress made in introducing a credit card type driving licence. [21984/06]

Minister for Transport (Mr. Cullen): In June 2003 a notice requesting the submission of tenders to supply a plastic card licence was published in the EU Official Journal. A number of developments took place following receipt of tenders and the proposals were reviewed in the light of these developments. These developments included the publication of a draft EU Directive on driving licences in October 2003 proposing the issuing of new licences in plastic card format only and allowing the introduction of an optional microchip on the driving licence. There have also been developments concerning anti-fraud protection measures and possible developments in eGovernment.

Having considered these matters it was decided not to proceed with the tender invitation of 16 June, 2003. I do not propose to issue a revised tender in the short term as some issues remain to be determined at EU level, including the specification of the microchip.

Question No. 168 answered with Question No. 59.

State Honours System.

169. **Mr. F. McGrath** asked the Taoiseach his views on introducing an awards system or an honour system for people who make a valuable contribution to society; and if he will work with all Members of the Houses of the Oireachtas on this matter. [21653/06]

The Taoiseach: The issue of a State honours system has been mooted many times in the past but there has never been all party support to sustain its development. In September 1999, I wrote to the main Opposition Party Leaders enclosing a discussion paper. It was the first time a serious attempt had been made to outline the broad shape of such a scheme. I made it clear that I was completely open to any views which other parties might wish to put forward, including in particular views on the central question as to whether or not a scheme was desirable.

It was evident at the time that there was not the cross party support required to introduce a scheme. It has always been my view that a national honours system would require all party consensus if it were to proceed. Consequently, I did not pursue the matter further. I am prepared to engage again with other parties if all of them are now ready to proceed to devise a suitable honours system.

Dublin-Monaghan Bombings.

170. **Mr. Costello** asked the Taoiseach the reasons for granting a further extension to the MacEntee Commission of Investigation into the Dublin-Monaghan bombings; and if he will make a statement on the matter. [21764/06]

The Taoiseach: On 26 April 2005, the Government appointed Mr. Patrick MacEntee S.C. as Sole Member of a Commission of Investigation to examine specific matters relating to the Dublin and Monaghan Bombings of 1974, including aspects of the Garda investigation and missing documentation. This was in accordance with the recommendations of the Joint Committee on Justice, Equality, Defence and Women's Rights which considered the Barron Report on the Dublin/Monaghan Bombings.

At the end of May, Mr. MacEntee informed me that more time was required to complete the Inquiry in order to pursue a new line of investigation which has arisen. He therefore requested a further extension of the timeframe until 31 July 2006. He also provided me with a further fourth interim report, as required by the legislation. I have published that report and have placed a copy in the Oireachtas Library.

It is clear from this fourth Interim Report that Mr. MacEntee requires more time to pursue spec-

ific inquiries as there remain important opportunities to advance the investigation that might otherwise be lost. It is for this reason that I have granted the additional extension.

Departmental Staff.

171. **Mr. Rabbitte** asked the Taoiseach in respect of the Office of the Parliamentary Counsel, when the last round of recruitment took place; the numbers who applied for posts; the number who were short-listed; the number who qualified for appointment; the number who accepted positions; the number who have started working; and if he will make a statement on the matter. [21806/06]

The Taoiseach: In November 2005, the Public Appointments Service advertised the post of Assistant Parliamentary Counsel Grade II. Forty four applied for the posts, one subsequently withdrew and three did not meet the minimum qualifications. Twenty one were short-listed and completed a written test. Sixteen qualified for the interview stage but five of those did not attend for interview. Of the eleven presenting for interview, three were qualified by the Interview Board for appointment. Since then, one has accepted a position and will take up duty on 26 June, one has declined an offer of appointment and another is currently considering the offer of appointment.

Health Services.

172. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the funding available from her Department for a group (details supplied) in Dublin 7 towards the costs involved in providing a much needed service; if she has reviewed the position; if she proposes to do so before preparing her budgetary submission; and if she will make a statement on the matter. [21666/06]

Tánaiste and Minister for Health and Children (Ms Harney): Funding for all health services has been provided as part of the HSE's overall vote for health and social services in 2006. Decisions concerning the allocation of resources for specific services such as that specified by the Deputy are a matter for the HSE. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Infectious Diseases.

173. **Dr. Upton** asked the Tánaiste and Minister for Health and Children her understanding of the powers that exist to restrict the free movement of people out of and into Ireland in the event of a serious outbreak of avian flu in view of the paragraph on travel restrictions on page 19 of the European Union's Final Report on A

[Dr. Upton.]

Pandemic Influenza Exercise for the European Union; and if she will make a statement on the matter. [21725/06]

Tánaiste and Minister for Health and Children (Ms Harney): There are no restrictions on travel to or from areas experiencing outbreaks of highly pathogenic avian influenza H5N1 in birds, including countries which have reported associated cases of human infection.

I presume, however, that the question relates to a human influenza pandemic. The World Health Organisation does not recommend the closing of international borders at any pandemic phase. A recent academic review of strategies for mitigating an influenza pandemic published in Nature magazine found that border restrictions and/or internal travel restrictions are unlikely to delay spread by more than 2-3 weeks unless more than 99% effective.

The report to which the Deputy refers goes on to recommend that “The Commission should, on behalf of Member States, investigate and clarify the international regulations during an international infectious disease outbreak. Regulations regarding restrictions on travel, airport closure and border control should be explained in the light of the Schengen Convention and the International Health Regulations. There needs to be further discussion to clarify the impact of border closure, specifically the movement of drugs and vaccines when borders are closed. Such measures require further discussion by the European Commission and Member States.” The Commission has indicated that it will arrange workshops on issues such as border controls and quarantine.

Issues relating to the implementation of the International Health Regulations are currently being examined by my Department and the Health Service Executive. Officials of my Department and the HSE are also in ongoing contact with officials in Northern Ireland regarding cross-border issues. In addition, my Department has established a Standing Inter-Departmental Committee on Public Health Emergency Planning to consider issues which go beyond the health aspects of an influenza pandemic including border controls and suspension of travel.

State Claims Agency.

174. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children the person who directed the State Claims Agency to instigate proceedings to obstruct or delay the inquest into the death of a person (details supplied); if the State will make every effort to help the family of this person in their effort to have an open and transparent inquest into the persons death; and if she will make a statement on the matter. [21796/06]

Tánaiste and Minister for Health and Children (Ms Harney): In February 2004, Frances Sheridan

died after being discharged from the Accident and Emergency Department of Cavan General Hospital. Last December an Inquest was held into her death, presided over by the acting coroner for County Cavan. Following the hearing of the Inquest, the jury returned a verdict of death by natural causes.

In January, solicitors representing the family wrote to the Attorney General requesting that he direct a fresh Inquest pursuant to his statutory power under the Coroners Act 1962. It is understood that the acting coroner also wrote to the Office of the Attorney General with comments on this request. In April, the Attorney General, directed that the acting coroner hold a new Inquest.

Under the *National Treasury Management Agency (Delegation of Functions) Order 2003*, the management of claims alleging clinical negligence against the Health Service Executive is a function of the State Claims Agency. Nobody directs the State Claims Agency in this respect. As part of the overall management of clinical negligence claims, the State Claims Agency also provides legal representation at Coroners' Inquests for the HSE and individual practitioners employed by the Executive.

On learning of the intention to hold a new Inquest, the solicitors appointed by the State Claims Agency wrote to the acting coroner indicating their concern as to whether it was appropriate that she should conduct the new Inquest. At no stage was it suggested that there is or might be any actual bias on the part of the acting coroner. Rather, the concern was that there would be a reasonable apprehension in the light of the acting coroner's previous involvement in the case, that she might be biased. It was suggested that, in the circumstances, the most appropriate course was for the acting coroner to allow the new Inquest to be conducted by an alternative coroner. The acting coroner declined the suggestion and confirmed her intention to open the Inquest on 31 May. Subsequently, the acting coroner informed the family that the Inquest would not go ahead on 31 May but, instead, she would hear legal submissions only. This was communicated to the HSE and the State Claims Agency on 30 May last.

I am advised that neither the State Claims Agency nor the HSE sought to obstruct the Inquest or make any attempt to prevent it. The Agency and the HSE fully accept the Attorney General's decision to direct a fresh Inquest.

Health Services.

175. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children if provision is made that three chiropody treatments per year are available free under the medical card scheme; if so, if the €10 additional charge by some chiropodists is fraudulent; and if she will make a statement on the matter. [21546/06]

Tánaiste and Minister for Health and Children

(Ms Harney): There is no statutory obligation on the Health Service Executive (HSE) to provide chiropody services to GMS patients; however in practice arrangements are made to provide these services. Before the establishment of the HSE the nature of the arrangements for chiropody and the level of service provided was a matter for individual health boards and so a degree of variation in practice developed over time. Priority is usually given to certain groups of people, including people who are medical card holders aged 65 years and over. In several regions the service is provided by private chiropodists by arrangement with the HSE.

I consider that it is inappropriate for private chiropodists who are providing services on behalf of the HSE to charge patients a top-up fee, and I have conveyed this view formally to the HSE. My Department requested the HSE to review the fee arrangements in place for the provision of chiropody services, with a view to ensuring that such additional fees will no longer be levied on persons in receipt of this service; and this process is well underway.

176. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children his plans to extend the opening hours of a centre (details supplied) which currently opens two days a week to five days a week in view of the increased population in the Kilmaley catchment area of County Clare; and if she will make a statement on the matter. [21548/06]

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.

177. **Ms Lynch** asked the Tánaiste and Minister for Health and Children the number and location of positive emission tomography scanners here; her plans to make more of these machines available to areas outside Dublin; and if she will make a statement on the matter. [21550/06]

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.

Medical Cards.

178. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will expedite a response to an application for a medical card in the name of a person (details supplied) in County Kilkenny. [21551/06]

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.

179. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if, further to a previous parliamentary question, an appeal lodged for improved subvention payments will be expedited and a response given in the case of a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [21552/06]

Minister of State at the Department of Health and Children (Mr. S. Power):

My Department has been advised that a reply was issued on the 18th May 2006 by the Health Service Executive (HSE) in relation to Question No. 256 of 25 April 2006.

The issue of an appeal 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.

180. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be approved for the home care service in view of the fact that they applied for this almost nine weeks ago and were told that it would take up to four weeks for their application to be processed. [21580/06]

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.

181. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be given an appointment at University College Hospital, Galway. [21581/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Disabled Drivers.

182. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children if she will intervene on behalf of a person (details supplied) who has applied for medical certification for the purpose of Section 92 of the Finance Act 1989 and the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 to ensure that this appeal is successful for this severely handicapped person; and if she will make a statement on the matter. [21590/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

183. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Clare was refused home help; and if she will make a statement on the matter. [21591/06]

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.

Pharmacy Services.

184. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her views on locat-

ing a pharmacy within a health centre (details supplied); and if she will make a statement on the matter. [21610/06]

Tánaiste and Minister for Health and Children (Ms Harney): On foot of the recommendations of the Pharmacy Review Group, my Department has commenced drafting new pharmacy legislation in two pharmacy Bills. The first Bill is to deal with fitness to practice provisions for pharmacists, the removal of the prohibition — the 'derogation' — on non-Irish graduates being supervising pharmacists in pharmacies less than 3 years old, and a stronger statutory basis for the Pharmaceutical Society of Ireland (PSI).

The second Bill will address the regulation of pharmacy and pharmacy services, including the definition of pharmacy services and of a community pharmacy, enhanced provisions for the inspection of pharmacies, and the provision for regulation of pharmacies for matters such as physical conditions, standards, record keeping and promotional activities. It is also proposed to deal with general provisions relating to community pharmacy contracts for services, as well as the remaining recommendations of the Pharmacy Review Group.

The Government accepted the Review Group recommendation that there should be no beneficial ownership or business interest of any kind between prescribing and dispensing and, in regard to multi-GP practices with adjacent pharmacies, that contracted pharmacies and general practices should occupy discrete premises, with separate entrances. I have agreed to consider the potential conflict of interest issues arising from the development of health centres with adjacent contracted pharmacies and this issue will be addressed in the second Bill in the light of that examination. In the interim, my Department has advised the Health Service Executive to take due care in assessing pharmacy contract applications so that any commercial relationship between a pharmacy contractor and a health centre will not affect the proper provision of services as required under clauses 21, 22(3), 22(4) and 23 of the pharmacy contract, dealing with ownership of pharmacies and beneficial interest. I have also written to the Medical Council in relation to this issue.

The Deputy will note that the location of services is a land use planning issue and therefore a matter for the relevant planning authority. I am not in a position to dictate the location of privately funded and owned pharmacies or GP practices, nor to restrict the awarding of State pharmacy contracts based on location.

Medical Cards.

185. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a medical card will be approved for a person (details supplied) in County Kilkenny who wishes to

undergo in vitro fertilisation treatment; and if she will make a statement on the matter. [21611/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

186. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will be facilitated with a bed in Dún Laoghaire Hospital; and if she will make a statement on the matter. [21613/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

187. **Mr. Hayes** asked the Tánaiste and Minister for Health and Children the reason a family (details supplied) are to lose their home help allocation from 2 June 2006; and the number of people in South Tipperary who are to lose their home help allocation or have their home help hours reduced within the next three months. [21620/06]

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 Staff.

188. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the proposals she has to appoint a second pain consultant to Waterford Regional Hospital; and if she will make a statement on the matter. [21621/06]

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.

Hospital Services.

189. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 177 of 9 May 2006, when it is expected that a clinic (details supplied) in Kilkenny will complete the tender process with regard to its facility to accept public patients in view of the fact that it is in a position to accept such patients pending her Department's agreement; and if she will make a statement on the matter. [21622/06]

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 Service Allowances.

190. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in County Mayo has been refused mobility allowance; and if she will make a statement on the matter. [21643/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

191. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if assistance will be given to a person (details supplied) in Dublin 5 in relation to their query. [21650/06]

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

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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.

192. **Mr. J. Higgins** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in Dublin 11 who has a medical card was charged €60 for a bone density x-ray at the Mater Hospital. [21661/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Health Services.

193. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the position on an application for funding from her Department or the Health Service Executive in regard to the running costs of a group (details supplied) in Dublin 7 in order that they can provide a full 100 percent service to those in need of the service and not as at present where two out of every five calls are not answered due to lack of funding; and if she will make a statement on the matter. [21665/06]

Tánaiste and Minister for Health and Children (Ms Harney): Funding for all health services has been provided as part of the HSE's overall vote for health and social services in 2006. Decisions concerning the allocation of resources for specific services such as that specified by the Deputy are a matter for the HSE. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Vaccination Programme.

194. **Mr. Noonan** asked the Tánaiste and Minister for Health and Children if she will include pneumococcal meningitis vaccination in the childhood immunisations schedule; and if she will make a statement on the matter. [21676/06]

Tánaiste and Minister for Health and Children (Ms Harney): The inclusion of the pneumococcal vaccine in the Primary Childhood Immunisation Programme is being considered by the National Immunisation Advisory Committee as part of its review of the immunisation guidelines. No decision has yet been reached. My Department

and the Health Service Executive will be guided by the expert advice from the NIAC in this regard.

Health Services.

195. **Ms Fox** asked the Tánaiste and Minister for Health and Children if her attention has been drawn to the fact that there are no routine developmental checks being carried out in north Wicklow, due to shortage of staff; if her attention has further been drawn to the importance of these developmental checks; and if she will make a statement on the matter. [21681/06]

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.

196. **Mr. Neville** asked the Tánaiste and Minister for Health and Children if, further to Parliamentary Question Nos. 178 of 8 February 2005 and 167 of 13 April 2005, the Health Service Executive has referred the document to her Department; and if she will make a statement on the matter. [21703/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): As the review document referred to by the Deputy was not submitted to my Department, I have no comment to make on the matter.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to have this matter investigated and to have a reply issued directly to the Deputy.

Disabled Drivers.

197. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the status of an application for a motorised transport for a person (details supplied) in County Tipperary; when the application process will be completed; and if she will make a statement on the matter. [21716/06]

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.

198. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children the length of time involved in processing an application from date of lodgement to date when a final decision issues to the applicants of motorised transport grants in north Tipperary; the way in which this duration compares with applications in each other Health Service Executive region; and if she will make a statement on the matter. [21717/06]

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.

Hospital Services.

199. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the arrangements which have been made by her Department to provide for public patients having radiotherapy treatment at a clinic (details supplied) in County Waterford; and if she will make a statement on the matter. [21720/06]

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 respond directly to the Deputy in relation to the matter raised.

Disabled Drivers.

200. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if she will approve a motorised transport grant in the case of a person (details supplied) in County Kilkenny; if she will expedite the matter. [21721/06]

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.

Cancer Screening Programme.

201. **Mr. Wall** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kildare will receive their appointment for a scan examination; and if she will make a statement on the matter. [21724/06]

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.

202. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a decision will be made on a home care package for persons (details supplied) in County Mayo in view of the fact that this matter has been ongoing; and when this matter will be finalised. [21738/06]

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.

203. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if she is satisfied that the minorities here are getting a semblance of a health service in view of the fact that the life expectancy of Travellers is so low and the mortality rate so high; her views on whether inequality in relation to healthcare for the travelling community here has been addressed; and if she will make a statement on the matter. [21749/06]

Tánaiste and Minister for Health and Children (Ms Harney): Travellers' health status is a cause of concern and the provision of health services for Travellers has long been a matter of priority for my Department in partnership with the HSE. Additional funding of over €11m (which includes an additional €2m in 2006) has been allocated by my Department for Traveller health services since 1997. Structures have been put in place to ensure the effective delivery of services. Traveller Health Units operate in each HSE area and the units comprise of representatives from HSE management and Traveller representatives. These units work in partnership with local Traveller organisations and the Travelling community

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while at central policy level the Traveller Health Advisory Committee which comprises Department and HSE staff and representatives from the Traveller organisations advise me on policy in relation to Traveller health.

There has been no national study on Travellers health since 1987. My priority for 2006 is the commissioning of new research into the health status of Travellers which will provide a framework for policy development and practice in relation to this vulnerable group. The proposed Travellers All Ireland Health Study will be the first study of Travellers health status and health needs that involves all Travellers living in Ireland, North and South. It is jointly supported by my Department and the Department of Health, Social Services and Public Safety in Northern Ireland. The purpose of the research will be to examine the health status of Travellers, to assess the impact of the health services currently being provided and to identify the factors which influence mortality and health status.

Medical Cards.

204. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in Dublin 7 is sanctioned for a medical card but does not receive it for several months and incurs medical expenses during the interim, will those receipted expenses be reimbursed. [21757/06]

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.

Home Help Service.

205. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the number of home care support packages allocated to County Leitrim in 2006; and if she will make a statement on the matter. [21758/06]

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.

206. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the reason for the delay in the roll-out of the 2000 extra home-care support packages announced in Budget 2006; the date these packages will be rolled out nationally; and if she will make a statement on the matter. [21759/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Tánaiste has allocated €30 million for the provision of Home Care Packages in 2006, and a further €25 million for the Scheme in 2007. At the beginning of 2006 there were approximately 1,100 Home Care Packages in place and the 2006 Budget allocation will provide an additional 2,000 extra Home Care Packages in 2006, to be introduced on a phased basis, with the majority of the packages to be commenced in the second half of 2006. The HSE has advised that 249 new home care packages were commenced in the first quarter of 2006.

The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

207. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the action her Department is taking to highlight the issues that surrounded ME Syndrome; and if she will make a statement on the matter. [21760/06]

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.

208. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the number of children diagnosed with autism ten years ago and the number at present; the reason for this increase; the action her Department is taking to address this problem; and if she will make a statement on the matter. [21769/06]

Tánaiste and Minister for Health and Children (Ms Harney): The National Intellectual Disability Database was established in 1995 to ensure that information is available to enable the Department of Health and Children, the Health Service Executive and the voluntary agencies in Ireland

to provide appropriate services designed to meet the changing needs of people with intellectual disability and those with autism and their families. The objective is to obtain information on every individual known to have an intellectual disability and/or autism and assessed as being in receipt of, or in need of an appropriate service. However, the Database does not give specific information in relation to the number of people with autism, as information pertaining to clinical diagnosis is specifically excluded. These information systems are being examined in the light of the requirements under the Disability Act 2005.

The Health Act, 2004 provided for the Health Service Executive, which was established on 1 January 2005. The Deputy's question in relation to the numbers of children diagnosed with autism over the past ten years relates to the management and delivery of health and personal social services, which are the responsibility of the Executive under the Act. 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.

I am advised that the Health Service Executive provide a continuum of service provision for children with autism including Family Support Services and Pre-School Assistant Services, specialised multi-disciplinary teams where required, residential services, respite and other services. This continuum of services is based on assessed need and prioritised in a manner which is consistent with available resources. The Health Service Executive states that the provisions of the Education for Persons with Special Educational Needs Act, 2004, when implemented, will facilitate the provision of health related supports in the school setting where these are deemed to be necessary for young people to achieve their educational outcome.

Under the Multi-Annual Investment Programme 2006-2009, which is part of the National Disability Strategy, additional funding amounting to €51.5m is being provided by the Government in 2006 to meet costs associated with the provision of certain specific high profile disability services. In relation to services for persons with intellectual disability and those with autism, this includes: 255 new residential places; 85 new respite places; 535 new day places and the continuation of the implementation of the transfer of persons with intellectual disability/autism from psychiatric hospitals and other inappropriate placements.

In addition to the services mentioned above, further additional funding of €22.5m is also being provided in 2006 to enhance the multi-disciplinary support services for children and adults with physical, sensory and intellectual disabilities and those with autism and to address core underfunding and core staffing issues in services for people with disabilities provided by the volun-

tary sector. This additional funding is in line with the Government's commitment to enhance multi-disciplinary support services for people with disabilities and increase the capacity of the health services to deliver on the various legislative provisions contained in the National Disability Strategy.

Capital funding amounting to €45m has also been provided in 2006 to support additional places in services for persons with a physical, sensory or intellectual disability or autism.

Health Services.

209. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children if her Department has carried out studies regarding the impact of immigration on the health service; and if she will make a statement on the matter. [21770/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Department of Health and Children has not carried out studies into the impact of immigration on the health service, inter alia because it is not currently possible to identify recent immigrants in routine health information systems. The Department of Health and Children has led out on a pilot project on the feasibility of collecting ethnicity information from routine systems such as Hospital In-Patient Enquiry (HIPE) and maternity (perinatal) systems. This is currently being completed and written up.

While the project itself relates to ethnicity rather than immigration, the information gained from the use of an ethnic identifier will help to establish baseline data on services for minority communities and will be applied towards identification of needs, measurement of uptake of services and evaluation of outcomes.

Hospital Services.

210. **Mr. Gormley** asked the Tánaiste and Minister for Health and Children the steps she has taken to date to ensure that a person (details supplied) will be transferred to Dublin; if a person has been in communication with her Department on numerous occasions; the reason she has not treated this case with the urgency it deserves; and if she will make a statement on the matter. [21772/06]

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.

211. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children if she has received the Teamwork Report on the review of acute hospital services in the north east; when she intends to publish same; and if she will make a statement on the matter. [21774/06]

Tánaiste and Minister for Health and Children (Ms Harney): Under the Health Act 2004, the Health Service Executive has responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

The HSE commissioned Teamwork Management Services to undertake a review of acute hospital services in the North East. I understand that the review, which commenced in March 2006, has recently been completed and that the report has been considered by the Board of the HSE. I have been briefed on the contents of the report. The manner and timing of the publication of the report is a matter for the Executive.

Medical Cards.

212. **Mr. Bruton** asked the Tánaiste and Minister for Health and Children the reason chiropody is excluded from medical card cover; the cost of extending the medical card to cover this service; and if she will introduce a plan to extend such cover. [21794/06]

Tánaiste and Minister for Health and Children (Ms Harney): There is no statutory obligation on the Health Service Executive (HSE) to provide chiropody services to GMS patients; however in practice arrangements are made to provide these services. Before the establishment of the HSE the nature of the arrangements for chiropody and the level of service provided was a matter for individual health boards and so a degree of variation in practice developed over time. Priority is usually given to certain groups of people, including people who are medical card holders aged 65 years and over. In several regions the service is provided by private chiropodists by arrangement with the HSE. My Department requested the HSE to review the fee arrangements in place for the provision of chiropody services and this process is well underway.

My Department is currently preparing legislation to clarify and update existing legislation on eligibility for health and personal social services. The Bill will define specific health and personal services more clearly; define who should be eligible for what services; set out clear criteria for eligibility; establish when and in what circumstances charges may be made and provide for an appeals framework.

Health Services Staff.

213. **Mr. G. Murphy** asked the Tánaiste and Minister for Health and Children the reason persons (details supplied) in County Cork did not

receive reimbursement of fees in the same manner in which reimbursement was made to nurses in South Infirmity Hospital. [21802/06]

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 the matter investigated and have a reply issued directly to the Deputy.

Hospital Services.

214. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children the immediate improvements which will take place at Ennis General Hospital; if they will include the installation of a cat scanning facility; if the €20.8 million allocated for use on the upgrade of the hospital will be spent in 2006; and if she will make a statement on the matter. [21803/06]

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.

Hospital Accommodation.

215. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a bed will be made available at Our Lady's Hospital for Sick Children, Crumlin for a person (details supplied) in County Kilkenny in view of the urgency of the case; her views on the delay in responding to this case; and if she will make a statement on the matter. [21804/06]

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.

216. **Mr. Carey** asked the Tánaiste and Minister for Health and Children the range of financial

and other assistance and remunerations available to general practitioners from her Department, other Departments and associated agencies; the increases in such assistances and remunerations since 1997; and if she will make a statement on the matter. [21818/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates primarily 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.

I understand that arrangements are also in place under the auspices of other Departments, whereby general practitioners are paid in respect of the provision of certain services. The remuneration arrangements involved are a matter in the first instance for the Ministers concerned.

217. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the assistance available to a person (details supplied) in County Kildare to assist with travel expenses to a speech clinic at the Midland General Hospital, Portlaoise, in view of the fact that there is no ambulance service available; and if she will make a statement on the matter. [21819/06]

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.

Grant Applications.

218. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 174 of 26 April 2006 when an application for subvention will be processed; and if she will make a statement on the matter. [21838/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Parliamentary Affairs Division of the Executive has informed my Department that they are in the process of drafting a response to Parliamentary Question No. 174 of 26 April 2006.

Services for People with Disabilities.

219. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the proposals she has to coordinate and streamline transport for

people with disabilities to ensure universal provision based on reasonable need; and if she will make a statement on the matter. [21839/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): Under the Disability Act, 2005, one of the Departments required to produce Sectoral Plans is the Department of Transport. I understand that the Department of Transport has now issued a draft of its Sectoral Plan for public consultation, and this Draft Plan sets out measures to improve accessibility of transport for people with mobility, sensory and cognitive impairments across a wide range of areas, including rail, bus and taxi. Insofar as the Deputy's question may relate to the management and delivery of health and personal social services, these are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Medical Cards.

220. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if a full medical card instead of a general practitioner only card will be issued to a person (details supplied) in County Kilkenny in view of the financial circumstances of their case and the hardship being experienced. [21840/06]

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.

221. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the proposals she has to enhance the respite provision for people with disabilities that require constant care in the Waterford constituency; and if she will make a statement on the matter. [21841/06]

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.

222. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the guidelines her Department has in regard to the appropriate respite provision for people with disabilities requiring constant care; and if she will make a statement on the matter. [21842/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

223. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the guidelines her Department has in regard to the assessment of the level of support required by individual carers providing full-time care; and if she will make a statement on the matter. [21843/06]

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 again 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 as a matter of urgency.

Services for People with Disabilities.

224. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the proposals she has to allow retired nurses to be employed as support workers for persons with disabilities who have full-time carers; and if she will make a statement on the matter. [21844/06]

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.

Care of the Elderly.

225. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children the proposals she has to re-introduce the old people living alone

scheme; and if she will make a statement on the matter. [21845/06]

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.

226. **Mr. Morgan** asked the Tánaiste and Minister for Health and Children when the promised CT scanner will be functional at Louth County Hospital in Dundalk; the grade of scanner which her Department intends to provide; and if she will make a statement on the matter. [21846/06]

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.

Decentralisation Programme.

227. **Mr. F. McGrath** asked the Minister for Finance if he will re-examine the decentralisation plans in order to facilitate staff who do not want to move and lose their promotion opportunities. [21655/06]

Minister for Finance (Mr. Cowen): I am satisfied that promotion practices in the public service are being managed in a way which balances the achievement of the decentralisation programme in an efficient manner with the needs of staff remaining in Dublin.

In the Civil Service agreement has been reached with the general service unions that all interdepartmental promotions for general service grades will be made on the basis of the appointee agreeing to move to a post in a decentralising unit or decentralising Department or Office. In addition, any appointments from open competitions are being made on the same basis.

At present 40% of all general service promotion posts are filled through inter-departmental competition. This proportion will rise to 50% on 1st March next. All posts earmarked in the normal promotions sequence to be filled through inter-departmental competition will have a decentralisation clause attached.

Where one of those inter-departmental vacancies arises in relation to a Dublin-based post, the

post is filled by an officer who wishes to remain in Dublin and the vacancy is transferred to a decentralising department. In addition, where an organisation is moving in full, all internal promotions will include a decentralisation condition in the period of 52 weeks prior to the move. Where an organisation is moving in part, 50% of all internal promotions will include a decentralisation condition in the period of 52 weeks prior to the move taking place. These arrangements allow for a proportion of all promotions arising in civil service general service posts in the normal course to have a decentralisation condition.

A parallel proposal in respect of professional and technical grades in the Civil Service is currently being discussed with the unions representing those grades.

In the state agency sector, there are a range of human resource issues, including promotions, which will need to be resolved through dialogue and negotiations. In the absence of agreement with staff interests, the management and boards of agencies have a responsibility to use all available opportunities to progress the Government policy on decentralisation.

Tax Code.

228. **Mr. Kenny** asked the Minister for Finance his plans to increase the exemption from stamp duty for first-time buyers nationally or in the Dublin area and the amount; when it will be introduced; and if he will make a statement on the matter. [21685/06]

Minister for Finance (Mr. Cowen): As the Deputy will be aware, the 2005 Budget introduced a stamp duty relieving measure for first-time house purchasers who are owner-occupiers of second-hand houses by increasing the stamp duty exemption threshold for such purchasers from €190,500 to €317,500 and by having reduced rates for house values up to €635,000. Any further changes to the stamp duty regime are a matter for the Budget.

Communications Masts.

229. **Mr. Gregory** asked the Minister for Finance the reason for the new additional mobile phone mast at the Bridewell Garda Station, Dublin 7; if same will be used for Garda purposes; the private commercial services for which it will be used; if consideration was given to its close proximity to a children's playground and to a residential flats complex; and if he will make a statement on the matter. [21778/06]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have granted licences to three mobile phone companies to install telecommunications equipment on the mast at the Bridewell Garda Station. For structural reasons it was necessary to

replace the original mast with a new mast. The Garda telecommunications equipment has been relocated to the new mast and the three mobile phone operators also have equipment installed thereon. The original mast has been removed from the site.

Under the terms of their licence agreement with the Commissioners, the mobile phone operators are obliged to install and operate all equipment within current standards and E.U. regulations and adhere to the guidelines on exposure limits to emissions, issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

In addition, the Commissioners' Consultants monitor all such developments on behalf of the Commissioners to ensure compliance with the regulations is achieved from the outset and is continuous during the term of the licence agreement.

Decentralisation Programme.

230. **Mr. Deenihan** asked the Minister for Finance if contracts have been signed in order to provide the necessary accommodation to decentralise 50 Revenue staff to Listowel, County Kerry; if not, when they will be signed; and if he will make a statement on the matter. [21571/06]

Minister of State at the Department of Finance (Mr. Parlon): The Commissioners of Public Works have informed me that suitable accommodation has been located for the Revenue Commissioners in Listowel.

Contracts will be signed when the Commissioners have agreed rental and fitout terms.

Departmental Offices.

231. **Mr. Ring** asked the Minister for Finance the number of applications for employment received in respect of the summer employment with the Revenue Commissioners in County Mayo, advertised recently. [21579/06]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that 300 applications were received in respect of summer employment with the Revenue Commissioners in County Mayo.

Tax Collection.

232. **Mr. Kehoe** asked the Minister for Finance the reason a tax refund has not been awarded to a person (details supplied) in County Carlow; and when he expects a decision to be made on the matter. [21619/06]

Minister for Finance (Mr. Cowen): I have been advised by the Revenue Commissioners that a refund has been processed on behalf of the taxpayer and issued on 6 June 2006. The delay in issuing the refund was due to a technical difficulty which has since been resolved.

Decentralisation Programme.

233. **Mr. Quinn** asked the Minister for Finance the number of civil servants who will be decentralised to locations within County Dublin or the City of Dublin; the number of employees of State agencies who will be decentralised to locations within County Dublin or the City of Dublin; the percentage in each case of the total number of jobs to be decentralised that this comprises; and if he will make a statement on the matter. [21658/06]

Minister for Finance (Mr. Cowen): The relocation of civil or public servants within Dublin city or county is not part of this Government's Decentralisation programme.

The aim of the programme as announced in Budget, 2004 is to move civil and public service posts to locations outside of Dublin. This is still the case.

234. **Mr. Bruton** asked the Minister for Finance the number of people who are relocating from

Location	Organisation	Number of staff	Number of Dublin Based
Sligo	Social and Family Affairs	18	18
Portlaoise	Agriculture and Food	115	85
Thurles	Garda HQ (part of)	32	9
Tipperary Town	Private Security Authority (Department of Justice, Equality and Law Reform)	12	6
Na Forbacha	Community, Rural and Gaeltacht Affairs	5	4
Clifden	Pobal	16	1

Tax Code.

235. **Mr. Wall** asked the Minister for Finance the reason a person (details supplied) in County Kildare seeking to obtain a suitable house for their family has to pay stamp duty; and if he will make a statement on the matter. [21726/06]

Minister for Finance (Mr. Cowen): Stamp duty is a duty on the transfer of title to property. It has been in existence in some form for many years and has not in general hindered persons moving, trading up or trading down.

Stamp duty is a significant contributor to the Exchequer which permits Government spending on public services such as health and education. Stamp duty receipts also allow for a broader tax base than would otherwise be possible.

Stamp duty is chargeable at progressive rates on the purchase of residential properties exceeding €127,000. However in the case of first time owner occupying buyers of second-hand property, stamp duty only arises on property exceeding €317,500. In the case of new houses, all owner-occupiers are exempt from stamp duty where the property does not exceed 125 square metres. Where the property exceeds 125 square

Dublin in respect of the decentralising staff listed in his reply to Parliamentary Question No. 123 of 23 May 2006 as already moved and of those likely to move by end 2006 or early 2007, who are relocating; and the number relocating from places outside of Dublin. [21659/06]

Minister for Finance (Mr. Cowen): My Department is not in a position to predict how many Dublin based staff will be in the tranche of 1,000 as Departments must make assignment in accordance with the protocols agreed with the unions. Hence the ultimate breakdown of staff moving will be determined by the priority position of staff on the CAF, nos. of offers accepted, the nos. offered places under the 2-10 trawls, etc.

However, as an indication of the overall percentage of Dublin based assignments to date, over 58% of the 1500 assignees at end April 2006 are Dublin based.

The Deputy has made reference to data given in a previous PQ response. The following table which was furnished in that reply has now been updated to reflect the position with Dublin based assignments.

metres, stamp duty is only charged on either the value of the site or 25% of the value of the property, whichever is greater.

In addition, Mortgage Interest Relief (MIR) is available at source in respect of interest paid on monies borrowed for the purchase, maintenance, repair or improvement of that taxpayer's main residence, including second-hand houses. Furthermore, owner-occupiers can avail of the exemption from Capital Gains Tax on any gain arising from the sale of their principal private residence.

Communications Masts.

236. **Mr. Haughey** asked the Minister for Finance if there are one or two masts with telecommunications equipment installed by mobile phone companies at Coolock Garda Station, Dublin 5; if his attention has been drawn to the fact that local residents had no notice of the erection of a new mast at this location and that work on same was disruptive; if he will revoke those licences; and if he will make a statement on the matter. [21817/06]

Minister of State at the Department of Finance (Mr. Parlon): There are currently two masts at

the Coolock Garda Station; one of the masts is the original mast and the other is the replacement. The original mast will be removed, within the next four weeks, when relocation of the telecommunication equipment to the replacement mast is complete.

The replacement mast has been erected under the exempted development provisions contained in Class 31, Part 1 of the Planning and Development Regulations 2001.

The Commissioners of Public Works have granted licences to three mobile phone companies to install telecommunications equipment on the mast at Coolock Garda Station.

Under the terms of the licence agreement with the Commissioners, the mobile phone operators are obliged to install and operate equipment within current standards and E.U. regulations and adhere to the guidelines on exposure limits to emissions, issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). While the mobile phone operators adhere to the terms and conditions of the licences, the licence agreements will remain in operation and will not be revoked.

Telecommunications Services.

237. **Mr. P. Power** asked the Minister for Communications, Marine and Natural Resources when broadband will be provided to the townlands of Pallasgreen and Old Pallas, County Limerick. [21615/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The provision of telecommunications services, including broadband, is a matter in the first instance for the private sector companies operating in a fully liberalised market, regulated by the independent Commission for Communications Regulation (ComReg).

My Department administers a group broadband scheme which delivers broadband to many underserved areas. Under this scheme a project was approved for the Cappamore area of Co. Limerick and this service is now operational. The areas of Pallasgreen and Old Pallas fall within the catchment area of this project.

My Department's website *www.broadband.gov.ie* gives full details of broadband availability in all areas, including ADSL, cable, fibre, satellite and fixed wireless. The website also lists prices of the various service levels on offer and contact details for each service provider.

Harbours and Piers.

238. **Mr. Deenihan** asked the Minister for Communications, Marine and Natural Resources if a slipway will be provided at Blackwater Pier, Sneem, County Kerry; and if he will make a statement on the matter. [21660/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Blackwater Pier is owned by Kerry County Council and responsibility for its

repair and maintenance rests with the local authority in the first instance. In January 2006 Kerry County Council submitted a proposal to the Department for a preliminary study at Blackwater Pier. There is no funding available for Blackwater Pier in 2006. The question of providing funding in 2007 will be considered in the context of the amount of Exchequer funding available and overall national priorities.

Fisheries Protection.

239. **Mr. Carey** asked the Minister for Communications, Marine and Natural Resources if his attention has been drawn to illegal net fishing of coarse fish on the canals in the Dublin area; and if he will make a statement on the matter. [21699/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): Primary responsibility for the management of canals rests with Waterways Ireland, which is a North/South Implementation Body established under the British-Irish Agreement Acts, and operates under the aegis of the Department of Community, Rural and Gaeltacht Affairs. Enforcement of regulations for the protection and conservation of fish stocks rests with the Regional Fisheries Boards and I have no function in relation to the matter.

Alternative Energy Projects.

240. **Mr. Stanton** asked the Minister for Communications, Marine and Natural Resources the funding available to enable research to be carried out into sustainable and renewable generation; and if he will make a statement on the matter. [21753/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Renewable Energy Research Development and Demonstration Programme under the National Development Plan 2000-2006 is overseen and implemented by Sustainable Energy Ireland with the objective of: accelerating the development and deployment in the Irish marketplace of competitive renewable energy products, processes and systems; providing support for solutions that enable technical and other barriers to market uptake and/or modal switching to be overcome; establishing, where necessary, and strengthening, where possible, a national capacity to access, develop and apply international class RD&D in a way that can best meet specific Irish needs on a continuing basis; facilitating and providing guidance to policy makers.

To the end May 2006, a total of €10.5m has been committed to 79 grant projects in biomass, ocean, wind, solar and hydro energy and a range of commissioned public-good studies. Research in this latter area includes topics such as resource, economic and technical market studies. Research and development aimed at the integration of renewable energy resources into the electricity infrastructure and market is one of the key priori-

[Mr. N. Dempsey.]

ties under the present programme. The establishment of the Energy Research Council and related Energy RTDI exchequer funding for 2006 and forward years will significantly enhance the National Energy RTDI agenda including renewable technologies.

Regional Fisheries Boards.

241. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the allocation of moneys for each regional fisheries board for each of the past five years; the percentage allocated to salary, pensions and administrative work; the actual budget available for management, development, protection and improvement of inland fisheries; and if he will make a statement on the matter. [21789/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Under the Fisheries Acts, primary responsibility for the management, conservation, protection, development and improvement of inland fisheries rests with the regional fisheries boards. Funding is allocated directly to each fisheries board from the vote of the Department of Communications, Marine and Natural Resources.

These funds are applied by the fisheries boards towards their statutory functions of conservation, management, development, protection improvement of Inland fisheries in each of the regions according to their needs. The fisheries boards also generate their own resources from revenue streams such as sale of licences, permits etc, and these funds are reinvested in the execution of their functions. Their ability to generate revenues varies in accordance with their operations. The following tables, as supplied by each individual board, indicate the budget and allocation of moneys for the period 2001-2005.

Board: South Western Regional Fisheries Board

	2005	2004	2003	2002	2001
Exchequer	2,929,090	2,002,933	1,794,792	1,913,614	1,847,040
External	671,201	498,913	384,901	221,621	345,488
Total	3,600,291	2,501,846	2,179,693	2,135,235	2,192,528
Salaries	1,721,804	1,483,621	1,345,408	1,417,898	1,360,239
As a percentage of exchequer funding	58.7%	74%	74.9%	74%	73.6%
As a percentage of total	47.8%	59.3%	61.7%	66.4%	62%
Pensions	127,632	117,767	112,096	98,551	92,384
As a percentage of exchequer funding	4.3%	5.9%	6.2%	5.1%	5%
As a percentage of total	3.5%	4.7%	5.1%	4.6%	4.2%
Admin Expend	403,989	407,449	377,487	436,903	408,334
Other Expend	1,346,866	493,009	344,702	181,883	331,571

Source of Data: SWRFB

Board: Northern Regional Fisheries Board

	2005	2004	2003	2002	2001
Exchequer	2,596,823	2,059,450	1,949,439	2,207,030	2,131,927
External	374,292	755,920	297,819	261,102	386,994
Total	2,971,115	2,815,370	2,247,258	2,468,132	2,518,921
Salaries	1,870,009	1,674,139	1,540,511	1,799,590	1,572,985
As a percentage of exchequer funding	72%	81%	79%	82%	74%
As a percentage of total	63%	59%	69%	73%	62%
Pensions	162,297	78,326	131,977	102,128	90,614
As a percentage of exchequer funding	6%	4%	7%	5%	4%
As a percentage of total	5%	3%	6%	4%	3.6%
Admin Expend	582,512	666,840	506,649	547,979	631,665
Other Expend	356,297	396,065	68,121	18,435	223,656

Source of Data: NRFB

Board: Southern Regional Fisheries Board

	2005	2004	2003	2002	2001
Exchequer	2,420,810	1,917,801	1,752,603	1,913,614	1,776,285
External	367,463	488,691	315,620	221,621	209,320
Total	2,788,273	2,406,492	2,068,223	2,135,235	1,985,605
Salaries	1,441,476	1,316,505	1,274,913	1,262,244	1,184,643
As a percentage of exchequer funding	60%	69%	73%	66%	67%
As a percentage of total	52%	55%	62%	59%	60%
Pensions	102,761	160,542	75,908	98,096	72,541
As a percentage of exchequer funding	4%	8%	4%	5%	4%
As a percentage of total	4%	7%	4%	5%	4%
Admin Expend	498,245	353,229	314,511	553,266	353,916
Other Expend	745,791	576,216	420,891	221,629	374,505

Source of Data: SRFB

Board: Shannon Regional Fisheries Board

	2005	2004	2003	2002	2001
Exchequer	2,940,469	2,434,750	2,422,462	2,664,688	3,056,002
External	665,996	430,434	403,519	297,411	346,083
Total	3,606,435	2,865,184	2,825,981	2,962,099	3,402,085
Salaries	1,982,125	1,794,163	1,645,051	1,678,526	1,614,188
As a percentage of exchequer funding	54.96%	62.62%	58.21%	56.67%	46.54%
As a percentage of total	67.41%	73.69%	67.91%	62.99%	51.81%
Pensions	125,097	88,119	211,615	181,043	87,283
As a percentage of exchequer funding	3.47%	3.08%	7.49%	6.11%	2.57%
As a percentage of total	4.25%	3.62%	8.74%	6.79%	2.86%
Admin Expend	461,967	366,437	408,702	503,017	341,612
Other Expend	1,037,246	616,465	560,613	599,513	1,389,923

Source of Data: ShRFB

Board: Western Regional Fisheries Board

	2005	2004	2003	2002	2001
Exchequer	3,296,166	2,739,274	2,609,353	2,687,663	2,878,782
External	1,089,210	979,023	1,211,687	991,216	1,005,772
Total	4,385,376	3,718,297	3,821,040	3,678,879	3,884,554
Salaries	2,435,063	2,289,531	2,239,881	2,321,761	2,158,335
As a percentage of exchequer funding	74%	84%	86%	86%	75%
As a percentage of total	56%	62%	59%	63%	56%
Pensions	157,313	154,583	307,445	186,271	84,169
As a percentage of exchequer funding	5%	6%	12%	7%	3%
As a percentage of total	4%	4%	8%	5%	2%
Admin Expend	473,052	463,775	454,312	444,117	390,607
Other Expend	591,711	492,483	509,629	548,613	1,045,409

Source of Data: WRFB

[Mr. N. Dempsey.]

Board: Eastern Regional Fisheries Board

	2005	2004	2003	2002	2001
Exchequer	2,822,034	2,065,216	1,854,389	2,286,528	2,163,960
External	520,798	518,286	285,730	248,210	251,135
Total	3,342,832	2,583,502	2,140,119	2,534,738	2,415,095
Salaries	1,922,804	1,743,829	1,599,235	1,596,836	1,474,406
As a percentage of exchequer funding	68%	84%	86%	70%	68%
As a percentage of total	58%	67%	75%	63%	61%
Pensions	270,422	63,291	59,072	86,002	46,048
As a percentage of exchequer funding	10%	3%	3%	4%	2%
As a percentage of total	8%	2%	3%	3%	2%
Admin Expend	309,795	282,272	252,572	346,668	318,747
Other Expend	839,811	494,110	229,240	505,232	575,894

Source of Data: ERFB

Board: North Western Regional Fisheries Board

	2005	2004	2003	2002	2001
Exchequer	2,811,223	2,126,665	1,947,490	2,245,267	2,233,871
External	872,494	764,739	567,220	407,792	422,340
Total	3,683,717	2,891,404	2,514,710	2,653,059	2,656,211
Salaries	2,089,779	1,887,809	1,675,100	1,668,018	1,552,755
As a percentage of exchequer funding	74%	89%	86%	74%	70%
As a percentage of total	57%	65%	67%	63%	58%
Pensions	80,767	78,146	73,051	55,829	48,403
As a percentage of exchequer funding	3%	4%	4%	2%	2%
As a percentage of total	2%	3%	3%	2%	2%
Admin Expend	338,636	361,719	317,902	304,202	190,434
Operations Expend	402,057	367,561	339,331	449,427	343,869

Source: NWRFB.

Alternative Energy Projects.

242. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the level of support that exists for domestic wind turbines and geothermal pumps as an incentive to provide alternative energy methods; and if he will make a statement on the matter. [21790/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The level of funding provided in the Greener Homes grant aid package for geothermal heat technologies is as follows:

Technology	Grant Amount
	€
Heat Pump — Horizontal Ground Collector	4,300
Heat Pump — Vertical Collector	6,500

Technology	Grant Amount
	€
Heat Pump — Water (well) to Water	4,300
Heat Pump — Air Source	4,000

The focus of the domestic grants scheme is on renewable energy for heating purposes with the specific objective of developing a sustainable market for renewable heat technologies. Wind is supported on a community and commercial scale through other mechanisms.

Sustainable Energy Ireland (SEI) has published a study on the metering options for Small Scale Renewable electricity and Combined Heat & Power Generation (CHP) in Ireland. The study identified a number of areas which require further analysis including the ability of such processes to secure adequate payment for their exports; connection standards and processes for smaller generators, and the implications of the

single electricity market for small-scale electricity generation. SEI is commissioning work to address these issues in 2006 and this will inform further policy decisions in relation to domestic wind turbines.

Broadcasting Services.

243. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the service technologies being tested as part of the digital terrestrial television; if high definition television is being tried out as part of the DTT pilot roll-out; and if he will make a statement on the matter. [21809/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The Department has been examining future strategy for DTT roll-out and a DTT pilot is now under way, with infrastructure rollout to be completed by autumn 2006. The trial is planned to continue over a two-year time frame and will provide the opportunity for technical testing of both existing and new broadcast services.

During the pilot, the Department will plan and organise various user trials and demonstration transmissions aimed at showing the capability and usefulness of the DTT infrastructure. At a television service level, a move to DTT will allow for the provision of more channels and services to citizens and may also create possibilities for additional private sector investment and product offerings. A process is currently under way to determine what types of technologies will be included in the trial. The options being considered encompass a range of technologies, including high definition television.

244. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources if it is estimated that approximately 32 per cent of households here avail of analogue services as their sole means of receiving television broadcasts; if each television in a household will need to be converted to digital after analogue switch-off; and if he will make a statement on the matter. [21810/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): Surveys by the Commission for Communications Regulation indicate that approximately 32% of Irish households currently receive free-to-air analogue services. Subscription digital television services are provided to about 42% of Irish television households, across both satellite and cable/MMDS.

My Department's core broadcasting policy objectives include seeking to retain access to a range of high quality programming in analogue and digital form, on a universal and free-to-air basis. In effect, this objective seeks a roll-out of digital terrestrial television (DTT), while the ana-

logue terrestrial network continues to function for a period. My Department is developing a DTT pilot and as proposals for a national DTT rollout emerge, I will outline my intentions regarding possible dates for a switch-off of analogue to digital terrestrial television broadcasts. Analogue switch-off planning will require extensive co-ordination between a range of stakeholders and a significant amount of public information provision. It will be important to ensure that Irish viewers are fully informed of all aspects of a future analogue switch-off, such as issues around reception equipment replacement. Viewers who switch to digital terrestrial reception will be required to obtain a set-top box.

Harbours and Piers.

245. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the proposals he has for the future development of Dunmore East Harbour; the State investment in the harbour since 1997; and if he will make a statement on the matter. [21828/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): In November 2000 KPMG Consulting undertook a comprehensive technical and socio-economic review of the infrastructure requirements at Dunmore East in association with Posford Duvivier on behalf of the Department. The review concluded that there was a significant need for development at the harbour. The main shortcomings identified in the review were the limited draft at the mouth of the harbour, the limited extent of the outer breakwater, the limited berthage and situation difficulties.

In 2003 Kirk McClure and Morton were appointed by the Department to carry out the preliminary design and an environmental impact assessment for a harbour development project at Dunmore East. They noted that the existing harbour at Dunmore East is currently too small to cater for the number and size of fishing vessels using it. This leads to congestion problems at busy periods when larger vessels can be berthed up to four abreast along the East Pier. During the summer months smaller vessels can be berthed up to nine abreast along the pontoons at the southern end of the West Wharf. In addition, there is increased demand for sheltered mooring facilities for leisure craft in Dunmore East. The present harbour set-up doesn't permit development of this type and therefore is restricting development of the port and its facilities.

Following a lengthy public consultation process in 2004 on development options for the harbour, a planning application for a harbour development together with an environmental impact statement were prepared and submitted to Waterford County Council. Planning permission for the development of the Fishery Harbour Centre was received in late 2005.

[Mr. Browne.]

The cost of providing the new harbour facility is estimated at €50 million. In 2006, €300,000 is provided for further design and €300,000 for site investigation to progress the development. A cost benefit analysis will also be carried out this year. A decision on funding of this project will be made

in due course in accordance with the guidelines for Appraisal and Management of Capital Expenditure Proposals in the Public Sector taking into account the amount of funding made available for fishery harbours and overall national priorities.

Details of funding provided to Dunmore East Fishery Harbour Centre since 1997 are as follows:

Funding provided to Dunmore East Fishery Harbour Centre since 1997

Waterford	Project	£
Dunmore East — 1997	Harbour works	301,138.70
Dunmore East — 1999	Rehabilitation of quay structure, including remedial works to South Pier walls and East Pier stability investigation, safety, hygiene and preventative maintenance works, Shandon cliff stabilisation study, resurfacing of harbour entrance, minor works	457,397.75
Dunmore East — 2000	Cliff stabilisation works Phase 1 and 2, resurfacing of harbour entrance road, foul berth rehabilitation and East Pier investigation, safety and maintenance works	509,426.54
Dunmore East — 2001	Shannon Cliff Face Stabilisation and minor works	650,292.90
Dunmore East — 2002	Safety and Maintenance, surfacing, Dock Road/Island Cliff stabilisation Shannon Cliff stabilisation, security cameras, maintenance dredging	582,603.90
Dunmore East — 2003	Safety and Maintenance, Cliff stabilisation Dock Road/Island security cameras, road surfacing, engage consultants	602,240.37
Dunmore East — 2004	Safety and Maintenance, Harbour development, Security infrastructure	909,257.64
Dunmore East — 2005	Safety and Maintenance and minor works	541,907.89
Total		4,554,265.69

Northern Ireland Issues.

246. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he will highlight and support the contribution made by the community sector in relation to peace, democracy, reconciliation and inclusion in the north and south of Ireland; and if he will actively support these groups. [21654/06]

Minister for Foreign Affairs (Mr. D. Ahern):

At this decisive period in the peace process, as we focus on the challenge of getting a fully functioning Assembly and Executive up and running, it is important to underline the valuable work being done on the ground by countless dedicated individuals from the community and voluntary sectors to foster good community relations and build peace and reconciliation. Without reconciliation, there can be no lasting political stability. The work of these community groups and organisations is therefore of critical importance to the peace process, and serves to underpin and support wider political efforts to reach agreement.

The Government gave a solemn commitment in the Good Friday Agreement to actively promote and develop respect, reconciliation and mutual understanding between the different traditions on the island of Ireland and between Ireland and Britain. Following this, in 1999, the Reconciliation Fund in my Department was increased almost eight fold and currently stands

at €2.7 million per annum. During that period, over €18 million has been awarded from the Fund to more than 540 organisations involved in cross-community and cross-border reconciliation and outreach projects.

On 29 May 2006, as further tangible evidence of the Government's support for this vital work, I announced grant aid from the Reconciliation Fund of over €1 million to some 60 community groups and organisations engaged in peace and reconciliation activities. The following evening I hosted a reception at which many of these groups were represented. It was an important opportunity for me to meet with the groups, to hear their stories at first hand and, most importantly, on behalf of the Government to acknowledge and express my appreciation for their dedicated and determined efforts to promote good relations and provide positive leadership within their communities.

I assured them of the Government's continued support for the broad spectrum of peace and reconciliation work I assured them of the Government's continued support for the broad spectrum of peace and reconciliation work being undertaken by community groups throughout this island, as we continue our efforts towards the full implementation of the Agreement and the realisation of a shared future where the legitimate rights of each individual and each community are respected and cherished.

Departmental Programmes.

247. **Mr. Timmins** asked the Minister for Foreign Affairs the position in relation to persons (details supplied); if there is funding available from his Department to assist with this trip; and if he will make a statement on the matter. [21561/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I am aware of the very worthwhile development activities carried out by Habitat for Humanity throughout the world. Last year, Irish Aid supported Habitat for Humanity volunteer-related projects in Honduras and Zambia. No request for support has been received, to date, for a Habitat for Humanity project in Nicaragua.

Irish Aid has recently initiated a number of programmes to facilitate and harness the great interest among the Irish public in overseas development volunteering. In this context, we are open to receiving applications for development project support, including volunteering activities, under the recently established Civil Society Fund, the full details of which are available on the Irish Aid website (irishaid.gov.ie). I have arranged for my officials to forward to you the Civil Society Fund application form and relevant background documentation.

Overseas Development Aid.

248. **Mr. Haughey** asked the Minister for Foreign Affairs if Irish aid will be made available to a person (details supplied) to alleviate dire poverty; and if he will make a statement on the matter. [21692/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I am very much aware and appreciative of the development work carried out by Irish missionaries in some of the poorest countries in the world. In this context, Irish Aid provides significant funding annually to the Irish Missionary Resource Service (IMRS), which in turn administers project and personnel funding schemes for Catholic missionaries worldwide. This ensures that development programmes are planned, prioritised and managed by the missionaries themselves. The funding allocation for the IMRS has increased to €14 million for 2006 compared to €12 million in 2005.

Applications for support of a development project should be made to the IMRS through the representative in Ireland of the community making the application, in this case, the Divine Word Missionaries, Maynooth, Co. Kildare.

Humanitarian Relief.

249. **Mr. O'Connor** asked the Minister for Foreign Affairs the action he is taking in relation to the plight of those affected by the recent disas-

ter in Indonesia; and if he will make a statement on the matter. [21713/06]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): An earthquake, measuring 6.1 on the Richter scale, struck one of Indonesia's largest cities, Yogyakarta, on the island of Java in the early morning of Saturday, 27 May 2006. Casualty figures are estimated to be in excess of 6,000 deaths, with over 20,000 injured and 200,000 left homeless. Immediate needs have been identified for emergency shelter materials, medical assistance, clean water, sanitation and food.

As Minister with responsibility for Ireland's programme of development co-operation, I have been closely following the situation since the earthquake. Ireland was one of the first donors to respond to this disaster. Within hours of the earthquake I pledged €500,000 towards the relief effort. The European Commission has to date allocated €3 million.

The emergency response is being led and co-ordinated by the Government of Indonesia through the provincial Governments of Yogyakarta and Central Java. This national response is being supported by UN Agencies, the Red Cross family and Non-Governmental Organisations (NGOs). The UN issued an Emergency Response Plan on Friday, 2 June, which outlines immediate needs and requirements. Ireland's funding has been disbursed to the International Federation of the Red Cross (IFRC) which is co-ordinating the response on the provision of emergency shelter. The IFRC, through the Indonesian Red Cross Society, is also providing assistance in the health service, water and sanitation and food sectors.

Human Rights Issues.

250. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to the new human rights watch report on Kosovo, which describes the criminal justice system as a crisis in which there is rampant impunity for crime, particularly hate crimes; the implications these findings have for the future status of Kosovo; and if he will make a statement on the matter. [21715/06]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware of the report on the criminal justice system in Kosovo published by the Human Rights Watch NGO on 30 May 2006. As the Deputy is aware, the report, which looks primarily at the criminal justice response to the March 2004 violence in Kosovo, identifies general shortcomings in policing and the judiciary in Kosovo. The report is also critical of the effectiveness of the various international agencies tasked with overseeing the criminal justice system.

Ireland and our EU partners have been aware for some considerable time that there are shortcomings in the rule of law in Kosovo. The failure

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to bring to justice many of those responsible for the March 2004 violence was already a cause for concern. In his comprehensive review of the situation in Kosovo, prepared at the request of the UN Secretary General, and published in October last year, Ambassador Kai Eide of Norway was frank in his critical assessment of the situation. He reported that the rule of law in Kosovo is hampered by a lack of ability and readiness to enforce legislation at all levels, and recommended that a transfer of competencies to the Kosovo police and judiciary would require a firm oversight, intervention and sanctioning policy, as well as the continued presence of international police and judges with executive powers in sensitive areas.

Correcting the shortcomings identified by Ambassador Eide will be a particular priority for the international community. In that context, I welcome the Human Rights Watch Report as a valuable contribution to the consideration that I and my EU colleagues will be giving to the approach that we should adopt to this problem.

Visa Applications.

251. **Mr. Ring** asked the Minister for Foreign Affairs if he will grant a visa to a person (details supplied) who is the holder of a valid work permit and has secured employment in County Mayo, in view of the fact that this person was granted a visa previously but could not travel as their passport was lost;. [21836/06]

Minister for Foreign Affairs (Mr. D. Ahern): As the Deputy indicated, this person reported his previous passport and Irish visa lost. My Department is not aware of any new application for an Irish visa being made by the applicant.

Visa applications made in Pakistan are lodged by applicants with the Honorary Consul in Karachi and are normally referred to the Department of Justice, Equality and Law Reform for decision. I am informed that no record has been found in that Department of a current visa application in this case.

Sports Capital Programme.

252. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the position of an application for a capital sports grant for a club (details supplied) in County Laois; and if he will make a statement on the matter. [21773/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Applications for funding under the 2006 Sports Capital programme were invited through advertisements in the press on 27 and 28 November last. All applications received before the deadline, including one from the organisation in question were evaluated against the programme's assessment criteria, which are outlined

in the guidelines, terms and conditions of the programme and I announced yesterday details of the provisional grant allocations for local projects.

The application referred to by the Deputy was unsuccessful this year and a letter advising the organisation together with a copy of the assessment carried out on the application will issue in the near future. It is of course open to the organisation to apply for next year's programme, which I plan to announce later in the year.

Sports Funding.

253. **Mr. Connaughton** asked the Minister for Arts, Sport and Tourism if his attention has been drawn to an application by a club (details supplied) in County Galway for funding to finance a project; if his attention has further been drawn to the fact that the club caters for hundreds of boys and girls of all ages; and if he will make a statement on the matter. [21825/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): Applications for funding under the 2006 Sports Capital programme were invited through advertisements in the press on 27 and 28 November last. All applications received before the deadline, including one from the organisation in question were evaluated against the programme's assessment criteria, which are outlined in the guidelines, terms and conditions of the programme and I announced yesterday details of the provisional grant allocations for local projects.

The application referred to by the Deputy was unsuccessful this year and a letter advising the organisation together with a copy of the assessment carried out on the application will issue in the near future. It is of course open to the organisation, which has previously been allocated €48,888 under the Sports Capital Programme, to apply for next year's programme, which I plan to announce later in the year.

State Aid Rules.

254. **Mr. Kenny** asked the Minister for Enterprise, Trade and Employment his views on the impact of the change in State aid rules to be introduced by the EU from 2007 for businesses within the greater Dublin area and south eastern region; if he is considering additional measures to assist companies adopt to this change; and if he will make a statement on the matter. [21586/06]

255. **Mr. Kenny** asked the Minister for Enterprise, Trade and Employment the reason in terms of proposed changes to EU State Aid Rules regulating assistance given to start-up enterprises, the counties of Wexford, Waterford, Kilkenny, Carlow and Tipperary South have been selected to be included in the regulations which will apply to counties in the Border Midland Western

region; the person who has responsibility for making this geographical designation; the criteria which were used to decide this issue; and if he will make a statement on the matter. [21587/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 254 and 255 together.

On 21 December 2005, the European Commission adopted new Regional Aid Guidelines for 2007-2013. The Regional Aid Guidelines govern the areas in which Member States may grant regional aid, more commonly known as investment aid. Investment aid is intended to promote the economic development of certain disadvantaged areas within the European Union in order to redress regional disparities. The Guidelines specify rules for the selection of regions which are eligible for regional aid and define the maximum permitted levels of this aid. In line with EU cohesion policy and European Council requests for less and better targeted state aid, the new Guidelines re-focus regional aid on the most deprived regions of the enlarged Union.

Under Ireland's current Regional Aid Map, which defines the areas where regional aid may be granted until the end of 2006, all parts of the country currently qualify for some level of aid. Given Ireland's economic performance since the current Regional Aid Map was approved by the European Commission in 1999, it was to be expected that our scope to designate areas for regional aid for 2007-2013 would be significantly reduced. Nevertheless, Ireland has secured entitlement under the new Guidelines to maintain regional aid qualification for areas accounting for 50% of the country's population for the period 2007-2013.

In accordance with the Guidelines, the Border Midlands and West Region (26.5% of national population) will be classified as an "economic development region" and will continue to qualify for regional aid throughout 2007-2013 on a phasing-out basis. Ireland will be permitted to designate a further 23.5% of population to qualify for regional aid for 2007-2013. The South East sub-region (Wexford, Waterford, Kilkenny, Carlow and Tipperary South) alone automatically qualifies for designation on the basis of unemployment criteria specified in the Guidelines, i.e. sub-regions with unemployment higher than 115% of the national average.

The remaining areas which may qualify for designation for 2007-2013 within the permitted population threshold must meet the strict requirement in the Guidelines that they are relatively more in need of economic development than other areas on the basis of recognised economic indicators. These areas will be entitled to regional aid for small and medium-sized enterprises (SMEs) only. The Southern & Eastern Regional Assembly was consulted by my Department in relation to this designation. The Assembly accepted the findings

of an independent report which it commissioned, from the National Institute for Spatial and Regional Analysis, at NUI Maynooth, and proposed that the remaining areas to be designated for 2007-2013 should be Clare, Limerick, North Tipperary and Kerry. The Assembly also proposed that these areas, in addition to Cork, should, in line with the Guidelines, be designated for a transitional period of two years (2007-2008) during which they can also receive State aid for large firms. To ensure that the most deserving regions are designated in line with the Guidelines, Member States have to submit their proposals for designation to the European Commission for approval. The Government recently approved the Assembly's proposals, which Ireland will shortly notify to the European Commission. Details of the Regional Aid Map for 2007-2013 will be published following approval by the Commission.

In practice, therefore, all parts of Ireland, with the exception of Dublin and the Mid-East Region, will be proposed for designation in new Regional Aid Map, with varying aid rates related to their level of economic development. The regional aid rates currently available in Dublin and the Mid East are already lower than those in all other regions of Ireland. As Dublin and the Mid East continue to enjoy a more favourable economic situation, they cannot qualify for designation, within the permitted population threshold, ahead of other regions.

Any area no longer entitled to regional aid, such as the greater Dublin area, will continue to qualify for other forms of State aid, including SME Aid, Aid for Research and Development, Training Aid, Employment Aid and Aid for Environmental Protection, which are available in all areas. The greater Dublin area has now attained sufficient critical mass in terms of population, its skills base, infrastructure, enterprise base and economic activity that it can attract and sustain large business investment independent of grant support.

Employment Action Plan.

256. **Mr. Naughten** asked the Minister for Enterprise, Trade and Employment the reason the western region's share of total employment in firms assisted by State enterprise agencies has fallen over the past ten years; the way in which he intends to rectify this situation; and if he will make a statement on the matter. [21566/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Western Region consists of the counties of Galway, Mayo and Roscommon. The following tabular statement shows that total permanent employment in agency-assisted companies in the Western region has risen from 22,455 in 1996 to 28,778 in 2005. This represents a marginal increase from 9.1% to

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9.6% of total agency supported employment in the region.

Support for job creation and investment in individual counties and regions is a day-to-day operational matter for the development agencies as part of their responsibility under the Industrial Development Acts. While I may give general policy directives to the agencies I am precluded under the Industrial Developments Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

The pursuit of the national goal of balanced and sustainable regional development is also an important goal for my Department and the agen-

cies under its remit. The National Spatial Strategy provides a framework for this goal wherein the focus is on the Gateway and Hub locations throughout the State. I have been assured by the agencies that they are endeavouring to attract new investment, encourage the start-up of new businesses, grow existing businesses and develop the labour market in the Western region. The agencies offer supports to prospective and existing employers ranging from mentoring, training and development programmes to research and development grants. I am confident that the policies being pursued by the agencies together with the commitment of Government to regional development will bear fruit in terms of investment and employment for the region.

Table Showing Western Region's percentage share of total Permanent employment in Agency-Assisted Companies from 1996 to 2005

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
All Agency Assisted Jobs	246,356	262,335	276,806	293,420	317,173	313,681	304,821	296,507	295,493	298,372
Western Region	22,455	24,246	26,208	26,577	29,087	29,161	27,260	27,311	27,590	28,778
Percentage Share of Employment	9.1	9.2	9.5	9.1	9.2	9.3	8.9	9.2	9.3	9.6

(Source: BIS)

Job Creation.

257. **Mr. O'Connor** asked the Minister for Enterprise, Trade and Employment if he continues to monitor the employment creation needs of Tallaght; and if he will make a statement on the matter. [21711/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The issue of job creation is a day-to-day operational matter for the industrial development agencies and relevant County Enterprise Boards, and not one in which I have a direct role.

IDA Ireland informs me that it continues to market South County Dublin, including Tallaght and its environs, as a potential location for new foreign direct investment (FDI), in order to secure new investment and additional jobs for the region.

IDA Ireland's strategy for the Dublin area is to attract and expand major FDI projects, moving up the value chain. South County Dublin is well equipped to compete with other areas for potential foreign direct investment, with superb infrastructural facilities at Citywest and Grangecastle, and a third level Institute of Technology at Tallaght.

Sectors such as Lifesciences, including pharmaceuticals, provide high value employment. In 2005 the Japanese pharmaceuticals company Takeda Chemical Industries completed construction of its facility at Grangecastle, Clondalkin. Greencastle is within easy commuting distance of

Tallaght, and the plant will employ over sixty people upon completion. This is a significant and important investment from a leading company in Japan, and will highlight Ireland as a key location for other such Japanese investors in the future. Also in Grangecastle, the pharmaceutical company Wyeth Biopharma has established the world's largest biopharma campus facility investing €1.8 billion. Wyeth currently employs over 1100 highly skilled people and will eventually employ 1,300 at the facility in Grangecastle.

I am also informed by IDA Ireland that planning permission has been approved for an advance integrated circuit manufacturing and research facility at Grangecastle. This will be an invaluable tool for the future marketing of Grangecastle as a potential source of high quality and large scale employment for the population of South County Dublin.

Enterprise Ireland works with companies in its portfolio to assist them grow their sales and exports and improve innovation in order that they can compete on world markets. The Agency is encouraging companies to adopt new technologies to add value to their products and services. Since the beginning of 2003 Enterprise Ireland has approved over €8.046m and made payments of €6.79m in support of development projects for indigenous companies in South County Dublin.

Enterprise Ireland is also actively involved with the provision of infrastructure to facilitate business development and employment. The agency has provided funding for the development of Community Enterprise Centres in South Dublin

such as Brookfield, Bolbrook and Killinarden. These centres provide incubation space for start-ups and micro enterprises, and also provide ancillary services such as training, mentoring and customised courses to address the needs of the local clients.

Also Enterprise Ireland supports the development of business incubation workspace as part of its on-going commitment to fostering links between colleges and industry, and has approved €2.54m in capital support as well as €0.157m in support of a Centre Manager for the development of incubation space at the Tallaght Institute of Technology. It is anticipated that graduates from the college or members of research teams based in the college will be to the forefront in using the centre, and in creating new jobs, particularly in the high tech sectors. The Centre is expected to be in operation in 2007.

Enterprise Ireland has also approved €1.22m to provide a Centre of Excellence in the Institute of Technology Tallaght in relation to the development of microsensor devices for clinical analysis, leading to high level multi-disciplinary research collaboration between ITT Dublin and the medical device/diagnostic industry.

The South Dublin County Enterprise Board (CEB) is pro-actively involved in the development of indigenous enterprise in the south Dublin area, which includes the Tallaght region. The CEB provides a source of support for small businesses with 10 employees or fewer. During 2005, south Dublin CEB approved a total of €384,500 in grant assistance to 14 projects, which resulted in the creation of 18 net jobs in CEB assisted companies throughout the region.

Departmental Schemes.

258. **Mr. Timmins** asked the Minister for Enterprise, Trade and Employment if an application for a grant was made by Bray Community Enterprise Ltd under the Community Enterprise Centre 2006 Scheme to assist in the establishment of an Enterprise Centre at Bray, County Wicklow; and if he will make a statement on the matter. [21781/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): The administration of the Community Enterprise Centre (CEC) scheme is a day-to-day matter for Enterprise Ireland, and not one in which I am directly involved.

Enterprise Ireland advertised the 2006 CEC scheme in a public call for proposals in the national press on 19 and 20 January 2006. The closing date for receipt of applications was 27 April 2006. The Scheme is a competitive one and all applications are currently being assessed in accordance with criteria for the scheme.

I understand that there was no application under the 2006 scheme from a Community Group in Bray.

Social Welfare Benefits.

259. **Mr. Ring** asked the Minister for Social and Family Affairs the number of people currently in receipt of carer's allowance; the number of those recipients who provide full time care to two people; and her plans to introduce an additional payment for people who are providing full time care to three or more people. [21555/06]

Minister for Social and Family Affairs (Mr. Brennan): At present there are 25,788 people in receipt of carer's allowance, of which 2,788 provide full time care to two people. There are a further 1,042 people in receipt of carer's benefit at present and 103 of those are providing care to two people.

In Budget 2006, I provided for a significant increase in the rates of carer's allowance and carer's benefit. From January this year, the rate of carer's allowance increased to €180 per week where the person is caring for one person and €270 per week where the person is caring for two people. Recipients of carer's allowance aged 66 or over receive an additional increase of €20 or €30 per week, respectively. Similarly, the rate of carer's benefit increased to €180.70 per week where the person is caring for one person and €271.10 where the person is caring for two people.

Provision was made in Budget 2006 to increase the amount of the respite care grant from €1,000 to €1,200. In recognition of the particular challenges which are faced by those carers who are providing care for three or more people, the respite care grant is paid in respect of each of their care recipients. In addition, from June 2005, the annual respite care grant was extended to all carers who are providing full time care to a person who needs such care regardless of their income.

All support schemes for carers will be kept under review and further possible improvements will be considered in a budgetary context.

260. **Mr. Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo has been refused invalidity pension in view of the fact that the person has a serious form of epilepsy; if a copy of the report by the medical adviser or assessor will be provided in this case; the further reason his Department overruled the medical evidence supplied by the person; and his Department's views on whether a person with uncontrollable epilepsy is capable of work. [21595/06]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned is currently in receipt of disability benefit. He applied for invalidity pension on 14 March 2006 and that claim was disallowed on 25 May 2006.

The principal conditions for entitlement to invalidity pension are that a person must satisfy

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both medical eligibility criteria and social insurance conditions. The person concerned currently satisfies the social insurance conditions but not the medical condition. The medical criteria for Invalidity Pension are that at the date of his claim a person must have been incapable of work for at least 12 months and be likely to be incapable of work for at least another 12 months or be determined by my Department to be incapable of work for life.

In order to assess the suitability of the person concerned on medical grounds, the medical evidence submitted in support of his invalidity pension claim was examined by a Medical Assessor of my Department on 19 April 2006 who concluded that a medical examination should be arranged. The examination took place on 23 May 2006. The Medical Assessor gave the opinion that the person concerned was not permanently incapable of work. The Medical Assessor advised that he was likely to be incapable of work for a period of six months. The claim was subsequently refused by a Deciding Officer. The applicant has a right of review by the Deciding Officer and right of appeal to the Independent Social Welfare Appeals Office.

With regard to my Department's view on whether a person with epilepsy may be capable of work, it is possible for a person with epilepsy to work depending on the circumstances of the particular case. In this case the person concerned was deemed following his medical assessment to be currently unfit for work by reason of his epilepsy, which is currently difficult to control. His incapacity was deemed to be temporary and subject to review in six months. Considering the variety of anticonvulsant medication currently available, it is reasonable to assume that an adequate degree of control might be attained in that time period and that the person's fitness for suitable employment could then be reviewed.

When conducting an examination, the Medical Assessor does not dispute the existence of a cause of incapacity but assesses the degree to which the illness will satisfy the eligibility criteria for invalidity pension. In this case, the person concerned was deemed not to have satisfied the medical qualifying criteria for Invalidity Pension.

A copy of the report by the Medical Assessor can be issued if requested by the customer with signed authorisation for release. This request should be forwarded to The Medical Review and Assessment Section, Department of Social and Family Affairs, 157-164 Townsend Street, Dublin 2.

261. **Mr. G. Murphy** asked the Minister for Social and Family Affairs if full-time students can sign on for unemployment during the summer months as part-time jobs are not available, in particular, in rural areas and the Government has

abolished the student summer scheme.

[21617/06]

Minister for Social and Family Affairs (Mr. Brennan): In general, a student undergoing a full-time course of study, instruction or training is disqualified for receiving unemployment assistance. This disqualification also extends to the holiday periods, including the summer holidays.

An exception is made in the case of mature students i.e. persons over age 23 years on or before 1 January in the year in which the course of study commences. Such students may qualify for unemployment assistance during the summer months subject to satisfying the conditions of entitlement to the scheme.

Students who have been working on a part-time basis may have built up sufficient PRSI contributions to enable them to claim unemployment benefit during the summer vacation period. Subject to satisfying the normal conditions for receipt of payment, a part-time worker is entitled to unemployment benefit provided he or she is fully unemployed for at least 3 days in any period of 6 consecutive days.

Question No. 262 withdrawn.

Social Welfare Code.

263. **Mr. O'Connor** asked the Minister for Social and Family Affairs the schedule being allowed in respect of his proposals for supporting lone parents; if he will report on consultations he has had in the matter; and if he will make a statement on the matter. [21719/06]

Minister for Social and Family Affairs (Mr. Brennan): The major Government discussion paper, 'Proposals for Supporting Lone Parents' which I launched in March this year, addresses the social exclusion and risk of poverty faced by many such families and their children.

The report puts forward proposals for reform of the income support system for all parents on a low income. The report proposes the expanded availability and range of education and training opportunities for lone parents, the extension of the National Employment Action Plan to focus on lone parents, focused provision of childcare, improved information services for lone parents and the introduction of a new Parental Allowance for low income families with young children.

The Government has asked the Senior Officials Group on Social Inclusion to draw up an implementation plan to progress the non-income recommendations of the discussion paper, including those related to childcare, education, training and activation measures and work on this has already commenced in consultation with the Departments and agencies concerned.

As a follow-up to the publication of the discussion paper, I hosted a National Consultative Forum on 27 April 2006. This Forum was

attended by social partners, representatives of organisations dealing with lone parents and the unemployed, representatives of Government departments and State agencies who will be responsible for the implementation of the proposals in the discussion paper and members of the Oireachtas, including the Deputy. At the Forum, I heard the views of each organisation on the proposals including their comments on the proposed parental allowance and invited them to make a formal written submission setting out those views. I also briefed the Oireachtas Committee on Social Affairs and debated the issue in the Seanad.

The Government will listen closely to the views expressed and will give very serious consideration to them. As soon as I am convinced that we have reached conclusions that are fully workable and equitable, it will be my intention to bring forward proposals for legislation in the course of this year.

Family Support Services.

264. **Mr. Haughey** asked the Minister for Social and Family Affairs the details of a grant scheme administered by his Department for the construction of a family resource centre; and if he will make a statement on the matter. [21822/06]

Minister for Social and Family Affairs (Mr. Brennan): Under the Family and Community Services Resource Centre Programme, which is administered by the Family Support Agency, funding of €200,000 for capital projects was made available in 2005. This was increased to €300,000 in 2006. Capital funding is only available to those centres already included in the Programme as approved Family Research Centres.

There is a commitment under the National Development Plan 2000-2006 to fund 100 Family Resource Centres by the end of 2006. There are currently 91 centres in receipt of core funding in the Programme. A further 9 centres have approval to join the Programme and are currently working with their Regional Support Agencies. As this brings the overall number to the 100 centres to which the Agency is committed, I regret that applications for inclusion into the current Programme cannot be considered at present.

The programme is currently being reviewed. If expansion of the Programme is included as part of the next National Development Plan 2007-2013 the Agency will then consider applications for inclusion.

There is no official application form for groups wishing to apply for inclusion in the Family and Community Services Resource Centre Programme. I am arranging to have information on the selection of Projects and the "Criteria for inclusion in the Programme" forwarded to the Deputy for his information.

Social Welfare Code.

265. **Mr. O'Shea** asked the Minister for Social and Family Affairs the proposals he has to abolish the means test for carer's allowance; and if he will make a statement on the matter. [21858/06]

266. **Mr. O'Shea** asked the Minister for Social and Family Affairs the proposals he has to suspend the rule that a person cannot be in receipt of two social welfare payments in the case of those in receipt of carer's allowance; and if he will make a statement on the matter. [21859/06]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 265 and 266 together.

The carer's allowance is a social assistance payment which provides income support to people who are providing certain elderly or incapacitated persons with full time care and attention and whose incomes fall below a certain limit.

In line with other social assistance schemes, a means test is applied to the carer's allowance so as to ensure that limited resources are directed to those in greatest need. This means test has been eased significantly over the years, most notably with the introduction of the disregards of spouses' earnings. Following Budget 2006, since April, a couple with two children can earn up to €32, 925 per annum and still receive the maximum rate of carer's allowance. The same couple will be able to earn up to €54, 400 and receive the minimum rate of carer's allowance as well as free travel, the household benefits package and the respite care grant.

Complete abolition of the means test for carer's allowance would cost an estimated €140 million in a full year. The view of some support organisations is that if this level of resources were available, it would be more beneficial to carers if it were invested in further increases to carers allowance and in the type of community care services which would support them in their caring role, such as additional respite care facilities, more home helps, public health nurses and other such services.

In Budget 2006, I provided for a significant increase in the rate of carer's allowance. From January this year, the rate of carer's allowance increased to €200 per week for carers aged 66 years and over.

In addition, from June 2005, the annual respite care grant was extended to all carers who are providing full time care to a person who needs such care regardless of their income. Those persons in receipt of other social welfare payments, excluding unemployment assistance and benefit, are entitled to this payment subject to meeting the full time care condition. This arrangement was introduced to acknowledge the needs of carers especially in relation to respite. Provision was made in Budget 2006 to increase the amount of

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the respite care grant from €1,000 to €1,200 from this month.

The primary objective of the social welfare system is to provide income support and, as a general rule, only one weekly social welfare payment is payable to an individual. This ensures that resources are not used to make two income support payments to any one person. Persons qualifying for two social welfare payments always receive the higher payment to which they are entitled.

According to Census 2002 there are over 48,000 people providing personal care for over 4 hours per day. Over 26,600 of these are in receipt of either carer's allowance or carer's benefit. It is likely that a proportion of the balance is in receipt of another social welfare payment. Such a person who is providing full time care and attention to a person who requires such care may be eligible for carer's allowance which in some cases may be paid at a higher rate than their current payment. I would strongly urge any person in this position to make enquiries with my Department.

I am always prepared to consider changes to existing arrangements where these are for the benefit of recipients and financially sustainable within the resources available to me. Those recommendations involving additional expenditure can only be considered in a budgetary context.

Social Welfare Benefits.

267. **Mr. McGuinness** asked the Minister for Social and Family Affairs if rent allowance will be approved in the case of a person (details supplied) in County Kilkenny; and if a decision will be expedited. [21861/06]

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.

Supplementary welfare allowance is subject to a means test. Rent supplements are normally calculated to ensure that a person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to their family circumstances, less €13. This €13 represents the minimum contribution which recipi-

ents are required to pay from their own resources. Many recipients pay more than €13 towards their rent because applicants are required, having regard to income disregards, to contribute any additional assessable means that they have over and above the appropriate basic supplementary welfare allowance rate towards their rent.

The Health Service Executive has advised that the person concerned has been refused a rent supplement on the grounds that she is in a position to pay the rent from her own resources. It is open to the person concerned to appeal the decision given to the designated appeals officer within the Health Service Executive.

Departmental Schemes.

268. **Mr. Carey** asked the Minister for Social and Family Affairs the range of financial and other assistance and remunerations available to general practitioners from his Department, other Departments and associated agencies; the increases in such assistances and remunerations since 1997; and if he will make a statement on the matter. [22404/06]

Minister for Social and Family Affairs (Mr. Brennan): The Department of Social and Family Affairs pays medical certifiers, who are in the main GPs and hospital interns, to provide medical certificates and reports for the purposes of its illness, disability and carer schemes. There are approximately 6,500 registered medical certifiers, some 3,000 of whom are active at any one time. The fees for medical certificates and reports are negotiated with the Irish Medical Organisation, generally for a three-year period. The latest agreement expired in July 2004 and is currently being renegotiated. In the meantime, payment continues at the previously agreed rates. Payments are made quarterly: February-April, May-July, August-October and November-January.

The increase in total payments is attributable to several factors, primarily the increase in the insured population and the introduction of new schemes such as disability allowance, carers' benefit etc.

Table A shows the fees payable for the years 1997 to date, while Table B shows the number of medical certificates and reports, and the total value of these payments for the years in question, except for the year 1997 for which the relevant information is no longer available.

Table A

Year	Fee per medical certificate	Fee per medical report
	€	€
1997-98*	1.84	2.92
1998-99	4.44	22.86
1999-2000	4.76	24.13
2000-01	5.08	25.39

Year	Fee per medical certificate	Fee per medical report
	€	€
2001-02	6.35	31.74
2002-03	7.24	38.09
2003-06	8.25	44.44

*Prior to 1998 a capitation system was in place and, in addition, different rates were payable in respect of rural and urban areas. Accordingly, the rates quoted above are the estimated average that was payable to certifiers. These rates had not been reviewed since 1985. In 1998 they were increased in line with an Arbitrator's award and a fee per item system of payment was introduced with effect from May of that year.

Table B

Year	Certificates	Reports	Total Payments*
			€
1997	Not available	Not available	—
1998	Not available	Not available	3,602,612
1999	1,990,297	51,594	8,024,542
2000	2,080,140	54,776	9,114,182
2001	2,117,773	50,573	9,491,772
2002	2,349,951	59,072	18,092,746
2003	2,506,307	51,268	21,617,517
2004	2,703,908	55,065	24,754,328
2005	2,527,950	60,752	23,555,404
2006	1,355,014	31,647	12,420,257

*Yearly totals are the cumulative totals of the February, May, August and November quarterly payments. The February payment is for November, December and January. The May payment is for February, March and April. The August payment is for May, June and July. The November payment is for August, September and October. The 2006 payment shows the total for the February and May quarterly payments.

Rail Network.

269. **Mr. P. Breen** asked the Minister for Transport if the Government will apply for EU Structural and Cohesion Funds to fund the Western Rail Corridor project; if so, the amount of funding being sought; and if he will make a statement on the matter. [21697/06]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply to question number 62 of today, 7th June 2006, which deals with the Deputy's question.

Driving Tests.

270. **Mr. Allen** asked the Minister for Transport the communication his Department has had with a person (details supplied) in County Cork regarding driving tests; and the reason he has not responded to this person's communications. [21755/06]

Minister for Transport (Mr. Cullen): The person concerned has undergone five driving tests as follows — 2 March 2004, 5 October 2004, 9 December 2004, 13 December 2005 and 29 March 2006.

He applied for a further driving test on 12 May, 2006 enclosing a letter from a potential employer. His application was placed on a cancellation list

and he will be called once a cancellation date becomes available.

There has been considerable correspondence with the applicant. The last written correspondence was on 20 April, 2006 and a written reply issued to him on 24 April, 2006. In addition to written correspondence, the Department has a record of 29 telephone conversations with him since October 2004. The indications are that there were numerous other calls that were not recorded. The individual concerned has also been in contact with my Private Office.

The Road Traffic (Licensing of Drivers) Regulations 1999 provide that an applicant for a driving licence must produce a Certificate of Competency when applying for the licence. In order to obtain the Certificate of Competency it is necessary for an individual to sit and pass a driving test. As this is a statutory requirement, no exception can be made under any circumstances.

At a time when staff are under considerable pressure given the existing backlog, a very significant amount of official time has been taken up in responding to the needs of this applicant. I am assured that he has always been, and continues to be, dealt with in a courteous and professional manner.

Question No. 271 answered with Question No. 90.

Question No. 272 answered with Question No. 158.

Airport Development Projects.

273. **Mr. Eamon Ryan** asked the Minister for Transport when he intends to grant the necessary legislative approval for the DAA scheme to resolve the pension deficit problem; and the terms he has set out for the granting of same. [21899/06]

Minister for Transport (Mr. Cullen): The Air Navigation and Transport (Amendment) Act, 1998 and the State Airports Act 2004 provides that the DAA can establish new pension schemes for its own employees and pensioners. The introduction of any new scheme would require my approval following consultation with the Minister for Finance.

Discussions are ongoing with DAA in relation to future pension arrangements. Decisions on the appropriate future pension arrangements will be made in the light of the outcome of these discussions.

As decisions on any future pension arrangements will not be made until the discussions with the DAA have concluded no commitment can, therefore, be given in relation to the establishment of a new Dublin Airport Authority scheme or the type of scheme involved.

Question No. 274 answered with Question No. 80.

Rail Accidents.

275. **Mr. Gregory** asked the Minister for Transport if, in the context of his responsibility for railway safety, he will obtain a report from Iarnród Éireann detailing trespass incidents on their rail lines; and the number of prosecutions taken. [21547/06]

Minister for Transport (Mr. Cullen): I have no function in this matter. Trespass incidents are a matter for Iarnród Éireann. I understand from Iarnród Éireann that prosecutions relating to such incidents number between twenty and twenty-five a year.

Driving Tests.

276. **Mr. Perry** asked the Minister for Transport when a decision will be made on a driving test for a person (details supplied) in County Sligo; and if he will make a statement on the matter. [21568/06]

Minister for Transport (Mr. Cullen): A driving test will be arranged for the person concerned in due course.

Question No. 277 answered with Question No. 62.

School Transport.

278. **Mr. McEntee** asked the Minister for Transport when a report by Bus Éireann into a recent incident involving a school bus at Clonmellon, County Meath will be completed; and if its conclusions will be published. [21588/06]

Minister for Transport (Mr. Cullen): I am advised by Bus Éireann that the company has investigated this incident and is satisfied that the relevant procedures were observed.

Public Transport.

279. **Ms O. Mitchell** asked the Minister for Transport the number of cities and towns nationwide which have an urban public transport bus service; and if he will make a statement on the matter. [21597/06]

Minister for Transport (Mr. Cullen): Urban public transport bus services are provided by Bus Éireann, Dublin Bus and/or licensed private operators in all the major cities and towns including Dublin, Cork, Limerick, Drogheda, Galway, Waterford, Sligo, Navan, Dundalk, Balbriggan and Athlone. In addition, my Department has licensed a number of private operators to provide urban public bus services in other towns. As the information is not to hand in the time available, it will be forwarded to the Deputy in the coming days.

Insurance Costs.

280. **Mr. Andrews** asked the Minister for Transport if his attention has been drawn to plans to have the cost of motorcycle insurance here reduced; and if not, the reason for same. [21601/06]

Minister for Transport (Mr. Cullen): I have no direct responsibility in relation to the setting of motorcycle insurance premiums. I am, however, aware from the Central Statistics Office Consumer Price Index that motorcycle insurance premia have not increased over the period February 2004 to April 2006, the latest date for which published data is available.

Coastguard and Rescue Service.

281. **Mr. J. Breen** asked the Minister for Transport the position in relation to the provision of a new building for the Doolin coastguard and rescue service; if he will progress this as a matter of urgency; and if he will make a statement on the matter. [21696/06]

Minister for Transport (Mr. Cullen): I have indicated to the Deputy in response to similar questions that I regard the provision of a new station house for the Doolin Coastal Unit as a very high priority. The negotiations with a land-

owner about a site, also previously referred to, are still taking place and are at an advanced stage.

I prefer not to elaborate upon these negotiations in public at this time but can only reiterate what I have said, namely, that as soon as a suitable site has been acquired my Department's objective is to proceed as quickly as possible to develop the station house.

Question No. 282 answered with Question No. 62.

Question No. 283 answered with Question No. 90.

Driving Tests.

284. **Ms Shortall** asked the Minister for Transport the number of supervised driving tests conducted in the last year for which figures are available. [21862/06]

Minister for Transport (Mr. Cullen): The number of supervised driving tests conducted in 2005 was 824.

Question No. 285 answered with Question No. 60.

Road Network.

286. **Mr. Durkan** asked the Minister for Transport the extent to which the vehicular traffic capacity on streets in towns and villages throughout the country has been reduced by means of road or footpath realignment; and if he will make a statement on the matter. [21871/06]

Minister for Transport (Mr. Cullen): My Department has responsibility for national roads only. National roads make up only about 5% of the total roads network in Ireland. The development and improvements in the national road network (particularly the construction of numerous bypasses) over recent years has had a very positive impact on many towns and villages throughout the country.

The remaining 95% of the road network are non-national roads, which fall under the remit of my colleague the Minister for the Environment, Heritage and Local Government.

287. **Mr. Durkan** asked the Minister for Transport the anticipated income likely to derive from various toll roads on the basis of predicted traffic volumes; and if he will make a statement on the matter. [21872/06]

Minister for Transport (Mr. Cullen): The statutory power to levy tolls on national roads, to make toll bye-laws, and to enter into toll agreements with private investors in respect of national roads is vested in the National Roads Authority (NRA) under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000).

The NRA has been asked to forward the information sought to the Deputy.

Rail Services.

288. **Mr. Durkan** asked the Minister for Transport his plans to encourage the use of commuter rail transport from Enfield, Kilcock, Maynooth, Leixlip, Confey and Hazelhatch, Sallins, Newbridge, Kildare and Monasterevin in County Kildare with particular reference to the need to provide extra parking facilities at the rail stations concerned or an upgrading shuttle bus service in lieu thereof; if same can be achieved at the present time or in the context of Transport 21; and if he will make a statement on the matter. [21873/06]

291. **Mr. Durkan** asked the Minister for Transport the position in relation to extra parking facilities to be available and operational at Leixlip, Maynooth, Hazelhatch, Sallins, Kilcock and other rail stations throughout County Kildare; and if he will make a statement on the matter. [21876/06]

Minister for Transport (Mr. Cullen): I propose to take Questions Nos. 288 and 291 together.

I understand from Iarnród Éireann that it is currently developing a prioritised car park development programme which will take due account of a strategy drawn up by the DTO for the development of rail-based park and ride facilities. The provision of car parking facilities at rail stations in Leixlip, Hazelhatch, Sallins, Kilcock, Enfield, Confey, Maynooth, Newbridge, Kildare, Monasterevin and other rail stations throughout Co. Kildare will be considered in that context.

Also as part of the Kildare Route Project Iarnród Éireann propose to provide car parking facilities at the new stations proposed as part of the upgrading of the route i.e. Adamstown, Kishogue, Fonthill Road and Parkwest.

In relation to the provision of shuttle bus services, to rail stations, the company informs me that such services are currently provided at Sallins for Naas and Hazelhatch for Celbridge, along with a number of feeder buses to DART stations in the Dublin area. Other opportunities for bus shuttle and feeder services to railway stations will be considered by Iarnród Éireann on a case by case basis.

Public Transport.

289. **Mr. Durkan** asked the Minister for Transport the likely steps he or his Department have taken to ensure the availability of seatbelts in the public transport fleet; and if he will make a statement on the matter. [21874/06]

Minister for Transport (Mr. Cullen): At present, buses having a design gross weight not

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exceeding 3,500 kilograms first registered since 1 January 1992 require to be fitted with safety belts, in which case, safety belts are required for the driver and each forward facing front seat passenger. Following the adoption of a number of directives relating to safety belts and restraint systems in motor vehicles by the Council and European Parliament on 7 September 2005, it will be mandatory for all new buses (other than buses used in stage-stop services, e.g. Bus Átha Cliath services) entering into service from 20 October 2007 to be fitted with safety belts in accordance with the technical specifications laid down in these directives. There are no requirements under the directives for safety belts to be retrofitted in existing vehicles. The Directives were transposed into Irish law by means of the European Communities (Mechanically Propelled Vehicles Entry Into Service) (Amendment) Regulations 2006 and the European Communities (Motor Vehicles Type-Approval) (Amendment) (No. 2) Regulations 2006 as regards type approval and entry into service of vehicles.

Rail Services.

290. **Mr. Durkan** asked the Minister for Transport the steps he has taken or proposes to take to reduce overcrowding on commuter trains, on all routes in the County Kildare region; if he is satisfied that full health and safety standards and requirements are being met at present; and if he will make a statement on the matter. [21875/06]

Minister for Transport (Mr. Cullen): I refer the Deputy to my reply today to PQ 21953.06 regarding improvements on commuter rail services.

Iarnród Éireann's commuter train services are operated with modern diesel commuter railcars designed and constructed to current safety standards. These standards provide for safe operation under fully laden rush hour conditions with all seating and standing capacity occupied.

I understand from Iarnród Éireann that the issue of crowding is one of discomfort and inconvenience rather than a safety concern and this view is in line with consensus in the railway industry worldwide.

Question No. 291 answered with Question No. 288.

Question No. 292 answered with Question No. 121.

Public Transport.

293. **Mr. Durkan** asked the Minister for Transport his plans to encourage the use of buses; if it is intended to take particular initiatives to make travel by bus more attractive, such as more conveniently located bus stops, bus shelters, increased frequency of services or other means to encourage passengers towards the use of this

particular mode of public transport; and if he will make a statement on the matter. [21878/06]

Minister for Transport (Mr. Cullen): The bus network will continue to provide a very significant element of the public transport system for the foreseeable future. In the Greater Dublin Area alone, Dublin Bus carried nearly 150 million passengers in 2005, representing around 75% of all passenger journeys on public transport. The bus also provides the most effective and flexible means of responding quickly to the demand for additional public transport capacity.

Under Transport 21, there will continue to be a requirement for a significant expansion of the capacity of the bus network given the flexibility, penetration and connectivity offered by buses throughout the country. Significant funding under the programme is being allocated for this purpose. In the case of Dublin, there will be a greater focus on the development of orbital, feeder and local services integrating the city and complementing the rail network. Under Transport 21, funding is also provided for bus priority measures in all cities and for an expanded Rural Transport Initiative. Other measures in support of the bus include upgrading of bus stops and bus shelters to improve accessibility.

Irish Language.

294. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if there is any possibility of getting the Gaeltacht extended to an area of County Mayo from Tourmakeady (details supplied); and if there is a review of Gaeltacht areas proposed with a view to extending the existing boundaries. [21567/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): As the Deputy will be aware, a linguistic study of Irish usage in the Gaeltacht, which commenced in April 2004, is scheduled for completion later this year. This important study — which is being conducted on behalf of my Department by Acadamh na hOllscolaíochta Gaeilge, University of Ireland, Galway, in conjunction with the National Institute for Regional and Spatial Analysis, University of Ireland, Maynooth — is examining Irish language usage in the Gaeltacht as a basis: for strengthening the linguistic development of the Gaeltacht as an Irish-speaking area; and for a review of the official Gaeltacht boundaries.

As I have already outlined in the House, all of the findings and proposals emerging from the study, including the issue of the Gaeltacht boundaries, will receive careful and considered examination on its presentation to my Department. Any proposals that may emerge on foot of that examination will be put before Government in due course.

Community Development.

295. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the funding available for a group (details supplied) in Dublin 7 towards their running costs in providing a much needed national service to the community from any of the available grant sections of his Department; and if he will make a statement on the matter. [21664/06]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The group referred to in the Deputy's question will receive core funding of €189,700 in 2006 as a specialist support agency through the Community Development Programme. This funding covers salaries and basic running costs.

National Lottery Funding.

296. **Mr. Kenny** asked the Minister for Community, Rural and Gaeltacht Affairs the number of applications for capital lottery funding received by county for the past five years; the number of successful applications per county for the same period; and if he will make a statement on the matter. [21807/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department does not provide any capital lottery funding and has not done so in the past.

Community Development.

297. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to an application by a school (details supplied) in County Galway for a CLAR primary school outdoor play facilities grant 2006; if his attention has further been drawn to the fact that this is one of three schools in the parish, the other two are designated as being in the CLAR area and have benefited already; if his attention has further been drawn to the fact that this school urgently needs the funding; and if he will make a statement on the matter. [21808/06]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): The school referred to by the Deputy is included in the recently extended CLÁR areas.

As I have previously outlined, the measures that are currently open to the extended CLÁR areas are as follows: LIS Roads; Flashing Amber Safety Lights at Schools; Small Public Water and Sewerage Schemes; Group Water Schemes; CLÁR Water Conservation Measure; Village and Countryside Enhancement Scheme; Bi-lingual Signage Scheme; Gaeltacht Grants top-up; Single to Three phase Electricity Conversion; Community Initiatives of a Capital Nature; and Coastal and Harbour Development.

Further announcements will be made in due course on the expansion of other measures to the new areas, including the CLÁR School Outdoor Play Facilities Enhancement Scheme.

Grant Payments.

298. **Mr. Ring** asked the Minister for Agriculture and Food the level of payment which will be paid to REP scheme farmers to compensate them for actions now required that are not covered by the REP scheme payment as a result of the additional management requirements introduced for the Owenduff, Nephin Beg area of County Mayo; and if she will make a statement on the matter. [21814/06]

Minister for Agriculture and Food (Mary Coughlan): All hill sheep farmers in REPS are paid in accordance with their REPS contracts. The REP scheme Terms and Conditions provide that REPS farmers must comply fully with Commonage Framework Plan requirements and consequently no further REPS payments are due for destocking.

Because of a European Court of Justice judgment, the Department of Environment, Heritage and Local Government is introducing additional management requirements in the Owenduff/Nephin Beg complex. While the question of additional payment to REPS farmers for actions over and above the requirements of the Commonage Framework Plans is a matter for the Department of the Environment, Heritage and Local Government, I have recently met representatives of the farmers concerned and I undertook to convey their concerns to the Minister for the Environment, Heritage and Local Government.

299. **Mr. Ring** asked the Minister for Agriculture and Food if there is anything available for a person (details supplied) in County Mayo from the national reserve to increase their entitlements. [21569/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the Single Payments Scheme National Reserve under category B.

Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under Live-stock 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.

A formal letter setting out my Department's decision has issued to the person named and if he is dissatisfied with my Department's decision in relation to the National Reserve he now has the opportunity to appeal this decision to the Inde-

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pendent 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.

300. **Mr. Walsh** asked the Minister for Agriculture and Food if full payment of the single farm payment will be made to a person (details supplied) in County Cork. [21572/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted a Single Payment Scheme application on 6 May 2005. He established 17.58 entitlements but only declared 14.47 eligible hectares on the application form. On 1 December 2005 payment, therefore, issued in the amount of €5,140.37 in respect of 14.47 entitlements.

On 9 March 2006 the person named made an application under the consolidation measure of the Single Payment Scheme. This application was processed on 4 April 2006 and the 17.58 entitlements were consolidated to 14.47 entitlements. A supplementary payment in the amount of €1,104.76 in respect of the 14.47 consolidated entitlements issued on 7 April 2006.

301. **Mr. Ring** asked the Minister for Agriculture and Food if a person (details supplied) in County Mayo is entitled to slaughter premium for cattle that were slaughtered in 2002. [21594/06]

Minister for Agriculture and Food (Mary Coughlan): The records of the animals slaughtered from the herd number of the person named under the 2002 Slaughter Premium Scheme are being examined with a view to identifying those that may be eligible for payment. Eligibility under the 2002 Slaughter Premium Scheme and the other Livestock Schemes required, inter alia, that the animals concerned comply with the relevant identification and registration requirements. It is intended that the person named will be notified shortly as to what payment, if any, may be due in respect of the 2002 Slaughter Premium Scheme.

Direct Payment Schemes.

302. **Mr. Naughten** asked the Minister for Agriculture and Food the title and number of farm aid schemes which have been subsumed into the single farm payment; the number of staff within her Department who worked directly on the administration of each former scheme during the last year of its existence; the number of staff who are employed in administering the single farm payment; and if she will make a statement on the matter. [21612/06]

Minister for Agriculture and Food (Mary Coughlan): The Single Payment Scheme, which was introduced on 1 January 2005, replaced the

following Schemes: Special Beef Premium (1st Age, 2nd Age and Bull), Suckler Cow Premium, Ewe Premium, Supplementary Ewe Premium (Rural World), Slaughter Premium, Extensification Premium, Arable Aid Scheme and the National Envelope Top-Ups relating to Ewe Premium, Dry Heifer, Calved Heifer and Slaughtered Heifers. Prior to the introduction of the Single Payment Scheme, some 740 of my Department's staff were directly involved in administering the Livestock Premium Schemes and the Arable Aid Scheme. Currently, there are some 520 staff directly involved in the implementation and the administration of the Single Payment Scheme and the various other Direct Payment Schemes, which are still in place. Surplus staff are being redeployed to other Departments as they become available and this process will continue as necessary.

The implementation and the administration of the Single Payment Scheme include the processing and payment of applications. To date, my Department has paid €1.170 billion approximately to almost 127,000 farmers under the 2005 Single Payment Scheme. In addition, the various implementing measures administered by my Department include the processing of applications in respect of the National Reserve, Force Majeure/Exceptional Circumstances, New Entrants, Inheritance/Gift, Consolidation and transfers by way of Private Contract Clause (sale or lease). As part of the on-going implementation programme for 2006, it is necessary to incorporate in the Single Payment Scheme entitlements for the third tranche of the Dairy Premium, amounting to €60 million, to over 23,000 farmers. The Dairy Premium Scheme, which was introduced in 2004, was decoupled with effect from 2005. In addition, the sugar beet compensation arising from the Reform of the Sugar Sector be included in the Single Payment entitlements of approximately 3,800 sugar beet growers in 2006.

As part of the on-going operation of the Scheme it will be necessary for my Department to administer the transfer of entitlements by way of sale, lease, rental agreement, gift or inheritance. To date my Department has to process approximately 5,000 transfers in respect of the 2006 Scheme-Year. It is also necessary to carry out the required number of farm inspections laid down by the relevant EU Regulations in relation to the regulatory requirements in respect of eligibility and Cross Compliance. The staff involved also deal with processing of payments under the Disadvantaged Areas Scheme. Payments amounting to €234 million have been made to over 101,000 applicants in respect of the 2005 Disadvantaged Areas Scheme. These officials also undertake the processing of applications for payment under the Energy and Protein Crops Schemes.

Rural Environment Protection Scheme.

303. **Mr. Ring** asked the Minister for Agriculture and Food the reason land in County Mayo is not being allowed for inclusion in the REP scheme application by a person (details supplied) in County Mayo in view of the fact that it is privately owned commonage. [21631/06]

Minister for Agriculture and Food (Mary Coughlan): My Department concluded that the holding of the person named was artificially enlarged to facilitate the drawing down of increased REPS payments. A detailed explanation for this decision was given to the applicant in May 2005 and he was advised of his right of appeal to the Agriculture Appeals Office. I understand that he has not exercised that right. A copy of the letter of May 2005 was sent to the person named on 1 June 2006. His original holding has been approved for payment, which will issue within the next ten days.

Grant Payments.

304. **Mr. Hayes** asked the Minister for Agriculture and Food when a person (details supplied) in County Tipperary can expect payment of the 2005 decoupled dairy premium. [21632/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2005 Single Payment Scheme was received from the person named on 13 May 2005. Payment of €9,271.15, in respect of the standard entitlements established was issued on 1 December 2005. Following clarification received from the applicant's Milk Purchaser, the 2005 decoupled Dairy Premium is being processed and payment of €5,154.75 will issue shortly.

Rural Environment Protection Scheme.

305. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason REP scheme farmers who have land committed to the Bord Gáis pipeline in the Caherlistrane/Belclare area of north Galway could be financially penalised due to the fact that they did not declare the area involved on their area aid forms despite such land returning to its original state only months after the pipeline is laid and covered over; if there will be retrospective penalties; if such areas of land will be deducted for REP scheme payment for one year or for the duration of the REP scheme plan; if her attention has been drawn to the fact that the farmers involved were unaware that they would have to declare such areas on their area aid forms; and if she will make a statement on the matter. [21691/06]

Minister for Agriculture and Food (Mary Coughlan): In July 2002, procedures were put in place dealing with gas pipeline developments on

REPS farms. The land area given over to the development must be excluded from payment for the remaining period of the REPS contract but no reimbursement of aid already paid is required. When the development is completed and lands revert back to the holding the area shall either be re-incorporated into the existing REPS plan as land not eligible for payment or, alternatively, the existing REPS contract may be transformed into a new five year contract from the next following anniversary date to include all the land for payment. For the purposes of payment under the EU Single Payment Scheme, applicants are required to declare all their eligible land that is available to them for a continuous 10-month period.

Grant Payments.

306. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive their full payment under the 2005 single payment scheme, including payment on all lands they had leased. [21729/06]

Minister for Agriculture and Food (Mary Coughlan): The person named established 21.65 entitlements during the 2000-2002 Single Payment Scheme reference period. In order to utilise all of these entitlements, and therefore receive full payment, the person named would have had to declare 21.65 eligible hectares on his 2005 Single Payment Scheme application. The person named declared 16.68 hectares and was therefore fully paid in respect of 16.68 entitlements. My Department is in contact with the person named with a view to clarification of the issue of leased lands.

Farm Retirement Scheme.

307. **Mr. Aylward** asked the Minister for Agriculture and Food if she will review the rate of pension being paid under the early retirement scheme from farming to those who joined the scheme when it was introduced initially; and her views on awarding them a substantial increase. [21739/06]

308. **Mr. Aylward** asked the Minister for Agriculture and Food if she has plans within her Department to review the rate of pension being paid under the early retirement from farming scheme; and if she will make a statement on the matter. [21740/06]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 307 and 308 together.

The rate of pension payable under the 1994 Scheme of Early Retirement from Farming is the maximum amount of €12,075 per annum provided for by the EU Council Regulation under which the Scheme was introduced. There is no

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provision in the Regulation for increases in the rate of pension by indexation or otherwise. When the current (2000-2006) Early Retirement Scheme was being negotiated, my Department proposed that the rate of payment should increase annually up to the maximum provided for in the Regulation, which is €15,000. However the European Commission rejected this for legal reasons and a fixed rate of €13,515 per annum was then approved. Any change to this rate would require an amendment to the CAP Rural Development Plan 2000-2006.

Grant Payments.

309. **Mr. Stanton** asked the Minister for Agriculture and Food if she will review an application, for entitlements from the national reserve, from a person (details supplied) in County Cork; when a decision on the appeal will be made; and if she will make a statement on the matter. [21741/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the Single Payments Scheme National Reserve under category B. Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under Livestock Premia and-or Arable Aid schemes would have been payable during the reference period 2000-2002. Investments can include purchase or long-term lease of land, purchase of suckler and/or ewe quota or other investments. A formal letter setting out my Department's decision issued to the person named and my Department's records indicate that an appeal was submitted by the person named on 2 June 2006. The Independent Payment Appeals Committee will carry out a full review of the case and will correspond directly with the person named following the outcome of their review. It should be noted that to date the National Reserve section of my Department has received 802 appeals.

310. **Mr. Perry** asked the Minister for Agriculture and Food when a person (details supplied) in County Sligo suckler cow quota from the national reserve will be processed; the reason for the delay with payment; and if she will make a statement on the matter. [21756/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the Single Payments Scheme National Reserve under Category B and Category C. 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. Category C caters for farmers who sold their milk quota into a re-structuring scheme between 1 January 2000 and 19 October 2003 and who converted to a farming sector for which a direct payment under the Livestock and/or Arable Aid Schemes would have been payable in respect of the years 2000 to 2002. It should be noted that the rules governing the Single Payment Scheme stipulate that an applicant who is found to be eligible under more than one category in the Reserve may only receive an allocation of entitlements under whichever category is most beneficial. A formal letter setting out my Department's decision has issued to the person named and if he is dissatisfied with my Department's decision in relation to the National Reserve he now 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.

311. **Mr. Ring** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will get a decision on their application for entitlements from the national reserve scheme. [21785/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application for an allocation of entitlements from the Single Payments Scheme National Reserve under category C. Category C caters for farmers who, between 1 January 2000 and 19 October 2003, sold the milk quota into the Milk Quota Restructuring Scheme and converted their enterprise to a farming sector for which a direct payment under Livestock Premia or Arable Aid Schemes would have been payable during the reference period 2000 to 2002. A formal letter setting out my Department's decision has issued to the person named and if he is dissatisfied with my Department's decision in relation to the National Reserve he now 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.

Sugar Beet Industry.

312. **Mr. Howlin** asked the Minister for Agriculture and Food if an adequate compensation package is available to sugar beet farmers forced out of beet production; the measures she has taken to provide for farmers affected; and if she will make a statement on the matter. [21788/06]

Minister for Agriculture and Food (Mary Coughlan): The substantial compensation package negotiated in the context of reform of the EU sugar regime is worth over €310m to Irish stakeholders. There are three elements to the compensation package. The first element is the compensation to beet growers of up to 64% of the reduction in the minimum price for beet. This compensation, which will be incorporated in the existing Single Payment Scheme and will be payable from this year, is worth approximately €123m to Irish beet growers over the next seven years. The second element of the compensation package is the restructuring aid covering the economic, social and environmental costs of restructuring of the sugar industry involving factory closure and renunciation of quota. In Ireland's case, this would be worth up to €145m. This aid is subject to the submission by the processor of a detailed restructuring plan for the industry, following consultations with the beet growers. The reform agreement provides that at least 10% of the restructuring aid shall be reserved for sugar beet growers and machinery contractors. That percentage may be increased by Member States after consultation of interested parties provided that an economically sound balance between the elements of the restructuring plan is ensured. In that context, my Department has recently issued an open call for submissions which will be subject to scrutiny by Indecon International Economic Consultants who have been appointed by the Government to provide me with independent expert advice on matters relating to the implementation of the restructuring fund. A final decision on the percentage will be made in due course having regard to this advice and following the adoption in the near future of the Commission Regulation laying down detailed rules for the implementation of the restructuring. The third element of the package is the diversification aid, worth almost €44m in Ireland's case, which would be drawn down in the framework of a national restructuring programme.

Pension Provisions.

313. **Mr. Andrews** asked the Minister for Justice, Equality and Law Reform his plans to change pension legislation affecting entitlement for separated and divorced persons who have been dependent on their spouses' pensions while married and face a future without full pension entitlement now that they are no longer with their spouse; and if he will make a statement on the matter. [21600/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I assume the Deputy is referring to occupational pensions and not to the pensions schemes administered by the Department of Social and Family Affairs. The existing legislation as contained in the Family Law Act 1995 and the

Family Law (Divorce) Act 1996 enable the courts to make a range of orders for ancillary relief in judicial separation or divorce proceedings. Such relief may include where appropriate the making of a pension adjustment order allocating some or all of a pension of one spouse to the other. As regards separation agreements between the parties, the provisions of the Acts relating to pension adjustments do not apply and I intend to address this issue in a forthcoming Family Law Bill.

Security of the Elderly.

314. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform if there is a proposal to introduce a licensing system for the installers of house alarms; his views on whether this will put undue expense and difficulty on older people on low incomes who need access to such protection; and if he will make a statement on the matter. [21793/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Private Security Authority was established under the Private Security Services Act 2004 as a statutory independent body to regulate and licence the Irish private security industry. Installation of all types of security equipment is one of the services for which licences will ultimately be required. I am informed that the PSA has already commenced issuing licences to contractors installing intruder alarms. It will become mandatory for contractors who install intruder alarms to be licensed from 1 August 2006. The Authority also plans to licence individual employees in this sector. The overriding consideration is to provide for a sound regulatory environment for the private security industry. This was the main reason why I brought forward the Private Security Services Act 2004. Regulation of the industry is a matter of public interest, not just in the context of promoting consumer confidence but also in raising and maintaining standards in the industry. The industry itself supports regulation and has actively campaigned for it for many years. The provision of a regulatory environment will understandably lead to cost implications. However, both the industry and consumers will benefit from the rise in standards and the provision of higher quality services that regulation of the industry will bring.

Refugee Status.

315. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for family reunification for persons (details supplied); if same will be dealt with as speedily as possible; and if he will make a statement on the matter. [21562/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The refugee in question made an application for family reunification in January

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2006. The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. When this investigation is completed, the Commissioner will prepare and forward a report to my Department. The application will then be considered by my Department and a decision will issue in due course.

Visa Applications.

316. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform when a decision will be made for a person (details supplied) on their application for a visa under the EU Treaty of Rights; and if he will make a statement on the matter. [21565/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The visa in respect of the person concerned has recently been approved, and the notification issued. The notification was issued to the most recent address on record which is in Belgium.

Departmental Staff.

317. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform the number of people who have applied for the PULSE jobs in Castlebar, advertised recently. [21574/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Public Appointments Service has advised that it has received 2,044 applications under the recently advertised competition for Clerical Officer posts in the Garda Information Services Centre in Castlebar.

Citizenship Applications.

318. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when two applications for naturalisation (details supplied) in County Mayo will be processed. [21575/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In my response to Parliamentary Question No. 247 on 29 March 2006, I informed the Deputy that in the case of the two persons in question, they did not have the permission of the Minister for Justice, Equality and Law Reform to reside in the State for the period June 2003 to December 2003 and consequently, did not have the necessary reckonable residency prior to the date of their applications.

I have noted from the Deputy's letter of 7 April 2006 that one of the persons experienced delays in having his passport renewed which in turn led to a delay in having a work permit issued to him. However, the Irish Nationality and Citizenship Act, 1956, as amended, is quite specific as to how residency is reckoned for the purposes of naturalisation and does not provide for

reasons such as those put forward for the couple not having permission to remain in the State for the period June to December 2003 to be taken into account.

I understand that the couple now meet the residency requirements and that application forms have recently been sent to them to enable them to make new applications under their existing reference numbers. If they submit the particular application forms that were sent to them they will not have to wait the full processing time again and it will be possible to finalise their applications in a matter of months.

Visa Applications.

319. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform when a holiday visa will issue to a person (details supplied) in County Tipperary. [21582/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the Visa Office on 6th June, 2006 and is awaiting examination by a Visa Officer. A decision in respect of this application will issue in the coming weeks.

Garda Deployment.

320. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the number of Gardaí in Cabra Garda Station in the last ten years; the number of these that are attached to Áras an Uachtaráin; the number of these that are Community Gardaí; and if he will make a statement on the matter. [21589/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána as at 30 April 2006 was 12,408. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,706 (or 16%) in the personnel strength of the Force during that period. I am pleased to advise the Deputy that the serving strength of the Force is to receive a significant additional boost with the attestation of approximately 275 new members tomorrow (8 June).

I have been further informed that the personnel strength of Cabra Garda Station as at 31 December, 1997-2005, inclusively, and as at 6 June, 2006 was as set out in the table hereunder:

Date	Strength
1997	82
1998	76
1999	80
2000	83
2001	76

Date	Strength
2002	76
2003	65
2004	63
2005	69
6/06/2006	71

The overall decrease in Garda numbers in Cabra Garda Station, as shown in the table above, reflects the fact that the District “K” Headquarters in Dublin Metropolitan Region West moved from Cabra Garda Station to Blanchardstown Garda Station during the period in question.

Garda management state that the number of Community Gardaí attached to Cabra Garda Station as at 6 June, 2006 was 6 (all ranks).

Garda management further state that for security and operational reasons it is not Garda policy to disclose the number of personnel on duty in any particular area at any given time. Accordingly, the information requested in relation to the number of Gardaí attached to Áras an Uachtaráin is not available. However, I have been informed that personnel strengths at Cabra Station are calculated to include the security requirements at Áras An Uachtaráin and routine day-to-day policing matters.

It is the responsibility of Garda management to allocate personnel to and within Divisions on a priority basis in accordance with the requirements of different areas. These personnel allocations are determined by a number of factors including demographics, crime trends, administrative functions and other operational policing needs. Such allocations are continually monitored and reviewed along with overall policing arrangements and operational strategy. This ensures that optimum use is made of Garda resources, and that the best possible service is provided to the public.

I should add that the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members, in line with the commitment in the Agreed Programme for Government, is fully on target. This will lead to a combined strength, of both attested Gardaí and recruits in training, of 14,000 by the end of this year. The first group of newly attested Gardaí under the accelerated recruitment programme came on stream in March, with a further 275 newly attested Gardaí to do so every 90 days thereafter.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of Cabra Garda Station will be given the fullest consideration.

Garda Complaints Procedures.

321. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the status of

complaints that have been handled or are currently being handled by the existing complaints procedures once the Garda Ombudsman Commission has begun its work; if such cases will be debarred from consideration by the Garda Ombudsman Commission; and if he will make a statement on the matter. [21607/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Section 111 of the Garda Síochána Act 2005 provides for transitional provisions in relation to complaints made under the Garda Síochána (Complaints) Act 1986 following commencement of the relevant provisions of the 2005 Act.

Where an investigation into a complaint made under the Garda Síochána Complaints Act 1986 has commenced but has not been completed when the Garda Ombudsman Commission begins receiving complaints, that complaint will be investigated by the Garda Complaints Board.

Where an investigation into a complaint made under the Garda Síochána Complaints Act 1986 has not commenced when the Garda Ombudsman Commission begins receiving complaints, that complaint will be investigated by the Garda Ombudsman Commission.

Admissibility of complaints is governed by section 87 of the 2005 Act. On receiving a complaint directly from a complainant or receiving a copy or record of a complaint from the Garda Commissioner or a member of the Garda Síochána, the Ombudsman Commission shall determine whether or not the complaint is admissible.

Citizenship Applications.

322. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when an application for citizenship for a person (details supplied) in County Mayo will be dealt with. [21614/06]

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 September 2005.

Officials in Citizenship Section are currently processing applications for naturalisation received in the first half of 2004 and, at the present time, there are approximately 5,000 applications awaiting processing before that of the person in question. As things stand at present, it is likely that the application of the person in question will be finalised in late 2007 or early 2008.

I will inform the Deputy and the person concerned when I have reached a decision on the application.

323. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a person (details supplied) in County Mayo will be approved Irish Citizenship on the basis of his marriage here. [21623/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A declaration accepting Irish citizenship as post-nuptial citizenship, which was lodged by the person referred to by the Deputy on 24 November 2005, was examined recently by officials in the Citizenship Section of my Department.

It was deemed necessary to seek clarification in relation to one of the documents submitted by the person concerned in support of his application. A letter issued to the individual in question in this regard on 31 May 2005.

When the issue raised by my officials has been dealt with, it should be possible to finalise consideration of the declaration and issue a certificate of citizenship.

Public Order Offences.

324. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform if he will request a report from the Garda authorities regarding anti-social activities associated with the Smithfield horse fair in Dublin 7; if the Gardaí have recommendations on this issue; and if he will make a statement on the matter. [21624/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that local Garda management is aware of some complaints in relation to the event in question.

I am further informed that local Garda management have an operational plan in place for each of the horse fairs held in the Smithfield area and are generally satisfied with the current policing of these events. I understand that local Garda management are in regular contact with the local authority about issues arising from the holding of the fair.

325. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of complaints received to date in 2006 by the Gardaí at the Bridewell Garda Station, Dublin 7 regarding a licensed premises (details supplied) in Dublin 7; if the Gardaí are concerned at the nature of these complaints; the action the Gardaí are taking; if objections will be lodged to the renewal of the license; and if he will make a statement on the matter. [21625/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that local Garda management is aware of one complaint in 2006 in relation to the premises referred to.

The complaint has been investigated by the Gardaí who have established that as a result of the behaviour complained of annoyance and nuisance had been caused to the residents in the locality.

Local Garda management has brought this complaint to the attention of the management of

the premises referred to, who have undertaken to address this matter with their patrons. Local Garda management is satisfied that the premises does not present a major concern and there are no grounds, at present, to object to the renewal of its licence.

I am further informed that attention is paid to the locality by Garda foot and mobile patrols and the premises is the subject of regular inspections by the Garda authorities.

Visa Applications.

326. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the status of applications for a visitor visa (details supplied); if the visas have been refused and, if so, the reason for the refusal; and when the applicants can expect to receive a response. [21626/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The applications referred to by the Deputy were received in July, 2004. The decision to refuse the applications was made in September, 2004.

The Visa Officer was unable to establish, based on the evidence supplied, that the applicants would observe the conditions of the visa, or that the applicants had sufficient obligations to return to their country of origin. There was no evidence of finances provided with the application.

The applications were examined subsequently by a Visa Appeals Officer who decided on the basis of the documentation and information provided, that the original decision to refuse the visas should be upheld. The applicants were advised of the decision on 18th October, 2004. It is open to the applicants to make fresh applications.

Gangland Murders.

327. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will increase Garda activity on the ground to deal with gangland murders on the north side of Dublin. [21651/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Deputy will appreciate that policing operations and the deployment of Garda resources are matters for the Garda authorities. However, I am, of course, in regular contact with the Garda Commissioner in order to keep the measures and resources for tackling serious crime under continuing review. The Government's top policing priority for 2006 is to continue to target organised crime, including drug trafficking, and the gun culture associated with it. This is being implemented through deployment by the Garda authorities of specialist units and the use of targeted operations to tackle specific criminal activities.

All killings, regardless of the circumstances involved, are the subject of rigorous investigation by An Garda Síochána.

While the term “gangland murders” tends to be widely used in the media in referring to the nature of certain unlawful killings and speculation in this respect is understandable, this does not correspond to the manner in which An Garda Síochána classifies crime or particular offences. Caution is necessary in ascribing particular motives to any particular incident as, potentially, this might jeopardise the procedures which need to be followed for the proper investigation and prosecution of offences.

“Operation Anvil” commenced in the Dublin Metropolitan Region on 17 May, 2005 and is ongoing. It is focused on targeting active criminals and their associates by preventing and disrupting criminal activity through extensive additional overt patrolling and static check points by uniform, mobile and foot patrols supported by armed plain clothes patrols. I am informed by the Garda authorities that this operation, which is running in conjunction with regular policing, is proving to be very successful in disrupting the criminal activities of a number of key criminal gangs and families and has resulted in a number of high profile arrests. All areas of the city are covered by “Operation Anvil”, with specific locations and individuals being targeted for additional Garda attention. Since the commencement of the operation, 43 arrests have been made

in connection with murder investigations and 424 firearms have been seized.

Also, in November last year, the Garda Commissioner augmented the Organised Crime Unit at the National Bureau of Criminal Investigation by an additional 55 Garda members to address the problem of gangland activity. Enforcement by the unit has resulted in a number of arrests, seizure of firearms and the disruption of criminal activities.

Garda Deployment.

328. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he will increase the number of community Gardaí in 2006. [21652/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána as at 30 April 2006 was 12,408. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,706 (or 16%) in the personnel strength of the Force during that period. I am pleased to advise the Deputy that the serving strength of the Force is to receive a significant additional boost with the attestation of approximately 275 new members tomorrow (8 June).

I am further informed that the numbers and locations of Gardaí allocated to Community Policing Duties as at the 31st March 2006 was as set out hereunder:

Community Gardaí as at 31 March, 2006

Station	Inspector	Sergeant	Garda
Kevin Street	0	1	6
Kilmainham	0	1	4
Pearse Street	0	1	12
Harcourt Terrace	0	0	4
Donnybrook	0	0	3
Irishtown	0	0	2
Store Street	1	2	22
Bridewell (D)	0	2	13
Fitzgibbon Street	0	2	11
Mountjoy	0	0	10
Santry	0	1	3
Whitehall	0	1	4
Ballymun	0	2	7
Raheny	0	0	5
Clontarf	0	1	5
Howth	0	1	4
Coolock	0	1	8
Swords	0	1	10
Malahide	0	0	4
Dún Laoghaire	0	1	4
Dalkey	0	0	2

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Station	Inspector	Sergeant	Garda
Cabinteely	0	1	4
Kill-O-Grange	0	0	3
Bray	0	1	13
Shankill	0	1	8
Greystones	0	0	6
Blackrock	0	2	5
Dundrum	0	0	6
Stepaside	0	0	2
Crumlin	0	1	4
Sundrive Road	0	0	5
Tallaght	1	1	19
Rathfarnham	0	1	4
Rathmines	0	0	3
Terenure	0	1	6
Cabra	0	1	4
Finglas	0	1	9
Blanchardstown	0	2	15
Lucan	0	1	5
Leixlip	0	0	3
Ronanstown	0	1	11
Ballyfermot	0	1	7
Clondalkin	0	1	9
Rathcoole	0	0	1
Waterford	0	2	6
Kilkenny	0	0	1
Nenagh	0	1	1
Borrisokane	0	1	1
Dolla	0	0	1
Toomevara	0	0	1
Portroe	0	0	1
Terryglass	0	0	1
Ballingarry	0	0	1
Cloughjordan	0	0	1
Anglesea Street	0	1	3
Barrack Street	0	0	2
Blackrock	0	0	1
Bridewell (C)	0	0	1
Watercourse Road	0	0	2
Mayfield	0	0	2
Mallow Road	0	0	1
Togher	0	0	2
Bishopstown	0	0	1
Douglas	0	0	1
Carrigaline	0	0	1
Gurranbraher	0	0	3
Ballincollig	0	0	1
Fermoy	0	0	1
Mallow	0	0	1
Tralee	0	0	3
Henry Street	0	2	11
Mary Street	0	0	1
Mayorstone	0	0	3

Station	Inspector	Sergeant	Garda
Roxboro Road	0	1	6
Letterkenny	0	1	2
Monaghan	0	0	2
Cavan	0	0	1
Sligo	0	0	6
Galway	0	1	10
Salthill	0	0	2
Athlone	0	0	2
Mullingar	0	1	4
Ashbourne	0	0	2
Drogheda	0	0	1
Dundalk	0	1	2
Navan	0	0	2
Balbriggan	0	0	1
Naas	0	0	3

It is the responsibility of Garda management to allocate personnel to and within Divisions on a priority basis in accordance with the requirements of different areas. This includes the allocation of personnel to Community Garda Units. These personnel allocations are determined by a number of factors including demographics, crime trends, administrative functions and other operational policing needs. Such allocations are continually monitored and reviewed along with overall policing arrangements and operational strategy. This ensures that optimum use is made of Garda resources, and that the best possible service is provided to the public.

I should add that the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members, in line with the commitment in the Agreed Programme for Government, is fully on target. This will lead to a combined strength, of both attested Gardaí and recruits in training, of 14,000 by the end of this year. I am pleased to inform the Deputy that the first group of newly attested Gardaí under the accelerated recruitment programme came on stream in March and a further 275 newly attested Gardaí will do so every 90 days thereafter.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of Community Garda Units throughout the country will be given the fullest consideration.

Ground Rents Abolition.

329. **Mr. Bruton** asked the Minister for Justice, Equality and Law Reform when the Government will introduce legislation to ban the practice of ground rents; and if he will make a statement on the matter. [21693/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that section 2 of the Landlord and Tenant (Ground Rents) Act 1978 prevents the creation of new leases reserving

ground rents on dwellings with effect from 16 May 1978.

More recently, issues relating to the creation of fee farm grants have been considered by my Department and the Law Reform Commission in the context of a joint project to reform and modernise our land and conveyancing laws. The July 2005 Report entitled 'Reform and Modernisation of Land Law and Conveyancing Law' [LRC 74 — 2005] contains a proposal to prohibit the future creation of fee farm grants at law or in equity.

I am pleased to say that the Government has recently approved my proposals for a comprehensive Land and Conveyancing Law Reform Bill which will give effect to reform recommendations contained in that Report. The Bill, which will be published shortly, will contain a proposal to prohibit fee farm grants in future. Following enactment of this provision, any attempt to grant a fee farm grant will result in the grantee obtaining the fee simple discharged from any obligation relating to payment of ground rent.

Garda Deployment.

330. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if additional Gardaí will be allocated to a town (details supplied) in County Mayo for the summer months, as the population of that town trebles for that period. [21694/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána as at 30 April 2006 was 12,408. This compares with a total strength of 10,702 (all ranks) as at 30 June 1997 and represents an increase of 1,706 (or 16%) in the personnel strength of the Force during that period. I am pleased to advise the Deputy that the serving strength of the Force is to receive a significant

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additional boost with the attestation of approximately 275 new members tomorrow (8 June).

I have been further informed that the personnel strength of Westport Garda Station as at 31 December, 1997 was 21 (all ranks). The personnel strength of Westport Garda Station as at 6 June, 2006 was 25 Gardaí (all ranks). This includes one Garda allocated to Westport Garda Station in conjunction with the last allocation of Probationer Gardaí on 16 March, 2006, and represents an increase of 4 (or 19%) in the number of Gardaí stationed in Westport Garda Station during that period. In addition, a further one (1) Garda will be allocated to Westport Garda Station in conjunction with the next allocation of Probationer Gardaí on 9 June.

Garda Management state that this will lead to an additional two Gardaí being available for duty in Westport this summer in comparison with the same period in 2005.

It is the responsibility of Garda management to allocate personnel to and within Divisions on a priority basis in accordance with the requirements of different areas. These personnel allocations are determined by a number of factors including demographics, crime trends, administrative functions and other operational policing needs. Such allocations are continually monitored and reviewed along with overall policing arrangements and operational strategy. This ensures that optimum use is made of Garda resources, and that the best possible service is provided to the public.

I should add that the current recruitment drive to increase the strength of the Garda Síochána to 14,000 members, in line with the commitment in the Agreed Programme for Government, is fully on target. This will lead to a combined strength, of both attested Gardaí and recruits in training, of 14,000 by the end of this year. The first group of newly attested Gardaí under the accelerated recruitment programme came on stream in March, with a further 275 newly attested Gardaí to do so every 90 days thereafter.

The Garda Commissioner will now be drawing up plans on how best to distribute and manage these additional resources, and in this context the needs of Westport Garda Station will be given the fullest consideration.

Closed Circuit Television Systems.

331. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if applications have been submitted by local authorities (details supplied) in County Mayo requesting funding for the provision of closed circuit television cameras; and the funding which has been provided for County Mayo in relation to this matter. [21695/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that Castlebar is one of the 17 locations nationwide which form part of the

Garda CCTV programme that remains to be completed.

I am anxious to accelerate the implementation of Garda CCTV systems and reduce as far as possible the workload of the Garda Síochána in this regard. I believe that the answer is to outsource the installation of Garda CCTV systems to the greatest extent possible, making use not only of the technical but also of the project management expertise in the private sector. My Department is currently in consultation with the Department of Finance with a view to proceeding as quickly as possible with the procurement process to contract the project managers and outsourced service providers for the development, installation and management of these CCTV systems.

My intention is to have a Garda CCTV system operating in Castlebar and in the other 16 locations at the earliest opportunity, subject to compliance with relevant procurement legislation and procedures.

I am further informed by the Garda authorities that an application for a Garda CCTV system in Ballina has been received by the CCTV Advisory Committee. This application is currently under consideration by the Committee. No application has been received for a Garda CCTV system in Westport.

As the Deputy may be aware I launched the Community Based CCTV Scheme on 15 June 2005 in response to the demonstrated demand from local communities across Ireland for the provision of CCTV systems. This Scheme is designed to provide financial assistance to qualifying local organisations towards meeting the capital costs associated with the establishment of local community CCTV systems. Ballina (CCTV Steering Committee) and Kiltimagh (IRD) both submitted proposals for Stage 1 (pre-development) funding under this Scheme. No other applications were received from local authorities, towns or communities in Co. Mayo.

Following thorough assessments of their applications, I approved a pre-development grant of €5,000 in respect of Ballina (CCTV Steering Committee's) application, I understand that Ballina Town Council formed part of this Committee. Kiltimagh's (IRD) application for funding was deemed not to reach a high enough standard to be granted funding at this stage.

It is intended to invite a new round of applications for funding under this Scheme in the coming months, and it is, of course, open to any local authority or other group in Co. Mayo to submit an application for funding at that stage.

Traveller Accommodation.

332. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform if the Garda has received a complaint regarding an illegal encampment (detail supplied) in County Wicklow; the action which was taken; and if he will make a statement on the matter. [21722/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda

authorities that local Garda management is aware of an encampment of travellers at the location referred to. Attempts by An Garda Síochána to initiate proceedings for obstruction under the Road Traffic Acts have been hampered by the families rotating their presence at the location. However, it is open to the local authority to apply for an injunction. Vehicles parked illegally have been issued with fixed charge penalty notices. The provisions of the Housing (Miscellaneous Provisions) Act do not apply as the location is a public road.

Child Protection.

333. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform the steps he will take to rectify the protection of children here following the recent High Court ruling. [21728/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): On 23 May 2006, the Supreme Court in the case between C.C. and Ireland, the Attorney General and the Director of Public Prosecutions declared that section 1(1) of the Criminal Law Amendment Act 1935 was inconsistent with the provisions of the Constitution in that it did not provide a person charged with an offence under that provision with a defence of honest mistake as to age. Section 1(1) criminalised carnally knowing a girl under 15 years of age. On 1 June 2006, I published a Bill which provides such a defence for any person charged with engaging in or attempting to engage in a sexual act with a child under 15 years of age or a child under 17 years of age. A “sexual act” is defined in the Bill as (i) an act, between persons who are not married, consisting of sexual intercourse or buggery or (ii) an act described in section 3(1) or 4(1) of the Criminal Law (Rape) (Amendment) Act 1990. The Bill passed all stages in the Dáil and Seanad and was signed into law by the President on 2 June 2006.

334. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform if he received representations or submissions from any group, seeking an amendment to the Criminal Law Amendment Act 1935 to include the concept of reasonable mistake, as outlined in a Law Reform Commission Report of 1990; the persons who made the submissions; and if he will make a statement on the matter. [21743/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Since my appointment as Minister for Justice, Equality and Law Reform in 2002, neither the Department nor I have received any representations or submissions from any group to include the defence of reasonable mistake in the 1935 Act. The only representations or submissions which it has been possible to find in my Department which argued for the introduction of a defence of reasonable mistake as to age were in the context of the views invited from the public to the issues addressed in the Discussion

Paper on the Law on Sexual Offences published by my Department in 1998. The Discussion Paper quoted the Law Reform Commission’s recommendation that a defence of mistake as to age should be introduced on the ground that “Irish law in this area was unduly harsh and wholly out of step with the law in other jurisdictions”. No mention was made in the LRC Report or elsewhere that their might be a constitutionality question mark over the strict liability offences of carnal knowledge of girls under 15 and 17 years of age. And the Report acknowledged that it had been argued with force that persons who have sexual intercourse with young girls should be careful first to ascertain their age and, if in any doubt to abstain from intercourse, and that changing the law could transform girls from being witnesses into exhibits if the defence were admitted.

The issue of mistake as to age elicited no great interest from the public. Of the responses, less than one in ten agreed with the Law Reform Commission on that issue. The Department of Justice, Equality and Law Reform sponsored about 7 important pieces of legislation since 1990 which in the main offered greater protection to children against sexual abuse through the criminal law. The introduction of a mistake as to age defence would have lessened the protection afforded by the criminal law to children against such abuse and as such would have run counter to policy adopted in this regard by successive governments. In the absence of a finding that a defence of mistake was a constitutional necessity there was no compelling reason why this should have been done and no Government, either before or after 1990, was prepared to change the long standing policy on mistake as to age.

Citizenship Applications.

335. **Mr. J. Breen** asked the Minister for Justice, Equality and Law Reform if he will expedite a residency application for a person (details supplied) in County Clare; and if he will make a statement on the matter. [21752/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State on 6 November 1999. He made an application for asylum on 9 November 1999 which was refused on 7 November 2001. A subsequent Appeal to the Refugee Appeals Tribunal was refused on 28 March 2002. A notification of proposal to deport from the State under Section 3 of the Immigration Act 1999, together with the refusal to grant a declaration of refugee status issued on 1 May 2002. Representations were received in relation to the proposal to deport and were considered prior to the signing of the Deportation Order on 8 August 2003. The person in question was deported from the State on 8 February 2004. He subsequently married an Irish national outside the State on 2 December 2005.

An application for permission to remain in the State based on marriage to an Irish national and the revocation of the Deportation Order was

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received from the person in question in February 2006. Applications of this type, in fairness to all other such applicants, are dealt with in strict chronological order and currently take approximately fourteen months to process. It should be noted that marriage to an Irish national does not confer an automatic right of residence in the State. It has always been the case that non EU nationals could not enter employment pending the outcome of an application for residency, unless, of course they have a valid work permit. Applications for a work permit should be made on behalf of a non EU national by an employer to the Department of Enterprise, Trade and Employment.

336. **Mr. Howlin** asked the Minister for Justice, Equality and Law Reform when a decision will be made for a residency permit to a person (details supplied) in Dublin 16. [21761/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for permission to remain in the State on the basis of marriage to an Irish national was received from the person in question in September 2005. An acknowledgement of receipt of the application was issued on 4 October 2005. Applications of this type, in fairness to all other such applicants, are dealt with in strict chronological order and currently take approximately fourteen months to process. It should be noted that marriage to an Irish national does not confer an automatic right of residence in the State.

Immigration Policy.

337. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform if his Department has carried out studies regarding the impact of immigration on the role of the Garda and the legal system; and if he will make a statement on the matter. [21771/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to advise the Deputy that my Department has not conducted any studies regarding the impact of immigration on the role of the Gardaí and the legal system nor are there plans to undertake such studies in the near future. The Deputy will be aware of the amendments made to the Garda Síochána (Admissions and Appointments) Regulations 1988-2004 to facilitate the recruitment to An Garda Síochána of members from different ethnic communities living in Ireland. I am of the view that such recruitment is desirable in principle so that membership of the Force reflects as far as possible the composition of Irish society today.

Ministerial Correspondence.

338. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he or his Department had knowledge of the A case; and

the action he will take in relation to this matter. [21776/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Tánaiste has told this house, on 29 November 2002 my Department was informed in writing by the Chief State Solicitor's Office of an application seeking judicial review to challenge certain provisions of the Criminal Law Amendment Act 1935 — the "C.C." proceedings. An official promptly phoned the Chief State Solicitor's Office to ascertain whether they needed any response from the Department in relation to the application. The answer was in the negative. In January 2003, the Chief State Solicitor's Office repeated its undertaking to advise the Department of any development in the proceedings. No further communication was received in my Department from the Chief State Solicitor's Office or any other source concerning the "C.C." proceedings. Neither I nor my Department were notified of the hearing or outcome of the High Court case, which the State won, or the subsequent appeal to the Supreme Court. In response to the Supreme Court decision of 23 May 2006, I published the Criminal Law (Sexual Offences) Bill 2006 on 1 June 2006. It passed all stages in the Dáil and Seanad and was signed into law by the President on the following day.

Visa Application.

339. **Mr. Penrose** asked the Minister for Justice, Equality and Law Reform if he will confirm that an application for a visitor's visa has been received from a person (details supplied); if he will take steps to have same expedited; and if he will make a statement on the matter. [21779/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application in question was received in Bangkok on 18th May, 2006 and referred to the Embassy of Ireland, Kuala Lumpur for consideration. A decision in respect of this application will issue shortly.

Citizenship Applications.

340. **Mr. Hogan** asked the Minister for Justice, Equality and Law Reform when a decision will be made in respect of an application (details supplied) for residency; and if he will make a decision on the matter. [21795/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The reference number supplied by the Deputy in the details accompanying his Question refers to an application for a certificate of naturalisation from the person referred to. The application in question was received in the Citizenship Section of my Department in May 2004. Officials in Citizenship Section are currently processing applications received in the first half of 2004 and it is likely that processing of the application of the person in question will commence very shortly. I will inform the Deputy and

the person concerned when I have reached a decision on the application.

341. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the position of a visa application for a person (details supplied) in County Galway; and if he will make a statement on the matter. [21820/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in my Department on 15th April, 2005. The decision of the Visa Officer to refuse this application was taken on 12th July, 2005. An appeal against the initial refusal decision was received on 18th August, 2005. Following a re-examination of the case, the decision to refuse was upheld on 20th September, 2005. As each applicant is entitled to one appeal only, no further review in this matter can be facilitated; however it is open to the applicant to make a fresh application.

342. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position of an application under humanitarian leave to remain here in the case of persons (details supplied); and if he will make a statement on the matter. [21847/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The persons concerned arrived in the State on 4 May, 2004 and applied for asylum. Their applications were refused following consideration of their cases by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999, as amended, the first named person was informed by letter dated 30 January, 2006, that the Minister proposed to make a deportation order in respect of them. The second named person was informed by letter dated 17 January, 2006, that the Minister proposed to make deportation orders in respect of her and her children. They were given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why they should be allowed to remain temporarily in the State; leaving the State before orders are made or consenting to the making of deportation orders. Representations have been received on behalf of the persons concerned. These persons' case files, including all representations submitted, will be considered under Section 3(6) of the Immigration Act, 1999, as amended, and Section 5 of the Refugee Act, 1996 (Prohibition of Refoulement). I expect the files to be passed to me for decision in due course.

343. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the current and expected residency status in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [21848/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person concerned arrived in the State on 2 January, 2000 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with Section 3 of the Immigration Act 1999, as amended, he was informed by letter dated 18 May, 2005, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State; leaving the State before an order is made or consenting to the making of a deportation order. Representations have been received on behalf of the person concerned. This person's case file, including all representations submitted, will be considered under Section 3(6) of the Immigration Act 1999, as amended, and Section 5 of the Refugee Act 1996 (Prohibition of Refoulement). I expect the file to be passed to me for decision in due course. This person's wife was granted permission to remain on 21 October, 1999 on the basis of her parentage of an Irish born child.

344. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to an application to remain here in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [21849/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my response to Parliamentary Question No. 206 of 18 May, 2006.

Departmental Bodies.

345. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the procedures that were undertaken for the appointment of the person to head the new Garda inspectorate; if an interview process took place as part of the selection procedure; the membership of the interview panel; if any person from outside the jurisdiction was part of the interview panel or was used to advise on the appointment; the names and positions of such persons; and if he will make a statement on the matter. [21855/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I want to assure the Deputy that an impeccable "due process" approach was taken to filling this position. Following the enactment of the Garda Síochána Act 2005 in July 2005, the Secretary General of my Department requested the Public Appointments Service (PAS) to advise on the most appropriate recruitment process to source the best possible candidates for the Garda Síochána Inspectorate. The PAS proposed using a private sector partner with experience in international recruitment and selection. Following a

[Mr. McDowell.]

restricted procurement process and receipt of sanction from the Department of Finance the PAS engaged PriceWaterhouseCoopers (PWC) as an Executive Search partner to assist them in a global search of common law jurisdictions to source suitable candidates. As the position of Chief Inspector is the key position in the new organisation it was decided to recruit that person first. A Search Committee was engaged to advise PAS/PWC on the search process. The Search Committee included retired Assistant Garda Commissioner Tony Hickey, Sir Dan Crompton, retired Chief Constable of Nottinghamshire Police Constabulary and former member of Her Majesty's Inspectorate of Constabularies (HMIC), and Kevin Murphy former Ombudsman and Information Commissioner. The Search Committee and PWC produced a short-list of potential candidates.

A Selection Committee chaired by Dr. Eddie Molloy, Management Consultant and consisting of Sir Ronnie Flanagan (Head of HMIC), Ms Isolde Goggin, Commissioner for Communications Regulation, and Mr. Sean Aylward, Secretary General, Department of Justice, Equality and Law Reform, was established to assess the short-list and select candidates for interview. The Selection Committee interviewed 6 candidates of whom 3 were short-listed as being successful in the competitive process for selection. Ms. Kathleen O'Toole was the interviewee who scored highest in the selection process. On the 16th May, 2006 the Government approved the appointment of Ms. O'Toole to be the Chief Inspector of the Garda Síochána Inspectorate. The positions of the other two members of the Inspectorate, who will report to the Chief Inspector, have been advertised separately by PAS. The Chief Inspector will be involved in the recruitment and selection of the other two members. This process has again involved a search and selection process organised by PAS/PWC. I will bring proposals to Government for the appointment of these two other members in due course.

346. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the procedures that were undertaken for the appointment of each member of the Garda Ombudsman Commission; if an interview process took place for each appointment to the Commission; the membership of the interview panel; if any person from outside the jurisdiction was part of the interview panel or was used to advise on the appointments; the names and positions of such persons; and if he will make a statement on the matter. [21856/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The procedures for the appointment of members of the Garda Síochána Ombudsman Commission are set out in section 65 of the Garda Síochána Act 2005, which provides that they are to be appointed by the President on the nomination of the Government and the passage of resolutions by both Houses of the

Oireachtas. On 12 December 2005, I made an order under the provisions of the Garda Síochána Act 2005 establishing the Garda Síochána Ombudsman Commission. On 13 December 2005 the Government nominated the following persons for appointment by the President to be members of the Ombudsman Commission: Mr. Justice Kevin Haugh to be chairperson, Ms Carmel Foley and Mr. Conor Brady. Subsequently, resolutions were passed by each House of the Oireachtas, as required by the Act, recommending their appointment, and they were appointed by the President on 10 February 2006. No interview process was undertaken for appointment to the Commission. In making the nominations the Government, as required by the Act, satisfied itself that the nominees had the appropriate experience, qualifications, training and expertise for appointment to the Ombudsman Commission.

Departmental Staff.

347. **Mr. Carey** asked the Minister for Justice, Equality and Law Reform the range of financial and other assistance and remunerations available to general practitioners from his Department, other Departments and associated agencies; the increases in such assistances and remunerations since 1997; and if he will make a statement on the matter. [22403/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I can inform the Deputy that the Irish Prison Service currently employs 18 General Practitioners — 3 full-time and 15 part-time — as Prison Doctors in its 14 institutions nationwide. The current remuneration based on a 39 hour week is €119,646 per annum at 1 December, 2004. In addition an on call allowance of €5,202 per annum is paid.

While the figures for 1997 are not readily available, the corresponding remuneration figures at 1 July, 1998 and later dates are as follows: 1 July, 1998 — £41,441 per annum — £2,727 on call allowance; 1 April, 2001 — £45,717 per annum — £3,008 on call allowance; 1 October, 2001 — £48,231 (€61,241) per annum — £3,174 (€4,030) on call allowance; 1 July, 2004 — €117,300 per annum — €5,100 on call allowance; 1 December, 2004 — €119,646 per annum — €5,202 on call allowance.

In relation to the Gardaí, the Garda authorities have informed me that An Garda Síochána do not directly employ any general practitioners. However, payments are made for services rendered and these rates are regularly reviewed in consultation with the Irish Medical Organisation, on behalf of the general practitioners, and my Department.

School Staffing.

348. **Mr. Ardagh** asked the Minister for Education and Science if she will allocate the teacher requested by a school (details supplied) in Dublin 10 due to the conditions and concerns that pertain in this case. [21570/06]

Minister for Education and Science (Ms Hanafin): Teacher allocations to second level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. Each school management authority is required to organise its timetable and subject options having regard to pupils needs within the limit of its approved teacher allocation.

The rules for allocating teaching resources provide that where a school management authority is unable to meet its curricular commitments within its approved allocation, my Department will consider applications for additional short term support i.e. curricular concessions.

An application for curricular concessions was received from the school in question and an additional allocation of 1.18 whole-time equivalent teacher posts was granted.

An independent appeals mechanism is available to school authorities who wish to appeal the adequacy of their teacher allocation — the closing date for such appeals was 12th May 2006. The school in question did not submit an appeal.

Youth Services.

349. **Mr. Costello** asked the Minister for Education and Science if she will ensure that sufficient youth workers can be recruited to enable a club (details supplied) in Dublin 3 to provide services to children and young people in the area; and if she will make a statement on the matter. [21585/06]

Minister of State at the Department of Education and Science (Miss de Valera): The City of Dublin Youth Service Board (CDYSB) administers grant aid to youth clubs and youth organisations in the Dublin area on behalf of the Youth Affairs Section of my Department. The CDYSB can be contacted directly for information on grants available (details of all grants offered by CDYSB are available on its recently launched Website — www.cdysb.ie).

The Youth Affairs Section of my Department also provides support for a number of schemes and initiatives designed to ensure the provision of non-formal educational opportunities for young people throughout the country. This consists mainly of grant-aid assistance for national and major regional youth organisations under the Youth Service Grant Scheme, special youth work projects for disadvantaged young people and the Young People's Facilities and Services Fund which targets those young people most at risk from substance misuse.

I will continue to make every effort to ensure that adequate funding continues to be made available for the support, development and expansion of the valuable services and programmes provided by the youth work sector in Ireland.

School Capitation Grants.

350. **Mr. Andrews** asked the Minister for Edu-

cation and Science if capitation grants to primary schools will be increased to reflect the recent increase in energy prices. [21592/06]

Minister for Education and Science (Ms Hanafin): Primary schools' running costs are met by my Department's scheme of capitation grants. These grants are intended to contribute towards the general operating costs of schools which would include heating, lighting, cleaning, insurance, painting, teaching aids and other miscellaneous charges.

Since 1997 the standard rate of capitation grant has been increased from €57.14 per pupil to €133.58 with effect from 1st January, 2005 and has been further increased by €12 per pupil with effect from 1st January, 2006 bringing the standard rate to €145.58. This represents an increase of almost 155% in the standard rate of capitation grant since 1997.

The latest increase in the level of capitation grant is a clear demonstration of my commitment to improve the financial position of primary schools. The question of increasing the rate of grant in the future will be considered as part of the normal Estimates process in the context of available resources and priorities within the education sector.

Pupil-Teacher Ratios.

351. **Mr. Andrews** asked the Minister for Education and Science if her attention has been drawn to the high pupil/teacher ratio in a school (details supplied) in County Dublin; and her plans to alleviate same. [21593/06]

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 the 30th September of the previous school year and by reference to a staffing schedule. The staffing schedule for the 2006/07 school year is outlined in Primary Circular 23/06 which issued to all primary schools recently.

In the current school year the staffing of the school referred to by the Deputy comprises of a Principal and nine mainstream class teaching posts. This is based on an enrolment of 240 pupils at 30th September, 2004. The school also has one Permanent Learning support post and three Temporary Learning support posts.

The mainstream staffing of the school for the 2006/2007 school year will remain at a Principal and nine mainstream class teaching posts. This is based on an enrolment of 240 pupils at 30th September, 2005.

The staffing schedule is structured to ensure that all primary schools will operate to an average mainstream class size of 29 pupils. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced

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to 27 children per classroom teacher. School authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and the smallest classes is kept to a minimum.

Schools Building Programme.

352. **Mr. Connolly** asked the Minister for Education and Science if she has noted the concern of the parents association of a school (details supplied) in County Monaghan; her views on whether the road crossing through the school has health and safety implications; if she will expedite the sale of the west campus to defray the cost of a single campus extension; the action she proposes to advance the project to design stage; and if she will make a statement on the matter. [21618/06]

Minister for Education and Science (Ms Hanafin): An application for an extension has been received from the school referred to by the Deputy.

The application has been assessed in accordance with the published prioritisation criteria and is being considered for progression in the context of the School Building and Modernisation Programme 2006 — 2010.

The sale of the west campus by the school authority is understood by my Department to be contingent on the completion of the proposed extension and its disposal will be considered when the planned extension is completed.

School Accommodation.

353. **Ms Enright** asked the Minister for Education and Science the planning which is in place to ensure sufficient second level places in schools in Swords, County Dublin; the discussions, she has had with the management of the school following the queueing over days by parents; the number attending each of the second level schools in Swords; the application numbers for September 2006; and if she will make a statement on the matter. [21634/06]

369. **Mr. S. Ryan** asked the Minister for Education and Science if she will report on existing applications within her Department from a school (details supplied) in County Dublin; and if she will respond to same. [21700/06]

370. **Mr. S. Ryan** asked the Minister for Education and Science if, in view of the demand from parents in the Swords catchment area for their children to be educated at a school (details supplied) in County Dublin, she will initiate discussions with the school authority with a view to extending the school and therefore increasing its capacity. [21702/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 353, 369 and 370 together.

Officials in the School Planning Section of my Department have not been made aware of any shortage of places in post-primary provision in Swords.

My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking second level places. This may result in pupils not obtaining a place in the school of their first choice.

Swords is an area of population growth and while there may be a demand in future years for additional provision at postprimary level, the Department is satisfied that, between them, the four existing postprimary schools have adequate provision to cater for current demand.

Officials in the School Planning Section of my Department are carrying out a review of educational needs in the North Dublin/East Meath/South Louth area (including Swords) by way of a Draft Area Development Plan. The need for additional future post primary provision in Swords is being considered in this context.

The Draft Plan is nearing completion and will be published shortly. Following this, a public consultation process will be conducted by the Commission on School Accommodation. The process will culminate in a final Area Development Plan which will provide a blueprint for educational infrastructure in the area for the next decade including the need or otherwise to provide additional post primary school provision in Swords.

The school referred to by the Deputy has an application with my Department for Major Capital funding. The application, which is for ancillary accommodation and not to increase the capacity of the school, has been assessed in accordance with the prioritisation criteria which have been agreed with the education partners and will be considered in the context of the overall educational plan for the Swords area.

354. **Ms Enright** asked the Minister for Education and Science the plans which are in place to increase the number of places in national schools in Skerries, Balbriggan and Lusk, County Dublin, in view of the increasing populations in these villages and towns; if she is satisfied that the places needed in September 2006 will be sufficient to accommodate the demand; and if she will make a statement on the matter. [21635/06]

Minister for Education and Science (Ms Hanafin): I am aware that there is extensive housing development and population increase in the Skerries, Balbriggan and Lusk areas of Fingal County and that this has led to increased demand for school places.

Officials in the School Planning Section of my Department have already approved the provision of additional classroom accommodation for primary schools in Balbriggan, Skerries and Lusk to cater for additional teaching appointments for September 2006.

A new 16 classroom school for Balbriggan Educate Together was recently announced to progress to architectural planning.

In September, 2005, I announced the provision of a new 1,000 pupil post primary school for Balbriggan.

This will be delivered by way of a Public Private Partnership under the School Building and Modernisation Programme 2005-2009.

Officials in the School Planning Section of my Department are carrying out a review of educational needs in the North Dublin/East Meath/South Louth area (including the areas mentioned by the Deputy) by way of a Draft Area Development Plan. The need for additional future primary and post primary provision in these areas is being considered in this context.

The Draft Plan is nearing completion and will be published shortly. Following this, a public consultation process will be conducted by the Commission on School Accommodation. The process will culminate in a final Area Development Plan which will provide a blueprint for educational infrastructure in the area for the next decade including the need to provide additional school provision in Balbriggan, Lusk and Skerries.

Vocational Education Committees.

355. **Mr. O'Shea** asked the Minister for Education and Science if further to her letter of 20 December 2005 and a parliamentary question of 13 December 2005 she will address all the queries posed; and if she will make a statement on the matter. [21636/06]

Minister for Education and Science (Ms Hanafin): The appointment of permanent teachers in a Vocational Education Committee is a matter for the relevant VEC subject to agreed procedures. The queries to which the Deputy refers are currently under consideration and my Department will contact the individual concerned directly.

356. **Mr. P. McGrath** asked the Minister for Education and Science when her Department purchased a property at Montbard, France, which was originally bought by Westmeath vocational educational committee; the price which was paid at the time for the property; and the cost of works and materials carried out to this property. [21637/06]

357. **Mr. P. McGrath** asked the Minister for Education and Science the expenditure by Westmeath vocational educational committee on a property at Montbard, France, in particular the cost of running FÁS and Youthreach programmes for the duration of the tenancy by Westmeath VEC. [21638/06]

358. **Mr. P. McGrath** asked the Minister for Education and Science the selling price of the Westmeath vocational educational committee property at Montbard, France; and the date on which this sale was finalised. [21639/06]

359. **Mr. P. McGrath** asked the Minister for Education and Science the procedures which were undertaken to sell the Westmeath vocational educational committee property at Montbard, France; and if an auctioneer was engaged to sell the property or if it was sold by public auction. [21640/06]

360. **Mr. P. McGrath** asked the Minister for Education and Science the number and duration of visits by Departmental personnel to the Montbard Project in France; and the costs associated with each visit. [21641/06]

Minister of State at the Department of Education and Science (Miss de Valera): I propose to take Questions Nos. 356 to 360, inclusive, together.

My Department never acquired ownership of the Montbard property. It was purchased by the VEC in 1994 to be used as part of the VEC's Vocational Training Opportunities Scheme (VTOS) and Youthreach programmes. The purchase price was approximately €100,000 (£80,000). In addition to the purchase price, the VEC spent €260,000 on a number of items in connection with Montbard.

The property was sold by public auction on 22nd March 2006. The closing details of the sale have yet to be received. The selling price was €87,000.00.

The procedures undertaken to sell the property were as follows. The Department of Education and Science asked the Commissioners of Public Works to dispose of the property.

The first endeavours of the Office of Public Works to appoint a Local Estate Agent to deal with the disposal were unsuccessful. A firm of solicitors was employed to appoint an Auctioneer/Local Notary familiar with the area to dispose of the property.

An auction was initially scheduled on 15th December 2003, but there were no bidders. It was later sold by public auction on 22nd March 2006. The project was never visited by personnel of my Department.

School Absenteeism.

361. **Mr. Gormley** asked the Minister for Education and Science the measures she is taking to stop parents taking their children out of school in term time due to the fact that holidays are cheaper; if her attention has been drawn to the fact that the British Government has started a campaign to deal with the problem; the extent of the problem here; and if she will make a statement on the matter. [21642/06]

Minister of State at the Department of Education and Science (Mr. B. Lenihan): This government is determined to do all that is possible to ensure that every child gets all the opportunities and support they need to enable them to participate fully in education. I take a very serious view of children being absent from school during term time.

[Mr. B. Lenihan.]

The Education (Welfare) Act 2000 ensures the right of every child in the state to receive an education and places a legal responsibility on parents and guardians to ensure that their child attends school or otherwise receives an education. Parents have a critical role to play to ensure that their children is in receipt of the best possible education. The Act outlines the duties and responsibilities of parents and schools in relation to school attendance.

The National Educational Welfare Board was established under the Education (Welfare) Act, 2000 as the single national body with responsibility for school attendance. The Deputy will be glad to know that the NEWB has in fact already run an information campaign to all parents highlighting the importance of their child not missing school. In an ongoing effort the issue of school attendance is highlighted by the Board in its media briefings and publications. It has also established a Lo-call helpline to offer general advice for parents on this issue. The NEWB also produces reports on school attendance nationally.

Special Educational Needs.

362. **Mr. F. McGrath** asked the Minister for Education and Science the number of students at third level colleges with an intellectual disability. [21648/06]

Minister for Education and Science (Ms Hanafin): Data is not currently being collected on participation by students with an intellectual disability on courses in third level institutions. I have been advised by the National Access Office of the HEA, on the basis of advice from AHEAD (the Association for Higher Education Access and Disability) and third level disability personnel, that the numbers of students from this group are very small. Some students are participating on dedicated courses for students with an intellectual disability being provided by research centres of higher education institutions. For example, 20 students are participating on recently established Certificate in Contemporary Living course being provided by the National Institute for Intellectual Disability in TCD. Also there are 34 students participating on Certificate in Citizenship and Advocacy being provided by the Centre for Disability Studies in UCD which has seen 40 graduates since 2003. Other students with an intellectual disability are known to be participating in FETAC accredited courses in both higher and further education institutions, for example foundation certificate and apprenticeship programmes in the Institute of Technology sector.

The National Office are currently working with higher education institutions on the development of new mechanisms for improving data collection on all students with a disability in higher education, including better systems of monitoring participation by students with an intellectual disability in the higher education sector. A survey conducted by AHEAD in 2004 indicates that participation generally by students with a disability

in higher education has improved significantly over the last decade. In 2004 students with a disability represented 2.4% (over 2,700 students) of undergraduates in higher education institutions, compared to a participation rate of only 0.6% (or 460 students) in 1994. A substantial proportion of this rise in participation is accounted for by increased participation or identification of students with specific learning difficulties (e.g. dyslexia) who form over 52% of students with a disability. Other categories are: 16% of students who have a mobility disability; 5% who are blind or visually impaired; 7% who are deaf or hard of hearing; 8% who have mental health difficulties; 12% who have other disabilities.

Student Support Schemes.

363. **Mr. J. Higgins** asked the Minister for Education and Science the reason grants are not made available for persons who wish to take up part-time third level degree courses, particularly parents of young children for whom a part time course is their only option. [21668/06]

Minister for Education and Science (Ms Hanafin): Part-time courses are not approved courses under the terms of the Maintenance Grant Schemes. Any extension of the student support schemes to part-time studies would have significant cost implications. I have no plans at present to extend the grant schemes to include part-time students. I wish to advise the Deputy of the provisions under Section 473A, Taxes Consolidation Act, 1997. This provides tax relief for eligible persons, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in E.U. Member States and postgraduate courses in non-EU countries. Tax relief for courses of at least two years' duration at undergraduate level extends to approved full/part-time courses in both private and publicly funded third level colleges in the State and any other EU Member State and approved full/part-time courses operated by Colleges in any EU Member State providing distance education in the State.

In 2001, Section 29 of the 2001 Finance Act amended the Taxes Consolidation Act, 1997 to provide for: — (a) The amalgamation of the then existing four tax reliefs for third level education fees (b) The section also extended the relief by removing the restrictions: for repeat years; on individuals undertaking more than one course; on individuals already holding a third level qualification; and the exclusion of certain courses in medicine, dentistry, veterinary medicine and teacher training (c) The relief is also extended to postgraduate fees paid for third level education in private and publicly funded third level colleges in non-EU countries. (d) Tax relief for undergraduate fees is also now available in EU countries for duly accredited private third level colleges.

Tax Relief on tuition fees is claimed directly from the Tax Office using an I.T. 31 Form. Details of approved colleges and courses are also available on Revenue's Internet site at www.revenue.ie.

School Accommodation.

364. **Mr. Kenny** asked the Minister for Education and Science the funding available to secondary schools for the building of drama or performing arts facilities; and if she will make a statement on the matter. [21686/06]

Minister for Education and Science (Ms Hanafin): My Department's planning guidelines for new post-primary school buildings allows for the provision of an 80m² music/drama room for schools that offer music as a subject on the school curriculum. The guidelines also allow for the provision of fixed and loose furniture and demountable staging. In addition my Department provides grant aid for the purchase of music instruments and equipment. Where an application is made for major capital improvement works by the management authorities of an existing school, it is the policy of my Department to assess the overall future accommodation needs of the school for inclusion in the accommodation brief.

School Management.

365. **Mr. Kenny** asked the Minister for Education and Science the average annual cost of insurance incurred by both primary and secondary schools in the Dublin 2, 4, 6 and 8 areas; the breakdown of these costs on a school by school basis; the details of assistance provided by her Department in meeting such costs; and if she will make a statement on the matter. [21687/06]

Minister for Education and Science (Ms Hanafin): My Department does not collect data on the insurance costs in schools as it is a matter for the managerial authorities of the individual schools to arrange insurance cover on school property and against public liability. My Department does however provide funding to primary and secondary schools by way of per capita grants, which affords schools considerable flexibility in the use of these resources to cater for the needs of their pupils. There have been significant improvements in the level of funding provided to primary and post-primary schools. Since 1997 the standard rate of capitation grant at primary level has been increased from €57.14 per pupil to €133.58 with effect from 1 January, 2005 and has been further increased by €12 per pupil with effect from 1 January, 2006 bringing the standard rate to €145.58. This represents an increase of almost 155% in the standard rate of capitation grant at primary level since 1997.

At second level, the standard per capita grant, which stood at €256 per pupil in the school year 2001/02, has been increased by a further €12 to €298 per pupil from January, 2006. Under the School Services Support Fund initiative second-

ary schools will also benefit from further significant increases. The grant that was increased for secondary schools from €131 per pupil to €145 per pupil in January, 2005, has been increased by a further €14 per pupil to €159 per pupil from January, 2006. These grants are in addition to the per capita funding of up to €40,000 per school that is provided by my Department to secondary schools towards secretarial and caretaking services. A secondary school with 500 pupils now receives annual grants of up to €270,000 towards general expenses and support services as against annual grants of up to €237,000 in 2002. These significant increases in the funding of primary and post primary schools are a clear demonstration of my commitment to prioritise available resources to address the needs of schools.

School Enrolments.

366. **Mr. Kenny** asked the Minister for Education and Science the percentage of children attending primary and secondary schools in the Dublin 2, 4, 6 and 8 areas who were born outside the State; and if she will make a statement on the matter. [21688/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy in respect of primary schools is not available in my Department. However, my Department is developing a Primary Pupil Database which will monitor the progression of individuals through the education system. The database will be a very useful tool for the Department in evaluating the effectiveness of educational initiatives and I am anxious that it be developed as soon as is practicable. However, I am sure the Deputy will appreciate that the project must be developed carefully to ensure that the final product meets the needs both of schools and of the Department.

A Post-Primary Pupil Database already exists. That database records actual enrolments in each second-level school as of the 30th of September in each school year. The percentage of children attending secondary schools in Dublin 2, 4, 6 and 8 areas who were born outside the state is as follows: Dublin 2: 1.3% Dublin 4: 8.3% Dublin 6: 5.1% Dublin 8: 10.9%

These figures are based on details of "Country of Origin" as provided to individual schools by the parents of the students concerned.

Languages Programme.

367. **Mr. Kenny** asked the Minister for Education and Science the percentage of children attending primary and secondary schools in the Dublin 2, 4, 6 and 8 areas who do not have English as a first language; and if she will make a statement on the matter. [21689/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not available in my Department.

School Enrolments.

368. **Mr. Kenny** asked the Minister for Education and Science the average waiting period for admission to each of the primary and secondary schools in the Dublin 2, 4, 6 and 8 areas; and if she will make a statement on the matter. [21690/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is not held in my Department. Details of enrolments at both primary and post primary level are kept by school authorities.

Questions Nos. 369 and 370 answered with Question No. 353.

Education Centre Network.

371. **Mr. Lowry** asked the Minister for Education and Science the reason for not granting full-time status to a centre (details supplied) in County Tipperary; if she will reconsider her decision; the measures needed to ensure that the centre may obtain full-time status in the future in the event that she will not reconsider her decision; and if she will make a statement on the matter. [21706/06]

Minister for Education and Science (Ms Hanafin): The part-time Education Centre covered by the Deputy's question is part of a network of twenty one full-time and nine part-time Education Centres which are located throughout the Country. Education Centres provide professional development and support for teachers and the wider education community through meeting locally researched and identified teacher and school community needs. They also provide this professional development and support through involvement in national in-service programmes, involving either curricular reform or support on specific issues such as special needs.

I am satisfied that the existing Education Centre network, as it is currently constituted, is sufficient to meet the professional development needs of teachers and, accordingly, I have no plans to expand the Network at this time. I will, however, continue to keep the position under review, particularly in light of emerging needs. Finally, I understand that officials in the Teacher Education Section of my Department, who are charged with the management and administration of all matters relating to the Education Centre Network, have arranged to meet with the Management Committee at the Centre in the coming weeks to discuss any outstanding matters of concern.

School Enrolments.

372. **Mr. Stagg** asked the Minister for Education and Science if there is a policy within vocational educational committee schools whereby pupils will not be admitted to second level where they were previously at second level in England without the production of a report

from the previous school (details supplied); and if she will make a statement on the matter. [21707/06]

Minister for Education and Science (Ms Hanafin): There is no sector-wide policy such as that referred to by the Deputy. However, I understand that the particular school in question has, as part of its admissions policy, a requirement that reports from the applicants previous school be supplied. If there is a difficulty with meeting this requirement then the parents should discuss this with the Principal of the school. The selection and enrolment of pupils in second-level schools is the responsibility of the authorities of the individual school. Under section 15 (2) (d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parents choice are respected.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of Education Act 1998 to appeal that decision in the relevant Vocational Educational Committee and/or to the Secretary General of my Department. The National Educational Welfare Board is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The parents of the children referred to by the Deputy have already been in contact with the Educational Welfare Officer for the area and he has indicated to my Department that he will continue to assist the family in every possible way.

Special Educational Needs.

373. **Mr. Stagg** asked the Minister for Education and Science if there is anything in law to prevent a child going from fifth class in a national school to first year in a secondary school, thereby missing sixth class, in view of the fact that the secondary school has special facilities for educating children with Asperger's syndrome. [21708/06]

Minister for Education and Science (Ms Hanafin): I wish to assure the Deputy that I am most anxious that all children, including children with autistic spectrum disorders, receive an education appropriate to their needs. It is in recognition of this that my Department currently provides the following facilities for the education of children with autism at primary level: 160 Special Classes for children with autism, attached to special and mainstream schools; 15 pre-school classes; 5 Special classes for children with Asperger's Syndrome; 12 Stand-Alone facilities providing an Applied Behavioural Analysis (ABA) specific methodology.

The Deputy will be aware that the National Council for Special Education has been estab-

lished and there are approximately 71 Special Education Needs Organisers (SENO) employed by the Council who have been deployed on a nationwide basis, with at least one SENO being deployed in each county. Each SENO is responsible for the primary and second level schools in their area. The establishment of the NCSE will greatly enhance the provision of services to children with special educational needs and the local service delivery aspect of the Council's operation through the SENOs will provide a focal point of contact for parents/guardians and schools and will, I am confident, result in a much improved service for all. It is open to parents to contact their local SENO regarding their child's special educational needs. Contact details for the relevant SENO may be sourced from the NCSE at (046) 9486400. Alternatively, these details may be accessed on the NCSE website at www.ncse.ie.

The Primary School curriculum is designed as an eight year course, including a two year infant cycle followed by six years in standards from first to sixth, with children progressing to the next grade at the end of each school year. The allocation of a child to a particular class in a school is a matter for the authorities of the school and the child's parents. A decision to allocate a child to a class out of normal sequence may be made by the school following detailed consultation with the parents and following careful consideration of the educational and social needs of the child. However, it should also be noted that the following conditions are set down in the "Rules and Programmes for Secondary Schools", regarding the criteria for the recognition of pupils at second level. "A recognised pupil means a pupil 1. who is not less than 12 years of age on the first day of January of the school year 2. who, as a rule, has completed a full course of primary education and 3. who is following an approved course."

If any part of the criteria for entry to post-primary school is not met, e.g. that a full 8 year primary cycle is not completed, the matter would be referred to the Inspectorate for investigation and recommendation. Issues which would be considered by the Inspectorate would include the age of the pupil, the circumstances on which the decision was made to allow the pupil to skip a class out of sequence at primary level and the social development of the pupil.

Schools Recognition.

374. **Dr. Twomey** asked the Minister for Education and Science when the review of recognition of a secondary school (details supplied) in County Wexford will be completed; when they can start enrolment; and if she will make a statement on the matter. [21710/06]

Minister for Education and Science (Ms Hanafin): Authorities from the proposed school to which the Deputy refers has been informed by my Department that a review of educational provision in the area concerned is being carried out by the School Planning Section of my Department. The application in question is being con-

sidered in this context. As soon as the review is completed contact will be made again directly with the applicant.

Schools Building Projects.

375. **Ms O'Sullivan** asked the Minister for Education and Science if she has made a decision with regard to the application of a school (details supplied) in County Limerick for inclusion in band 1.1 of the primary school building programme; and if she will make a statement on the matter. [21730/06]

Minister for Education and Science (Ms Hanafin): The Board of Management of the school referred to by the Deputy have submitted a request for a revision of the current band rating for it's proposed project. The documentation received from the school is under consideration in the School Planning Section of my Department and as soon as a decision is reached, my Department will advise the school's management authority of the decision.

376. **Ms O'Sullivan** asked the Minister for Education and Science when she will sanction an extension to a school (details supplied) in Limerick to include science laboratories, art and technology rooms and classrooms; and if she will make a statement on the matter. [21731/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension has been received from the school referred to by the Deputy. The application has been assessed in accordance with the prioritisation criteria for large scale building projects and is being considered in the context of the School Building and Modernisation Programme 2006-2010.

Pupil-Teacher Ratio.

377. **Ms O'Sullivan** asked the Minister for Education and Science the breakdown of primary school class sizes for each county showing in each case the number of pupils in classes of 19 and under, 20 to 29, 30 to 39 and 40 plus; and if she will make a statement on the matter. [21732/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy is provided in the table set out as follows.

As the Deputy will be aware, major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. Indeed, with the thou-

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sands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule.

As you know all schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

So, as I have pointed out the general rule in the current school year is that at least one classroom teacher is provided for every 29 pupils. Furthermore, the actual average class size nationally is 24. The Deputy will be aware that the number of children in large classes has been reduced dramatically by this Government. Furthermore, what really puts the decrease in large classes in context is the fact that in 1996/97 five times more children were in classes of 35+ and ten times more children were in classes of 40+.

It is important to appreciate that there are a number of different reasons why a particular

school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes.

Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

Where some classes in a school have class sizes of greater than 29, it is often because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. Indeed, I often find that when I look into why a particular school has a class of 35 in a particular grade, the answer is because there is another class in the same school with a much lower than average number of pupils in it.

I appreciate that splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, I believe that principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school.

This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

Number of Pupils by Class Size Range in 2005-2006 School Year

Class Size Range

County	0-9	10-19	20-24	25-29	30-34	35-39	40 & Over	TOTAL
CARLOW	8	462	1,353	2,270	1,304	142	0	5,539
CAVAN	32	1,282	2,199	2,334	1,552	285	0	7,684
CLARE	150	1,740	3,242	3,504	2,476	640	41	11,793
CORK CITY	60	2,930	3,324	4,193	2,754	286	0	13,547
CORK COUNTY	192	3,769	8,166	13,401	9,592	1,792	44	36,956
DONEGAL	154	2,789	4,904	5,914	3,300	185	0	17,246
DUBLIN BELGARD	0	3,501	5,796	10,541	6,495	245	0	26,578
DUBLIN CITY	56	8,811	10,000	13,346	8,133	360	0	40,706
DUBLIN FINGAL	0	1,251	3,122	10,775	9,021	322	0	24,491
DUN- LAOGHAIRE/RATHDOWN	16	1,318	2,433	6,188	5,374	427	81	15,837
GALWAY CITY	9	1,094	1,165	2,066	1,366	35	0	5,735
GALWAY COUNTY	292	3,979	4,987	5,073	2,830	214	40	17,415
KERRY	105	2,252	4,161	4,969	2,898	70	0	14,455
KILDARE	0	990	3,761	10,437	6,351	531	0	22,070
KILKENNY	9	1,248	2,126	3,332	2,383	176	0	9,274
LAOIS	26	816	1,641	3,169	1,466	72	0	7,190
LEITRIM	32	819	861	953	160	146	0	2,971
LIMERICK CITY	27	1,249	1,491	1,973	1,392	106	0	6,238
LIMERICK COUNTY	104	1,719	3,371	5,184	2,758	212	0	13,348

County	0-9	10-19	20-24	25-29	30-34	35-39	40 & Over	TOTAL
LONGFORD	80	699	997	1,292	471	71	0	3,610
LOUTH	0	1,097	2,967	5,260	3,731	282	0	13,337
MAYO	228	3,264	3,654	4,204	1,654	186	0	13,190
MEATH	24	1,201	3,586	7,827	5,220	757	0	18,615
MONAGHAN	52	926	1,785	2,126	1,139	214	0	6,242
OFFALY	25	1,000	2,413	3,516	1,684	0	0	8,638
ROSCOMMON	138	1,622	1,867	1,685	721	148	40	6,221
SLIGO	49	1,226	2,133	1,911	975	143	0	6,437
TIPPERARY N.R.	21	1,131	2,612	2,515	913	106	41	7,339
TIPPERARY S.R.	30	1,397	3,273	2,882	1,358	284	0	9,224
WATERFORD CITY	0	342	1,272	2,668	1,021	72	0	5,375
WATERFORD COUNTY	9	863	1,723	2,771	1,109	248	0	6,723
WESTMEATH	40	1,004	2,416	3,352	2,282	144	0	9,238
WEXFORD	27	1,449	3,797	5,922	3,503	497	0	15,195
WICKLOW	25	1,336	3,065	4,621	4,222	465	0	13,734
TOTAL:	2,020	60,576	105,663	162,174	101,608	9,863	287	442,191

378. **Ms O'Sullivan** asked the Minister for Education and Science the names of the schools which have not yet supplied information to her Department on class size, by way of annual return forms; and if she will make a statement on the matter. [21733/06]

Minister for Education and Science (Ms Hanafin): I am glad to inform the Deputy that as of 6 June 2006 all National Schools have returned their Annual Primary Census Form for the school-year 2005/2006.

Higher Education Grants.

379. **Ms O'Sullivan** asked the Minister for Education and Science if she will supply the information requested in Parliamentary Question Nos. 583 of 14 February 2006, 520 of 4 April 2006 and 495 of 23 May 2006; the socio-economic background in tabular form, of recipients of third level grants for the academic years 2002/2003, 2003/2004, 2004/2005; and if she will make a statement on the matter. [21734/06]

Minister for Education and Science (Ms Hanafin): Information provided to date to the Student Support Unit of my Department regarding the socio-economic background of third level grant recipients is currently being verified with the Awarding Authorities. I expect that this process will be at an advanced stage by the end of next week, Friday 16th June. My Department will forward to the Deputy the information that is available within my Department as of that date.

Special Educational Needs.

380. **Mr. Stanton** asked the Minister for Education and Science the progress that has been made in establishing a centre (details supplied) in County Armagh; the amount expended on the

project to date; when she expects the centre to open; and if she will make a statement on the matter. [21742/06]

Minister for Education and Science (Ms Hanafin): My Department and the Department for Education in Northern Ireland are engaged in the development of the Middletown Centre for Autism in County Armagh. The purchase of the Middletown property to house the Centre was jointly funded and work has just been completed on the development of a campus masterplan to refurbish the property. The Centre will be dedicated to improving and enriching the educational opportunities of children and young people with Autistic Spectrum Disorders.

Four key services will be provided by the Centre: a learning support service (on a residential basis), an educational assessment service, a training and advisory service, and an autism research and information service.

Officials from both Departments are working closely on this project and this interaction between the two Departments will continue over the coming months with a view to ensuring that the Centre becomes operational as quickly as possible. To date my Department has spent in the region of €2.6 million which is inclusive of the purchase price.

School Accommodation.

381. **Ms McManus** asked the Minister for Education and Science if, in view of assurances that a decision on the future of a school (details supplied) in County Wicklow would be made some weeks ago, she will provide a timeframe for a final decision on the application by the school for national school status with Educate Together; her views on whether the delay in a decision on the future of the school is regrettable resulting in existing and prospective parents being forced to seek alternative places for their children in

[Ms McManus.]

September 2006; her further views on whether this will add to an already over crowded school situation in the area; her further views on whether it is unacceptable that a rejection of this application will result in there being no option of a multi-denominational education for children in the west Wicklow area; the provision which will be in place for these parents for September 2006; and if she will make a statement on the matter. [21744/06]

Minister for Education and Science (Ms Hanafin): A decision will be made on the application to establish a new Educate Together school in West Wicklow within days. The reason the decision was deferred at the time that the list of new schools was announced was to allow for consideration of the impact that recognising this school would have on the existing schools in the area, plans for the expansion of which are well advanced. The New Schools Advisory Committee recommended in their report to me that this issue be considered.

The Chairperson of the Commission on School Accommodation has just carried out a review and further analysis of key data in relation to the population projections for the area. I have now received his report on the matter which I am considering. I am very conscious of the need for a decision to be made as soon as possible so that parents know what the situation will be for September and I expect to make my decision known within days.

Teaching Qualifications.

382. **Dr. Upton** asked the Minister for Education and Science if she will extend the time available to a person (details supplied) in order to complete satisfactorily their Scrúdú Cailíocht sa Gaeilge; and if she will make a statement on the matter. [21745/06]

Minister for Education and Science (Ms Hanafin): Teachers trained outside the jurisdiction of the State, whose qualifications have been assessed and accepted by my Department, but who do not possess an appropriate Irish language qualification, are granted a five year period of provisional recognition to teach in mainstream classes in national schools. During this period these teachers are expected to obtain their Irish language qualification, Scrúdú le hAghaidh Cailíochta sa Ghaeilge (SCG), in order to become fully recognised as mainstream class teachers, learning support teachers, and home/school/community/liaison teachers. They must also provide certification that they have resided in the Gaeltacht while attending an approved three-week course or its aggregated equivalent.

As an exceptional measure, this five-year period was extended to seven years for those candidates who held provisional recognition prior to April 2004. In relation to requests from individuals for further extensions to their period of

visional recognition, such requests are considered by my Department on a case by case basis. Where it is considered that individuals requesting extensions to their period of provisional recognition have made significant progress in attempting to pass the SCG an extension may be considered.

In the case referred to by the Deputy the person in question was granted a five-year period of provisional recognition from 1st September 1999 to 31st August 2004. This initial period was further extended to 31st August, 2006. Despite the granting of this already extended period of provisional recognition this person has not presented for any SCG examination. In light of the foregoing a further extension of this person's period of provisional recognition is not warranted. I would point out that the withdrawal of provisional recognition does not in any way preclude the person in question from continuing to study for and sit the SCG. The person in question will also retain her restricted recognition to teach in special classes in mainstream national schools and certain special schools.

383. **Dr. Upton** asked the Minister for Education and Science the measures necessary to enable a person (details supplied) who is currently pursuing their Scrúdú Cailíocht sa Gaeilge with provisional recognition in order that they might access a career break. [21750/06]

Minister for Education and Science (Ms Hanafin): Teachers in national schools are generalists rather than subject specialists and must be qualified to teach the range of primary school subjects to children aged 4 to 12 years. Accordingly, applicants must satisfy the Department of Education and Science that they are competent to teach the Irish language and to teach the range of primary school curricular subjects through the medium of Irish before being granted full recognition to teach in mainstream classes in national schools.

Teachers trained outside the jurisdiction of the State, whose qualifications have been assessed and accepted by my Department, but who do not possess an appropriate Irish language qualification, are granted a five year period of provisional recognition to teach in mainstream classes in national schools. During this period these teachers are expected to obtain their Irish language qualification in order to become fully recognised. These teachers are remunerated in the same manner as fully qualified teachers during this period.

Holders of provisional recognition must pass the written, aural and oral parts of an examination in the Irish language "An Scrúdú le hAghaidh Cailíochta sa Ghaeilge" (SCG) in order to be granted full recognition to teach in mainstream classes in national schools. In addition, they must provide certification that they have resided in the Gaeltacht while attending an approved three-week course.

Details of the career break scheme for primary teachers are set out in Department Circular 10/03

which issued to all schools in March, 2003. In order to be eligible for a career break, a primary teacher must be permanent and have satisfactorily completed probation. As the requirement with regard to probation has not been met in this case, the person referred to by the Deputy is not eligible for a career break.

Third Level Fees.

384. **Mr. Crowe** asked the Minister for Education and Science the alternative arrangements the Government will introduce, in view of the decision by the British Government to introduce fees in the six counties, in assisting students in this jurisdiction attending third level institutions in the six counties who may be forced to opt out due to the expense involved; if there has been north-south cooperation on this issue; and if the Government or relevant Department have met with their British counterparts regarding the introduction of these fees. [21775/06]

Minister for Education and Science (Ms Hanafin): Under my Department's Free Fees Initiative the Exchequer meets the tuition fees of eligible students who are attending approved third-level courses in the State. There are no plans to extend this initiative to cover third level institutions in Northern Ireland.

Under my Department's Higher Education Grant Schemes, maintenance grants are available to eligible students pursuing approved undergraduate courses in other EU Member States, including Northern Ireland. In general, approved courses are those pursued in a third level institution, which is maintained or assisted by recurrent grants from public funds. However the payment of undergraduate tuition fees under these schemes does not extend to approved courses outside the State and there are no plans to change this position at present.

It is understood however that students attending Higher Education Institutions in Northern Ireland and who are ordinarily resident in a Member State of the European Union will be eligible for a fee loan from the Northern Ireland Authorities up to the amount charged by the Higher Education Institution. Further clarification can be sought by the individual from Department of Employment and Learning in the Northern Ireland. Their e-mail address is student-finance@delni.gov.uk.

Section 473A Taxes Consolidation Act, 1997 also provides for tax relief on tuition fees, at the standard rate of tax in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in EU and non-EU member states.

Special Educational Needs.

385. **Mr. F. McGrath** asked the Minister for Education and Science if assistance will be given to a person (details supplied); and if she will work with the family on this matter. [21777/06]

Minister for Education and Science (Ms Hanafin): As the Deputy is aware, the National Council for Special Education (NCSE) is now operational. A specific function of the NCSE, through its network of local special educational needs organisers (SENOs), is to identify appropriate educational placements for all children with special educational needs. The SENO is a focal point of contact for parents and schools.

My officials have liaised with the NCSE in relation to the child referred to by the Deputy. The NCSE has advised that they have not received any application for assistance with the application in question. It is open to the parent(s) to contact the relevant SENO who can assist in accessing an appropriate educational placement for the child. Contact details for the relevant SENO may be sourced from the NCSE at (046) 9486400. Alternatively, these details may be accessed on the NCSE website at www.ncse.ie.

Schools Building Programme.

386. **Mr. Timmins** asked the Minister for Education and Science the position in relation to an application for grant aid for major capital works by a school (details supplied) in County Wicklow and a letter from her Department of 26 April 2006 as there is no timeframe given in this letter; if she will sanction the works to go ahead as soon as possible; and if she will make a statement on the matter. [21783/06]

Minister for Education and Science (Ms Hanafin): An application for major capital funding was received from the school authority to which the deputy refers. Officials in the School Planning Section of my Department have assessed the long-term needs of the school and have recommend the provision of an extension to the school to cater for an overall accommodation need of Principal + 8 mainstream assistants. The school authority was notified of this recommendation by letter dated 26 April, 2006. The project 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 project is being considered in the context of the School Building and Modernisation Programme from 2006 onwards.

School Accommodation.

387. **Mr. Ring** asked the Minister for Education and Science her plans to provide funding for an extension to a school (details supplied) in County Mayo; if the assessment of the school's likely long term accommodation needs has been finalised; and if so, the details of same. [21784/06]

Minister for Education and Science (Ms Hanafin): As advised to the Deputy recently, the school authority has submitted an application to my Department for additional accommodation to include additional classrooms and ancillary accommodation.

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The process of assessing the school's likely long term projected staffing in order to determine the school's accommodation needs into the future is nearing completion. When this has been finalised, a decision will be taken on how best to meet the school's current and future accommodation needs.

The building project required to address the school's accommodation needs will be considered in the context of the School Building and Modernization Programme 2006 — 2010.

Computerisation Programme.

388. **Mr. Kenny** asked the Minister for Education and Science the name and location of each school, primary and second level that do not have broadband access as of 1 May 2006; and if she will make a statement on the matter. [21791/06]

Minister for Education and Science (Ms Hanafin): The Deputy will be aware that my Department is engaged in the roll-out of broadband internet connectivity to all recognised primary and post-primary schools. This project is being undertaken in partnership with industry following the establishment of a three year €18m joint Government — IBEC/TIF (Telecommunications and Internet Federation) Fund to provide local broadband connectivity to schools. The broadband connectivity is being provided via a Schools National Broadband Network supported by HEAnet, which will provide managed Internet access, email, security controls, content filtering and other services designed to enhance the educational process. A broadband support service has also been established to assist schools with advice and information relating to the roll-out and ongoing use of their broadband connectivity within the schools network.

Following a public tendering process, contracts were finalised by June 2005 with six companies for the provision of local access connectivity to 3,925 schools (namely BT Ireland, Smart, Digiweb, Irish Broadband, Lastmile and HSDATA) and with Eircom for the provision of a broadband router at school level where appropriate. Roll out of the local connectivity and router installation commenced in June 2005. The installation process has two stages starting with the local broadband connectivity installation (involving DSL, Satellite or Wireless technology) followed by the installation of a high-speed router and circuit and acceptance testing. A school must then confirm that it has an Acceptable Use Policy (AUP) in place and it must indicate which content filtering option it requires prior to the activation of the schools' connectivity via the Schools National Broadband Network.

As of 1st May 2006, 3,579 schools have had their local connectivity installed and of these 3,374 have had their router capability installed and tested. The number of schools that had confirmed their AUP status and selected their content filtering option was 2,779. Progress is being made all the time and the Deputy may be

interested to know that on the 2nd June 3,054 schools had confirmed their AUP status and selected their content filtering option. A list of the schools that had yet to have their local connectivity installed or their router capability installed or their AUP status confirmed is being forwarded directly to the Deputy. It should be noted that some of these schools will have their own independent broadband connectivity.

I should also mention that a further 74 schools have had broadband access provided under the Hermes and Advanced Deployment programmes.

Departmental Records.

389. **Mr. Morgan** asked the Minister for Education and Science the number of students from County Louth who are attending third level institutions in the Six Counties; and the number of students from County Louth who are attending third level institutions here. [21798/06]

Minister for Education and Science (Ms Hanafin): The most up to date figures available to my Department show that in the 2003/04 academic year, a total of 3132 students from Louth were enrolled in full-time third level courses in the Republic. Figures available to my Department show that in the 2004/05 academic year 83 students from Louth were enrolled in Northern Irish Universities.

Special Educational Needs.

390. **Mr. Neville** asked the Minister for Education and Science the progress which has been made in increasing the number of National Educational Psychological Service psychologists available in the Limerick region. [21811/06]

Minister for Education and Science (Ms Hanafin): All primary and post primary schools in Limerick have access to psychological assessments either directly through my Department's National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA) that is administered by NEPS and full details of which are available on my Department's website. The number of psychologists in NEPS has increased from 43 on establishment to 122 at present. The Public Appointments Service recently concluded a new recruitment competition for the appointment of Educational Psychologists to NEPS and Regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need. My Department is currently in the process of recruiting a further 9 psychologists, 4 of whom are a priority for the Mid-West Region (Counties Limerick, Clare, Tipperary North Riding). I would stress that all schools not currently served by NEPS can avail of the SCPA.

Pupil-Teacher Ratio.

391. **Mr. Neville** asked the Minister for Edu-

cation and Science her plans for reducing class sizes in the next academic year for the 4,400 primary students in Limerick City and County who are in classes of 30 or more. [21812/06]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, major improvements have been made in primary school staffing in recent years. Next September there will no less than 4000 extra teachers in our primary schools, compared with 2002. Not only is the average class size in our primary schools down to 24, but there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Over the next two school years even more teachers will be put in place both for the above priority areas of disadvantage and special education and also under a reduction in the mainstream staffing schedule.

As you know all schools are staffed on a general rule of at least one classroom teacher for every 29 children. Of course, schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this is being reduced to 28 children per classroom teacher and in 2007/2008 it will be reduced to 27 children per classroom teacher.

A further initiative that has been of direct benefit to primary schools, including schools in Limerick, has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. 170 such posts have been sanctioned in the 2005/06 school year, compared to 105 in 2004/05. So, as I have pointed out the general rule in the current school year is that at least one classroom teacher is provided for every 29 pupils. Furthermore, the actual average class size nationally is 23.9.

Nonetheless, some schools do have classes with more than 30 children in them. However, as the Deputy will be aware from previous replies, the number of children in Limerick in classes of 30 or more has been dramatically reduced in both Limerick city and county, and indeed has been almost halved in the county under this Government.

This progress is also reflected at a national level, where the number of children in classes of 30 or more has steadily decreased in recent years. However, what really puts the decrease in large classes under this Government in context is the fact that in 1996/97 five times more children were

in classes of 35+ and ten times more children were in classes of 40+.

It is important to appreciate that there are a number of different reasons why a particular school may have a large class in a given year. Reasons why there are large classes include a significant fluctuation in enrolments from one year to the next and/or a decision by the school principal not to have multi-grade classes.

Regardless of the reason why there is a large class in a particular school one year, it should be noted that in the majority of cases this is not the situation in the following year. In the main, the same schools do not have large classes year after year and so the same children are not in large classes year after year.

Where some classes in a school have class sizes of greater than 29, it is often because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. Indeed, I often find that when I look into why a particular school has a class of 35 in a particular grade, the answer is because there is another class in the same school with a much lower than average number of pupils in it.

I appreciate that splitting classes may not always be an option for a particular school, because for example there might be a large group in junior infants and a small group in sixth class and so on. But where it is possible, I believe that principals should consider the benefits of having smaller multi-grade classes as against having large differences in class sizes at different levels in the school.

This Government has clearly demonstrated its commitment to improving staffing in our primary schools by hiring thousands of extra teachers in recent years and we will continue to make progress on this issue.

Departmental Staff.

392. **Mr. Connaughton** asked the Minister for Education and Science if a person (details supplied) in County Galway is entitled to another year's career break on top of the five years they will have completed by 2 July 2006 in view of the fact that they propose to return to college to study for a degree; if her attention has been drawn to the financial hardship that same will have on their family; and if she will make a statement on the matter. [21813/06]

Minister for Education and Science (Ms Hanafin): The person referred to by the Deputy was granted a career break for a period of six months from 2 July 2001 for the purpose of rearing her children. Her career break was subsequently extended at six monthly intervals at her request up to the maximum period of five years permitted under the terms of Department of Finance circular 18/98 concerning career breaks. Under the terms of the circular the total period of special leave without pay cannot exceed five years and as such it is not open to me to extend her break by a further year. She will be eligible for a second career break when she serves for a

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period equal to the total duration of her initial break (5 years).

In accordance with the terms of her career break she is due to return to the next appropriate vacancy arising, following the end of her career break on 1 July 2006. My Department will be in contact with her as soon as a suitable vacancy arises.

Bullying in Schools.

393. **Mr. Durkan** asked the Minister for Education and Science further to her reply to Parliamentary Question No. 284 of 25 May 2006 the reason no mechanism exists whereby incidents of school bullying are recorded for reference to her Department; if her attention has been drawn to the concerns of parents who are anxious that all incidents be reported, and that modern methods of bullying such as the internet, mobile phones, text messaging, be monitored; if her further attention has been drawn to the need for her Department to familiarise itself with both the extent of the problem and the methods used; the way in which her Department expects to become au fait with the problem; her proposals to address the issue; and if she will make a statement on the matter. [21830/06]

Minister for Education and Science (Ms Hanafin): I can assure the Deputy of my concern that any child would feel upset in school because of bullying — be it physical, verbal or cyber and am anxious that all schools have effective practices in place both to prevent bullying and to deal with cases that may arise.

Each school is required to have in place a policy which includes specific measures to deal with bullying behaviour, within the framework of an overall school Code of Behaviour and Discipline. Such a code, developed through consultation with the whole school community and properly implemented, can be the most influential measure in countering bullying behaviour in schools.

My Department has issued guidelines as an aid to schools in devising measures to prevent and deal with instances of bullying behaviour and to increase awareness among school management authorities of their responsibilities in this regard. These guidelines were drawn up following consultation with representatives of school management, teachers and parents, and are sufficiently flexible to allow each school authority to adapt them to suit the particular needs of their school. My Department, through the National Centre for Technology in Education has also developed Policy Guidelines and Advisory Notes for schools and parents which deal with the issues of internet and mobile phone bullying.

The National Educational Welfare Board (NEWB) is at present developing further guidelines for schools on Codes of Behaviour, as provided for under section 23 of the Education (Welfare) Act 2000. The process involves the drawing up of a draft framework/discussion docu-

ment for the guidelines, which is being used as a basis for consultations with the key stakeholders including school management, teachers, parents, and children. The Board has established an expert working group for this purpose. Work on the guidelines is at an advanced stage and is envisaged that implementation will commence in the next school year.

Once the NEWB Guidelines are in place, my Department will commence the process of revising and updating its own “Guidelines on Countering Bullying Behaviour”. This review will take into account issues such as legislative developments, the involvement of the support services available to schools, technological advancements such as use of the Internet, e-mail, mobile phones and camera phones and the latest developments in International best practice on dealing with bullying behaviour.

These guidelines, on top of those that are already in place, will provide vital guidance for schools in fulfilling their responsibilities in relation to this issue. The Deputy may also be interested to know that dealing with bullying has also been incorporated in training for principals through the Leadership Development for Schools programme. I have also stressed to the teacher unions the importance of not just having a written policy on bullying but also ensuring a climate in which it is not tolerated in any form and in which children know that if they make a teacher aware of bullying that it will be dealt with.

The Deputy will also be aware that the education of students in both primary and post-primary schools in relation to anti-bullying behaviour is part of the SPHE curriculum. SPHE is now a compulsory subject both at primary level and in the junior cycle of post-primary schools. The SPHE curriculum provides for the development of personal and social skills including self-awareness, respect for others, self-esteem and communication skills, all of which are important elements in addressing the issue of bullying.

So, while responsibility for tackling bullying naturally falls to the level of the individual school, a wide range of measures are already in place to support schools in this area.

Disruptive Students.

394. **Aengus Ó Snodaigh** asked the Minister for Education and Science the Department guidelines regarding restraining an unruly or violent child in primary school and the way in which they would be applied to a six year old child; and if she will make a statement on the matter. [21831/06]

Minister for Education and Science (Ms Hanafin): My Department has currently no guidelines in relation to restraining unruly or violent children in primary schools. Should the Deputy provide my Department with specific details in relation to the case referred to, I will arrange to have the matter looked into.

Special Educational Needs.

395. **Aengus Ó Snodaigh** asked the Minister for Education and Science if all special needs assistants receive specific training in techniques of restraint and containment of pupils in primary school to prevent them from injuring themselves or others or from destroying school property; and, if so, if she will describe the extent of that training. [21832/06]

Minister for Education and Science (Ms Hanafin): Special Needs Assistants are recruited specifically to assist in the care of pupils with special educational needs in an educational context. They may be appointed to a special school or a mainstream school in situations where a pupil has a significant medical need for such assistance, a significant impairment of physical or sensory function or where their behaviour is such that they are a danger to themselves or to other pupils.

The use of restraint techniques and containment for pupils with special educational needs is carried out within the context of a school's policies and procedures, as outlined in the school's Code of Behaviour. In such cases, the restraint techniques and containment are referred to as Therapeutic Crisis Intervention (TCI). As the great majority of pupils who are allocated Special Needs Assistants do not present with difficulties that constitute a danger to either themselves or others, most Special Needs Assistants do not need training in TCI. However, arrangements are made to provide this training once a need for it has been identified by a particular school.

The Special Education Support Service (SESS), which my Department established in September of 2003 to provide training for teachers of pupils with special educational needs, has received applications for funding to support whole-school staff training in TCI. Special Needs Assistants may attend this training if the Principal and the Board of Management of the school consider that their inclusion is appropriate. It is important to note that the SESS continues to highlight that SNAs work at all times under the direction of the class teacher.

To date, SESS has funded 8 schools for this type of training in the context of whole-staff training. In total, these schools comprise 88 teachers and 110 SNAs. This summer, SESS will fund 18 whole-staff training courses on TCI delivered by a number of providers. Again, the attendance of the SNAs at these courses is a matter for the Principal and the Board of Management of the schools in question.

Disruptive Students.

396. **Aengus Ó Snodaigh** asked the Minister for Education and Science if it is appropriate that the Gardaí would be called for a six year old child who threw a chair, without injuring anyone, in a school; her views on if it is appropriate that four adults pinned a six year old boy to the floor of a principal's office until the Gardaí or his parents could arrive at the primary school; and if she will make a statement on the matter. [21833/06]

Minister for Education and Science (Ms Hanafin): My Department has not been made aware of the incident referred to by the Deputy. Should the Deputy provide more specific details on the case referred to, my Department would be happy to examine the matter.

Local Authority Funding.

397. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government when funding for playgrounds applied for by Kerry County Council will be made available; and if he will make a statement on the matter. [22078/06]

412. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government the amount of funding given to each local authority here for the provision of play areas in their jurisdiction; the amount that will be allocated to Westmeath County Council in 2006 for the provision of such facilities; and if he will make a statement on the matter. [21780/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 397 and 412 together.

Ready, Steady Play: A National Play Policy, which was published in 2004, provides a framework for the development of public play facilities in Ireland, with the overall aim of ensuring that children have access to a range of quality play opportunities to enrich their childhood. As part of the implementation of this policy, my Department provided over €2 million in grant aid to County and City Councils in respect of 32 new or refurbished playground projects under the Local Authority Playground Grants Scheme 2004. In 2005, a further €2 million was allocated to local authorities for the development of playground facilities, in particular to meet the cost of purchase and delivery of playground equipment. Details of these grants are set out in the following Table. I expect to announce details of further funding for such facilities in 2006 in the near future.

Grants for Playgrounds 2004 and 2005

Local Authority	2004	2005
	€	€
Carlow County Council	40,000	60,000
Cavan County Council	50,000	60,000

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Local Authority	2004	2005
	€	€
Clare County Council	50,000	60,000
Cork County Council	42,000	60,000
Donegal County Council	50,000	60,000
Dun Laoghaire/Rathdown County Council	84,000	60,000
Fingal County Council	140,000	60,000
Galway County Council	100,000	60,000
Kerry County Council	80,000	60,000
Kildare County Council	72,000	60,000
Kilkenny County Council		60,000
Laois County Council	65,000	60,000
Leitrim County Council	41,000	60,000
Limerick County Council		60,000
Longford County Council	49,000	60,000
Louth County Council	72,000	60,000
Mayo County Council	60,000	60,000
Meath County Council	50,000	60,000
Monaghan County Council	17,000	60,000
Offaly County Council	70,000	60,000
Roscommon County Council	90,000	60,000
Sligo County Council	54,000	60,000
South Dublin County Council	115,000	60,000
Tipperary (North) County Council	47,000	60,000
Tipperary (South) County Council	63,000	60,000
Waterford County Council	40,000	60,000
Westmeath County Council	40,000	60,000
Wexford County Council	45,000	60,000
Wicklow County Council	57,000	60,000
Cork City Council	70,000	60,000
Dublin City Council	88,000	60,000
Galway City Council	64,000	60,000
Limerick City Council	89,000	60,000
Waterford City Council	80,000	60,000
Total	2,074,000	2,040,000

Local Authority Housing.

398. **Mr. Ardagh** asked the Minister for the Environment, Heritage and Local Government if he will issue a certificate of reasonable cost in relation to the property of a person (details supplied) in Dublin 8 in view of the conditions and circumstances that pertain in this case. [21559/06]

413. **Dr. Upton** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 631 of 30 May 2006, the procedure a person (details supplied) in Dublin 8 should follow in order to appeal the refusal by his Department to issue a certificate of reasonable cost. [21792/06]

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): I propose to take Questions Nos. 398 and 413 together.

I refer to the reply to Question No. 631 of 30 May 2006. The position is unchanged. A Certificate of Reasonable Cost cannot issue in this case, as contrary to a condition of the scheme, the floor area exceeds the maximum limit of 125 square metres. An appeal, together with supporting documentation, may be made to my Department and the particular circumstances of the case will be considered by a senior official of the Department.

Departmental Property.

399. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position of a project (details supplied) in County Mayo; if the tenders for construction have gone out; when construction is expected to begin; and when the centre will open. [21560/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Some €3.81 million has been allocated by my Department under the National Development Plan 2000 -2006 for the construction of a new Visitor Centre to serve Ballycroy National Park, County Mayo, and a site has been acquired in the village of Ballycroy.

Planning permission had been obtained by the Office of Public Works for the construction of the Centre. As it was not possible to proceed with the access envisaged in the original planning application, a revised planning application for an alternative site entrance through my Department's lands was recently submitted to Mayo County Council. The Office of Public Works have completed the pre-qualification process for the tendering of building, mechanical and electrical works and are in a position to advance the tendering process assuming a favourable decision on the revised planning application.

Social and Affordable Housing.

400. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the position in relation to housing for people with disabilities as the 2006 report from the National and Social Development Office highlights that people with disabilities are far less likely to have a job than other people of working age (details supplied); if he will recognise the low income and amend the housing policy in relation to same; and if he will make a statement on the matter. [21563/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Eligibility for the affordable housing schemes is open to persons in need of housing and whose income in the previous tax year satisfies an income test. The administration of the schemes is a matter for individual local authorities and they must assess each application on its merits having regard, *inter alia*, to the ability of applicants to manage their repayments. They must satisfy themselves that the financial commitment being entered into would not put undue pressure on the applicant and their family over the lifetime of the loan.

Applicants for affordable housing with disabilities should not encounter any particular problems if they can satisfy the local authority that they can make the necessary repayments. In addition, where the household income was below €28,000 in the previous tax year, a subsidy of between €1,050 and €2,550 is available to assist with the repayments. This applies equally to persons with disabilities. It is also open to persons with disabilities who do not qualify for assistance from the affordable housing schemes to seek assistance through the range of social housing measures operated by housing authorities.

Local Authority Housing.

401. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government

further to Parliamentary Question No. 261 of 23 November 2006 the reason Kerry County Council are still charging tenants attempting to purchase their rural cottage homes under the tenant purchase scheme, the market value of their homes inclusive of the site cost despite the fact that the site was provided free to the county council by the tenant at the time of construction. [21576/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): On 28 November 2005, my Department wrote to each local authority (Circular Letter HPSS 7/2005) reminding them that Article 2(2)(b) of the Housing (Sale of Houses) Regulations, 1995 provides that, where the site of a dwelling has been provided to a housing authority for a nominal sum the sale price should be reduced accordingly for the tenant purchaser. Authorities were requested to review the tenant purchase schemes adopted by them to ensure that this requirement was being fully applied. If any case is discovered where the Regulations have not been fully applied in the manner as set out, the Council should be advised.

Water and Sewerage Schemes.

402. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if his Department has approved funding for the upgrade of the water supply at Goresbridge, County Kilkenny; if a sewerage scheme has been approved or funded for this location; and if he will make a statement on the matter. [21609/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Gowran/Goresbridge/Paulstown Water Supply Scheme is approved for construction under my Department's Water Services Investment Programme 2005-2007 at an estimated cost of €4 million. The Freshford/Johnstown/Goresbridge Sewerage Scheme is also included in the Programme as a scheme to advance through planning at an estimated cost of €3.2 million. In both cases, my Department is awaiting the submission of Preliminary Reports by Kilkenny County Council.

403. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the water and sewerage schemes funded in 2006 by his Department in County Limerick. [21649/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Details of the major water and sewerage schemes in County Limerick that have been approved for funding by my Department are set out in the Water Services Investment Programme 2005 — 2007, which is available in the Oireachtas Library. In addition, I have approved an allocation of €11.65 million for County Limerick under the 2006 Rural Water Programme. This is a devolved programme and details of the schemes to be funded in 2006 may

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appropriately be sought from Limerick County Council.

Nuclear Plants.

404. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he will make a statement concerning the decision of the European Court of Justice finding that Ireland broke European Union law by taking a case to a United Nations tribunal in an effort to get Britain to close the Sellafield nuclear fuel plant rather than to the European Courts; the costs incurred by this decision; if he will take a case to the European Courts; and the expected cost of such proposed action. [21683/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In 2001, the Government instituted legal proceedings against the United Kingdom before the arbitral tribunal provided for under the United Nations Convention on the Law of the Sea (UNCLOS). The dispute concerned the MOX plant at Sellafield, the international transfer of radioactive substances and the protection of the marine environment of the Irish Sea. Both the United Kingdom and Ireland are parties to the Convention. The advice available to the Government, based on the state of Community and international Law at the time, indicated that the most appropriate avenue for the litigation of the issues raised for Ireland by the continued operation of Sellafield was through the dispute resolution procedures provided under the Convention.

The European Commission contended that the dispute in question came within the jurisdiction of the European Court of Justice (ECJ) and that it should not be open to Ireland to take proceedings under UNCLOS procedures in a matter of Community competence. The Commission initiated legal proceedings in the ECJ against Ireland on these issues. In the case before the ECJ the Swedish Government intervened in support of Ireland while the Commission was supported by the United Kingdom.

The Court issued its Judgment on 30 May which, *inter alia*, declared that Ireland, by instituting proceedings against the UK under UNCLOS, failed to fulfil its obligations under Community law and ordered that Ireland pay the Commission's costs. These costs remain to be quantified and claimed by the Commission.

A consequence of the Judgment is that, as between EU member states, resolution of disputes in relation to a wide range of international agreements, particularly in the environmental field, comes within the jurisdiction of the ECJ. In this, the Judgment represents a significant development in Community law and may present member states, such as Ireland, with new mechanisms for holding other member states to account in relation to their transboundary obligations towards the environment. These issues will be examined in detail by Ireland's international legal team, led by the Attorney General,

before further decisions are taken, in consultation with the Government, on Ireland's future legal strategy in this case.

I welcome the ECJ Judgment as it clarifies the Court's role as a potentially forceful and cohesive protector of Europe's environmental heritage. I have made it clear that the Irish Government will expect both the ECJ and the Commission to embrace fully their new responsibilities in this regard.

Water and Sewerage Schemes.

405. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of a water supply scheme (details supplied) in County Limerick. [21684/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Limerick County Trunk Water Mains Schemes to serve Croom and Patrickswell are approved for construction in my Department's Water Services Investment Programme 2005 — 2007 at estimated costs of €5.67 million and €3.15 million, respectively.

My Department is awaiting submission by Limerick County Council of Detailed Design and Contract Documents for the Croom project. The Council's Contract Documents and Water Services Pricing Policy Report for the Patrickswell scheme will be further considered by the Department on receipt of the additional information requested from the Council in October 2005.

Housing Policy.

406. **Ms C. Murphy** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that, due to the continuing price increases in the housing market, the stock of social and affordable housing units available to local authorities through the provisions of Part V of the Planning and Development Act 2000 is being threatened as local authorities can no longer justify or afford to spend the prices negotiated by developers; if there are plans to introduce measures which will ensure that local authorities are not priced out of the housing market by private sector buyers in order that the availability of social and affordable housing is not compromised by rising house prices; and if he will make a statement on the matter. [21701/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Part V is an important and growing supply mechanism for increasing our stock of social and affordable homes. The manner in which local authorities avail of Part V arrangements for the provision of such housing is determined by them based on the social and affordable housing needs identified in their housing strategies. Where units are being transferred, the

method of calculating their cost to the local authority is set out in legislation. While my Department has not refused to sanction houses which are to be transferred to a local authority in accordance with an agreement under Part V, it would be concerned to ensure that any such agreement represents value for money.

In some instances a local authority may agree to use a mixture of the options available to secure a Part V agreement. In the particular instance referred to in the Question, this involved a combination of a transfer of a lesser number of units together with a financial contribution. This allows the authority to reduce further the sale price of the units to meet the financial requirements of the applicants on its affordable housing list. Agreements of this nature should ensure the delivery of social and affordable units at affordable costs, notwithstanding any further increases in house prices.

I am confident that Part V will play an increasing role in the delivery of social and affordable housing in the future. However, it is not intended that Part V should be the only mechanism for the provision of social and affordable housing. The main local authority housing construction programme, together with the voluntary and co-operative construction programme and the various affordable programmes, continue to be the major contributors to the national social rented and affordable housing stock.

Election Management System.

407. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government his plans to deal with the challenge of the voting register; if he will bring forward proposals in the matter; and if he will make a statement on the matter. [21712/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In law, the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the co-operation of the public, the accuracy and comprehensiveness of the Register. I recently announced a package of measures, to be implemented over the coming months, aimed at assisting registration authorities improve the Register. The measures include the use of Census enumerators or other temporary personnel to support local authorities in preparing the next Register. Related to this, I am prepared to make increased, ring fenced financial resources available to local authorities this year to update the Register; the details involved are being examined at present. An early start will be made to the local authority Register campaign for 2007/8 and there will also be an intensive information campaign.

My Department has issued updated and consolidated Guidance to ensure that all local authorities work to the same template. The Guidance tells local authorities to make maximum use of databases available to them to crosscheck the Register. New IT based arrangements to delete

deceased persons from the Register have also been put in place. My Department is now working with a group of local authority managers and senior officials to put in place an enhanced programme for improving the next Register. This would include ensuring that each household is visited and provided with forms and information at least twice, if necessary. In the event that this process does not satisfactorily register the household, it is proposed that written notification would then be given cautioning of the danger of being omitted from the Register.

I consider that there should be a broad political consensus on these issues. For this reason, I recently met the Joint Oireachtas Committee on Environment and Local Government and had a detailed discussion regarding the Register. I will continue to keep issues regarding the Register under close review.

Housing Grants.

408. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government his plans to introduce a grant for first time buyers or for people building their first home, since the removal of the first time buyer grant; the help or grant aid he will give to people who are trying to get on property ladder for the first time. [21735/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The new house grant scheme was terminated in 2003 to concentrate housing programmes on areas of greatest impact and social need. It is not proposed to reintroduce the grant. However, through overall increases in supply, and increasing output under various affordable housing initiatives, the Government are seeking to improve access to home ownership for first time buyers. These targeted measures, in particular, assist low income purchasers. This is a better means of improving the affordability of house purchase and using available resources effectively, than a general first time buyer grant which would over time become absorbed into the house price. Other general measures are in place through the tax system to assist first time buyers, such as stamp duty concessions and mortgage interest relief. The Government will continue to prioritise effective action to maintain current high levels of supply in the housing market and in particular, will accelerate measures to assist those who cannot access affordable housing without assistance.

Departmental Correspondence.

409. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the number and content of circular letters issued by him to local authorities; the response received to same; and if he will make a statement on the matter. [21736/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In 2003 my Department, in conjunction with the Local Government Computer Services Board, developed an electronic cataloguing system called Sharepoint, which allows for the issuing and recording of all circular letters issued to local authorities. At this stage the system contains approximately 1,100 circular letters issued to local authorities on a range of issues relating to the Department's business predominantly dealing with housing, local government and roads. The purpose of the circulars is to provide advice and support to local authorities in the task of implementing the Department's policies or to compile and/or coordinate information regarding aspects of local authority operations.

Legislative Programme.

410. **Mr. Timmins** asked the Minister for the Environment, Heritage and Local Government the position in relation to an association (details supplied) who have requested an urgent meeting with him to discuss the new legislation that is currently being processed; if he will meet with the association; and if he will make a statement on the matter. [21746/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): On 30 May, I announced my intention to proceed with implementation of the majority recommendations of the Working Group which was set up to review the management of dog breeding establishments. This decision followed the conclusion of an extensive public consultation process on the matter. The Dog Breeders Association were represented on the Working Group and have had many opportunities to make their views known to me. Now that the public consultation process has concluded, I have no proposals to have further meetings with any interest groups on the matter.

Regional Road Network.

411. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government the progress to date in the provision of funding by his Department for the Drogheda Northern Cross Route; if requests for funding were received from Louth local authorities, Drogheda Port Company and any other body or organisation; and if he will make a statement on the matter. [21747/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The provision and improvement of non-national roads in County Louth is a matter for Louth County Council to be funded from its own resources supplemented by State grants provided by my Department. In March 2005, Louth County Council submitted an outline proposal to my Department in relation to a Drogheda Northern Cross Port Access Route. That document identified a number of possible sources of funding but

provided no details. The Council was asked in May 2005 to submit an indicative breakdown of the likely funding from the different sources and that information is awaited in my Department.

In August 2005, my Department sought applications from road authorities for funding under the 2006 EU Co-Financed Specific Improvements Grant Scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is a matter for road authorities. Louth County Council submitted a number of applications but these did not include an application for funding for the Drogheda Northern Cross Port Access Route. My Department will again be seeking applications under the EU Co-Financed Specific Improvements Grant Scheme later this year and it will be open to Louth County Council to submit an application for consideration for funding under this scheme in 2007.

Question No. 412 answered with Question No. 397.

Question No. 413 answered with Question No. 398.

Local Government Elections.

414. **Mr. O'Dowd** asked the Minister for the Environment, Heritage and Local Government if he will allow grade four staff who may be serving as senior assistant librarians to stand for election or be co-opted as members of local authorities; and if he will make a statement on the matter. [21799/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The provisions governing local authority membership and local authority employment are set out in section 13 and 161 of the Local Government Act 2001. Under section 13 of the Act, a person employed by a local authority who is not the holder of a class, description or grade of employment designated by order under section 161 is disqualified from being elected or co-opted to, or from being a member of, a local authority.

For the purposes of the Local Government Act 2001 (Section 161) Order 2004, designated employments are employments whose maximum remuneration does not exceed the maximum remuneration for the post of Clerical Officer (Grade 3) in a local authority. As the post of Senior Library Assistant (Grade 1V) is not a designated employment under section 161, the holder of such a post is ineligible for membership of a local authority. There are no proposals to alter this position.

Water and Sewerage Schemes.

415. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the local authorities which have a metering service in place for non-domestic water charges; the local authorities that plan to introduce them; the

charges in place or proposed; and if he will make a statement on the matter. [21800/06]

416. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government if a directive has been set by his Department for local authorities with regard to non-domestic water charges, standing water charges and charges for the installation, maintenance and reading of water meters; and if he will make a statement on the matter. [21801/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 415 and 416 together.

The Government's water pricing policy framework requires the full recovery of water services costs from the non domestic sector based on metered use. Sanitary authorities have for many years metered non-domestic use to a varying extent with some 78,000 customers metered at the end of 2005. Authorities are currently advancing implementation of their metering programme and I expect that the non-domestic sector will be substantially metered by the end of 2006.

My Department has provided guidance to sanitary authorities in order to assist water pricing policy implementation including non-domestic metering. In this regard, guidance notes on metering were issued in August 2004 which set out general principles and processes for the advancement of non-domestic metering. It is however a matter for each sanitary authority to set the appropriate level of charges for non-domestic users of water services subject to the policy of full recovery of actual costs.

Commonage Framework Plans.

417. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government his plans to introduce additional benefits for actions over and above the requirements of the commonage framework plans, following the European Court of Justice judgement; and if he will make a statement on the matter. [21815/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Overgrazing has led to environmental problems, particularly loss of vegetation and soil erosion in commonages throughout the country, including the Nephin Beg range and this is subject to a continuing infringement case against Ireland in the European Court of Justice.

Payments to farmers for destocking under Commonage Framework Plans were introduced from end of 1998 as an attempt to aid vegetation recovery in these areas. Initially, it was agreed that the commonage framework plans did not have to be implemented in full. A recent monitoring survey in this area, carried out as part of an intended wider monitoring of commonages, has shown that, apart from some small areas, there has not been satisfactory recovery of the habitat vegetation. Accordingly, It is now a requirement

that the commonage framework plans be implemented in full.

It has also proved necessary to amend the requirements for the Owenduff/Nephin commonage by providing that it should be destocked completely for five months of the year: November/December, and mid-February to mid-May. Further monitoring will, of course, be carried out to check the rate of recovery. The costs of these changes will be individually assessed and appropriate compensation will issue through the National Parks and Wildlife Service Farm Plan Scheme. The Department of Agriculture and Food are currently assessing the levels of compensation for farmers covered by the REPS scheme in this area.

No actions, over and above the requirements of the Commonage Framework Plans have to date been requested by my Department in respect of any other designated area or commonage. Accordingly, the matter of additional benefits has not arisen outside of the Owenduff/Nephin Beg area.

Water and Sewerage Schemes.

418. **Mr. Sherlock** asked the Minister for the Environment, Heritage and Local Government his plans for a sewerage scheme (details supplied) in County Cork. [21816/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Doneraile Sewerage Scheme has been approved for funding in my Department's Water Services Investment Programme 2005-2007 under the Rural Towns and Villages Initiative at an estimated cost of €2.53m. The approval incorporates Exchequer funding at the Serviced Land Initiative rate of 40% for sewer extensions to Skaghardgannon and Brough Cross. It is, accordingly, open to Cork County Council to advance these extensions as part of the collection system contract which, I understand, is currently in progress.

Air Pollution.

419. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the powers available to local authorities to prevent the burning of plastics in domestic fireplaces; and if he plans to introduce legislation in this area. [21834/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Under the Air Pollution Act 1987, the occupier of any premises is prohibited from causing or permitting an emission in such a quantity or manner as to be a nuisance. The Act provides local authorities with powers to prevent or limit air pollution and penalties include fines and/or imprisonment upon conviction.

The Waste Management Act 1996 places a general duty of care on the holder of waste not to hold, transport, recover or dispose of waste in a manner that causes or is likely to cause environ-

[Mr. Roche.]

mental pollution. Local authorities are empowered to require measures to be taken to prevent or limit environmental pollution caused by the holding or disposal of waste, and mitigate or remedy the effects on the environment of any such activity. Implementation is a matter for each local authority having regard to the circumstances in its functional area.

Housing Grants.

420. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the position regarding the review of the disabled person's grant; if he expects to publish it before the summer recess; and if he will make a statement on the matter. [21835/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Following the outcome of the review of the implementation of the disabled persons and essential repairs grant schemes, proposals for the future operation of the schemes are

being prepared in my Department. I hope to be in a position to announce these shortly.

Local Authority Funding.

421. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government if he or his Department directly or indirectly fund various local authorities throughout the country; the extent to which funding has been affected by funds accruing to such local authorities from parking fees, levies, fines or other such charges; if the fees are a substitute for funding from his Department or vice versa; and if he will make a statement on the matter. [21880/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): My Department provides capital and current funding for local authorities for a wide range of schemes and programmes. The funding amounted to some €2.9 billion in 2005. Generally, this funding is independent of local authority fees and charges and such income is not a substitute for funding from my Department.